

AMERICAN FORK CITY
COUNCIL MEETING
JUNE 10, 2014

PUBLIC HEARING

The American Fork City Council met in a public hearing on Tuesday, June 10, 2014, in the American Fork City Hall, 31 North Church Street. Those present included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Brad Frost, Rob Shelton, Jeff Shorter, and Clark Taylor.

Staff present: Associate Planner Wendelin Knobloch
City Administrator Craig Whitehead
City Attorney Kasey Wright
City Engineer Andy Spencer
City Planner Adam Olsen
City Recorder Richard Colborn
Finance Director Cathy Jensen
Fire Chief Kriss Garcia
Library Director Sheena Parker
Parks & Recreation Director Derric Rykert
Planning Commission Chairman John Woffinden
Police Chief Lance Call
Public Works Director Dale Goodman
Technology Director George Schade

Also present: Four additional persons

7:00 p.m. - Receiving of public comment regarding the FYE June 30, 2015 City Budget

At 7:02 p.m. Mayor Hadfield asked for comments regarding the FYE June 30, 2015 City Budget.

Receiving no comment, the hearing was closed at 7:04 p.m.

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, June 10, 2014 in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m. Those present included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Brad Frost, Robert Shelton, Clark Taylor, and *Jeff Shorter.

Staff present: Administrative Intern Brittany Bailey
Associate Planner Wendelin Knobloch
City Administrator Craig Whitehead
City Attorney Kasey Wright
City Engineer Andy Spencer
City Planner Adam Olsen
City Recorder Richard Colborn

Economic Development Director Debby Lauret
Finance Director Cathy Jensen
Fire Chief Kriss Garcia
Fire Marshal Doug Bateman
Library Director Sheena Parker
Parks & Recreation Director Derric Rykert
Planning Commission Chairman John Woffinden
Police Chief Lance Call
Public Works Director Dale Goodman
Technology Director George Schade

Also present: Barbara Christiansen, Mr. & Mrs. Reid Shelley, Mr. & Mrs. Paul Rasband, Brad Wilkes, Josh Walker, K-9 Handlers Ryan Archuleta and Russell Bishop, K-9 Officer Creed, Heather Bytendorp, David Olsen, and 18 additional persons.

Mayor Hadfield led the audience in the Pledge of Allegiance and a prayer was offered by Adam Olsen.

PRESENTATION BY THE CHAMBER OF COMMERCE TO THE AMERICAN FORK
POLICE DEPARTMENT FOR THE K-9 FUND

Councilman Shelton explained that the Chamber of Commerce did a golf tournament at the Fox Hollow Golf Course this spring to raise money for the police dog effort. He introduced Chamber President Elect Brad Wilkes, Chamber Treasurer Josh Walker, and Chamber Secretary Debbie Lauret.

Chief Call introduced K-9 Handlers Ryan Archuleta and Russell Bishop and K-9 Officer Creed.

Mr. Wilkes expressed that they were extremely grateful for the work of the American Fork Police Department and having the dogs were an integral part of the police force. He presented a check for \$1,900 to Chief Call. There was general applause.

Mayor Hadfield added that the K-9's did a great deal of good in the community especially when they were dealing with narcotics and explosives.

Mayor Hadfield invited Scouts in attendance to come forward and be recognized.

Troop 1159 Colby Decker

Mayor Hadfield thanked him for his attendance.

TWENTY-MINUTE PUBLIC COMMENT PERIOD – LIMITED TO TWO MINUTES PER
PERSON

Sherri Shepherd stated that she appreciated what the Mayor and Council did for the City. She lived at 502 South 1040 East, No. 114, and explained that at their HOA complex over many years they had been having a problem with high spikes in water pressure. They had been told that happened because they were on the end of the waterline. When the City was called, they

always came out but indicated that it was not the City's problem. Ms. Shepherd asked why it was not the City's problem.

Ms. Shepherd continued that the City supplied the water and approved the system to be installed the way it was that allowed the water spikes. She thought that maybe a looped system should have been installed to prevent damage to the resident's homes. The most recent incident happened last Friday. The spike caused a water valve to release fluid from the fire suppression system and flow into a couple of the condos. They called out people for an emergency repair to get the system back into service. They had three different fire-risers. At that time two had a pressure of 170 pounds and one had 220 pounds of pressure, which was unacceptable. The HOA had absorbed the cost of the constant repairs but no more. They will be submitting the bills to the City for these types of repairs. The sprinkler heads that were repaired previously, were now leaking after last Friday's event. They were senior citizens on limited incomes and depended on the City Fathers to help them protect their homes.

Mayor Hadfield asked Dale Goodman to comment.

Mr. Goodman acknowledged that there had been ongoing problems there. The HOA was at the end of a large water line. He was not sure how those high readings could even happen. It would cost between \$200,000 and \$300,000 to loop that line. Another option would be to create another pressure zone or to put in a by-pass and a PRV, but the Fire Department was not comfortable with that.

Mayor Hadfield asked if there was a subdivision west of Mira Vista that would tie the water back to 860 East Street.

Andy Spencer answered that the looping for 860 East would come with the eventual extension of 620 South Street. The 400 South Street could be extended back to 860 East Street when the Richie Group developed.

Mayor Hadfield noted that the Hospital had some similar water spike happenings. He asked what the answer was to their problem.

Mr. Spencer responded that their problem was the water softeners inside their building. A couple of years ago they put a monitor on a fire hydrant for a week that recorded pressures. At that time pressures were consistently at about 135 psi and they did not have any spikes.

Mayor Hadfield asked that they do that same thing for Mira Vista over the next 30 days.

Mr. Spencer answered that they would do that.

Councilman Bowen asked why a pressure regulator could not be used.

Mayor Hadfield responded that building codes required pressure regulators on residences. This was a fire suppression system that was in the entire complex. They did not put regulators on those because the volume was required to come through.

John Woffinden, 682 North 420 West, commented on trees dying in Martin Park at 700 North 400 West. That park was built in 1980 by the neighborhood who donated sod, put in horseshoe pits, etc. Over 100 persons donated for the park. A few years ago the City finally installed a pavilion and a play area. He stated that it used to be one of the best parks but now it was one of the worse. It gets mowed once a week and the trash is collected twice a week, but that was about it. As of this evening 11 of 14 trees were dead and needed to be replaced. There were only two swings in the park and they were always being used. They ought to have some more. There were 5 small trees by the pavilion that had some dead wood in them and needed to be trimmed out. The horseshoe pits were removed by the City several years ago for some reason and needed to be put back in. He invited the Council to go there. Martin Park had been neglected for several years.

Mayor Hadfield asked Derric Rykert to respond.

Mr. Rykert commented that it was a great neighborhood park. He would have the City Arborist take a look the trees. Those were the trees donated from Oregon and they never did take. They did need to be replaced. After the new budget is approved they would have some tree replacement money.

Mayor Hadfield added that he would love to do an Arbor Day program there next year and involve Shelley School.

Paul Rasband, 31 North 825 East, thanked the City Council and the Mayor for their cooperation on an issue in their area, particularly Councilmembers Shelton, Taylor, and Frost who responded very kindly to their concerns. Also, there were still some properties between 50 South and 30 North, and between 825 East and 900 East which on the City's Master Plan shows as being high density. He requested that the City Master Plan be reviewed in that area and look at the possibility of changing that to either single family or to R-2. He felt that 50 South Street was a natural boundary from high density. They would all feel better if it was changed.

Councilman Shelton commented that he had a chance to meet with a neighbor in the area, Dixie Fraughton who was not able to be here tonight. She wanted him to express her concern with high density north of 50 South Street and that high density needed to stay south of 50 South Street.

Mr. Woffinden explained that they would look at that based on a request from City staff.

Councilman Bowen stated that there was quite a bit of high density on 50 South.

Councilman Shelton was only aware of one high density development on the north side of 50 South.

Councilman Taylor stated that the neighbors would like to see it continue single family on the north side of 50 South Street from 700 East to 1100 East. The Heritage Condominiums that were on the north side of 50 South Street were nice and upscale.

Adam Olsen explained that review of changes in the Land Use, either up or down, can be City-initiated. In that case the property owners would not have to pay a review fee.

Mayor Hadfield added that there were still several parcels that were not annexed into the City. The City has looked at the North County Boulevard and the proximity to the hospital and felt that the Professional Office zone was a very good neighbor to the residential zone. He asked staff to prepare the paperwork necessary to run this before the Planning Commission.

Mr. Olsen commented that it would not necessarily be a zone change at this point but just a Land Use change.

There were no other comments.

CITY ADMINISTRATOR'S REPORT

Mr. Whitehead recognized that staff had spent 100's of hours working on the budget. This budget was not possible without the great work of staff and especially Cathy Jensen. He thanked the Mayor and Council for the many meetings it took to get to this point. The budget was a most important document as it was the work plan for the next year.

COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Bowen had nothing to report at this time.

Councilman Frost reported that they would reveal the 2014 Steel Days Grand Marshal at the next City Council meeting along with the details of the 2014 Steel Days.

Councilman Taylor reported that this last week he received the privilege and honor of being put back over the Parks and Recreation Committee where he had a lot of passion. He told Mr. Woffinden that they would be happy to address his concerns. They were looking for new committee members. They met at least one night a month. It was a 6-year commitment. Councilman Taylor remembered back in 1982 after the sod was put down he drove a Toro lawnmower from the Cemetery down to Martin Park and spent a day and a half mowing after two weeks of maturity of the sod. He added that the City had a great crew in Derric Rykert and his team. Those interested in serving on the committee could contact Mr. Rykert or himself.

Councilman Shelton announced the Library Fundraiser consisting of a Luau on August 22, 2014 at the Library. Tickets were available at the Library. An Eagle Scout candidate is heading up this project. Anyone with questions could contact Sheena Parker or himself.

Councilman Shelton noted that the Chamber of Commerce was working hard to be an advocate for local business. They will be hosting a steak fry during Steel Days at Evergreen Park just before the Big Show.

Councilman Shorter mentioned the Concerts in the Park that were a great, free event on Monday nights. Last week it was the Timp Chorale and next Monday it will be Joshua Creek.

MAYOR'S REPORT

Mayor Hadfield reported that he was working with MAG on several transportation projects impacting American Fork City. Mr. Goodman and Mr. Spencer would report on the projects in the future. It looked as if the City would be able to extend improvements on 900 West to the irrigation pond and will make it so the connection across 1120 North could be made. The City would also be able to continue to update our waterlines prior to road improvements being installed.

COMMON CONSENT AGENDA (*Common Consent* is that class of Council action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda by the Mayor or a Councilmember and placed in the action items.)

1. Approval of the May 22, 2014 work session minutes.
2. Approval of the May 27, 2014 City Council minutes
3. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$25,000. – *Cathy Jensen*

Councilman Shorter moved approval of the Common Consent agenda as presented. Councilman Taylor seconded the motion.

Councilman Bowen noted that there was \$1500 for reimbursement for the log cabin restoration.

Ms. Jensen explained that had been received and was a pass through for the Grist Mill project.

Mayor Hadfield stated that Mr. Adams had visited with him this morning and reported that the foundation was in place and he would have some help from the parks crews to help backfill around that foundation.

Councilman Bowen commented that there was about \$22,000 to Black and McDonald. He asked what that was for.

Mr. Spencer answered that it was a payment for installation of street lights associated with developments. It was a pass through from money collected from developers.

Mayor Hadfield called for a vote on the motion. Voting was as follows: Aye, Councilmembers Shorter, Taylor, Frost, and Shelton. Nay, Councilman Bowen. The motion carried.

ACTION ITEMS

REVIEW AND ACTION ON A RESOLUTION APPROVING THE FYE JUNE 30, 2015 CITY BUDGET – *Craig Whitehead*

Councilman Bowen discussed that there was a maximum allowed 25 percent for fund balance. Based on the City's projected sales tax revenue and actual sales tax revenue it was expected that fund balance would be greater than the allowed 25 percent with the difference being transferred into the Capital Improvement Fund. He understood the City target from the previous budget was a 15 percent fund balance.

Councilman Bowen moved to amend the budget to have an 18 percent fund balance with the difference between the 18 percent and 25 percent going to the road fund.

Mayor Hadfield stated that in looking at the final budget document and after discussions between the residents on 500 East and Councilman Shelton, it was felt that more than one entrance into the Art Dye Park was needed. Therefore staff came up with an idea that they could solve a problem if they did some design and bridge work at 990 North and have access to 200 East Street. More money was put into the budget to do the design and bridge work and it came out of that 25 percent fund balance.

Councilman Shelton expressed the reason for that was that the homeowners did not want the traffic in front of their homes. They would be having regular meetings with them and the engineering staff to talk about traffic patterns and to find the right solution. The sales tax revenue was strong. Adding that item to the budget would take the fund balance to around 14 percent or 15 percent but it could be closer to 18 percent by the time this project came around. The City was doing conservative budgeting so they were always over in revenue than what was projected.

Councilman Shelton felt the time to pull the trigger on this project would be around the March 2015 timeframe. By then further analysis would be done on just where the funds would come from. Also, exact cost figures would be available.

Councilman Taylor commented that they would be able to look at another outlet and access to the west to 200 East Street. It also showed the City's commitment to Art Dye Park as they prepare to present to the County the use of the restaurant tax funds. That portion that Councilman Shelton was talking about was not only integral to the neighborhood and transportation, but also important to the Park for the safety for those who came to participate and to allow for a quick and safe ingress and egress. It would make possible that which had been planned forever.

Mr. Whitehead clarified what Councilman Bowen was saying. Take the difference between the 25 percent and the 18 percent and appropriate that to streets or whatever. That was what they had already done. Come July 1, that 25 percent would not be there because in the new fiscal year they have appropriated \$1.7 million of that and that would bring them down to the 18 percent. By adding this project it would bring them down to 15 percent. What was being asked, they had already done.

Councilman Bowen stated that he was proposing a standing policy so that when the sales tax revenue came in later in the year, if it was above and beyond that, it automatically happened.

Councilman Shelton thought it was written in the budget with this project. With fund balance being at 15 percent they were budgeting that they would have that extra 3 percent come in and put them at 18 percent. If they get over 25 percent it automatically went to the capital improvement fund.

Councilman Bowen commented that was a good direction but capital improvements did not have to go to roads and roads were still significantly underfunded in this budget. He supported the

bridgework and multiple entrances but in general he would like to see close to \$4 million annually in the budget for roads. He guessed it was at about \$2 million now.

Councilman Shelton, referring to the motion on the floor, thought it would need to be a Resolution and not a motion to amend the budget.

Mayor Hadfield agreed.

Councilman Bowen proposed that Resolution as an amendment to the budget and would like it attached to the budget.

Councilman Shelton noted that they could not act on a Resolution that was not publicly noticed. They would have to have that Resolution written and publicly noticed.

Councilman Bowen stated that the budget had been noticed and this was regarding the budget.

Mr. Whitehead commented that they were not changing any numbers, they were talking about policy.

Councilman Bowen expressed that was exactly right. The City Council was to provide policy direction as to how City funds were to be spent. The purpose of this amendment, attached to the budget, would be to provide policy direction that fund balances over 18 percent would be allocated to roads.

Councilman Shelton asked for a legal opinion.

Kasey Wright responded that it was a mute-point. If the Council did that Resolution, they still had the ability to change it down the road.

Councilman Bowen asked if he was saying that it was illegal to make that Resolution that had to do with the budget and that was his counsel. Councilman Shelton was asking if the motion was in order or not.

Mr. Wright answered that it was not. It had not been noticed up. They were approving the numbers today.

Councilman Bowen disagreed with that.

Councilman Frost moved to adopt Resolution No. 2014-06-21R for the fiscal year ending June 30, 2015, and the filing of the appropriate reports with the State of Utah. Councilman Taylor seconded the motion.

Councilman Taylor believed that prudent budgeting and prudent management came by not being locked into a certain way. Each year different things happened. There were changes. We have road needs for as long as we could see. He would hate to be in a situation where money could not be moved to where it was needed because they committed it to be elsewhere by a blanket statement. That did not make sense to him. He appreciated the comments by Councilman

Bowen, but he thought they had to act in prudence and knowledge and know that things changed. This budget is dynamic and the needs of the City were dynamic.

Councilman Bowen responded that as was just stated, the Council at any time could change what they were spending their money on so they were not locked in. What they were doing was providing policy direction. The Council had a strategic planning session in January and the Council was in agreement that roads should be a priority but was unwilling at that time to provide specific direction to the City regarding how surplus funds should be spent. They were unwilling to allocate even a target percentage of surplus funds. This year the City did have surplus. He thought it would be better government for the City staff and administration to have some guidance from the City Council about what their priority was. If they truly believed that roads were a priority then the Council needed to provide that direction and that would be a positive step forward.

Mayor Hadfield noted that two weeks from tonight they would be amending the fiscal year ending June 30, 2014 budget and they would see within the next 30 days following what they had to carry forward from 2014 to 2015 and that would be the time for that Resolution.

Mayor Hadfield called for a vote on the motion. Voting was as follows: Aye, Councilmembers Frost, Taylor, Shelton, and Shorter. Nay, Councilman Bowen. The motion carried.

*Mayor Hadfield excused Councilman Shorter from this meeting as he had a meeting in Jackson Hole, Wyoming, in the morning.

REVIEW AND ACTION ON THE PROPERTY AND LIABILITY INSURANCE FOR FYE JUNE 30, 2015 – Staff

Mayor Hadfield explained that there was a presentation at last Thursday's work session concerning the property and liability insurance for the City by Mr. Darrell Child from Olympus Insurance. He asked that the Council consider the proposal from Mr. Child and that the Council add coverage for the terrorism portions, street lights, water spring box, and cyber liability and that they delete the hull coverage for the Fire Department watercraft.

Councilman Shelton moved to approve the 2014-2015 property and liability insurance package including the addition of terrorism portions, street lights, water spring box, cyber liability, and the deletion of the hull coverage for the Fire Department watercraft. Councilman Taylor seconded the motion.

Councilman Bowen commented that this was an increase in the premium by several thousand dollars. One option was to increase the deductible to offset some of that increase. However, based on input from City staff and with the number of claims, he was not sure that made sense.

Councilman Bowen expressed concern with adding the City street lights for a premium of \$12,000. The City already owned some of the street lights. He did not think there was a history of a huge amount of risk or liability. He was not sure it made sense to pay a \$12,000 rider. He felt they were already covered by the liability portion.

Mr. Colborn responded that this coverage was for physical damage and not for liability.

Councilman Bowen asked what the cost was to the City last year for damaged poles that the City owned.

Mr. Whitehead stated that the City owned about 90 out of 1200 lights. When insurance for street lights was first looked at there was a \$10,000 deductible and that was not recommended. One pole could range from \$1200 to \$1800 depending on the type of pole. Now with a \$1,000 deductible, that made sense. One good storm or an accident in which the responsible party was not covered and the City could not get reimbursement from, the City would be covered. Sometimes it could involve a number of poles in a single incident. It was a risk.

Councilman Bowen realized it was a risk but 10 poles would have to come down to make it worth it. The \$12,000 could be better spent. He felt the risk was extremely low.

Mayor Hadfield called for a vote on the motion. Voting was as follows: Aye, Councilmembers Shelton, Taylor, and Frost. Nay, Councilman Bowen. Absent, Councilman Shorter. The motion carried.

REVIEW AND ACTION ON THE AGREEMENT FOR THE RED LEAF ANNEXATION, CONSISTING OF 1.8 ACRES, LOCATED AT APPROXIMATELY 825 EAST 50 SOUTH – *Richard & Darlene Greenland*

Mayor Hadfield explained that Reid and Shellie Shelley who were presently the owners of this property were in attendance. He asked if they were interested in continuing with the annexation or if they wanted to put it on hold.

Reid Shelley stated that they had purchased the property and were now the owners of the Greenland property at 825 East 50 South. They requested that the annexation procedure initiated by Red Leaf and Kevin's Gate Development be terminated and they would consider the matter later.

REVIEW AND ACTION ON A RESOLUTION INDICATING THE CITY'S INTENT TO ANNEX THE ASHLEY MEADOWS ANNEXATION CONSISTING OF 13.20 ACRES AT APPROXIMATELY 900 NORTH 900 WEST – *David Olsen*

David Olsen reported that he was in the process of acquiring the Searle property. Lots would be not less than 12,000 square feet.

Mayor Hadfield explained the road proximities and the location of existing sewer and water lines. This property had previously been farmed by the Searle Family for many, many years and raised very good alfalfa.

Councilman Bowen expressed that they would love to have them be part of American Fork City.

Councilman Shelton moved approval of Resolution No. 2014-06-22R indicating the City's intent to annex the Ashley Meadows Annexation consisting of 13.20 acres at approximately 900 North 900 West.

It was noted that there was a boundary issue with Lehi City that would need to be cleaned up.

Councilman Bowen seconded the motion.

Mayor Hadfield asked if there was any discussion on the motion.

Councilman Taylor expressed his amazement at the information regarding properties that the Mayor had in his head.

Voting was as follows: Aye, Councilmembers Shelton, Taylor, Frost, and Bowen. Absent, Councilman Shorter. The motion carried.

REVIEW AND ACTION ON AN ORDINANCE ADOPTING AMENDMENTS TO SECTION 17.5.128 OF THE AMERICAN FORK CITY DEVELOPMENT CODE RELATING TO PLANNING COMMISSION APPROVALS OF SIGN LOCATIONS – *Staff*

Mr. Olsen explained these amendments addressed signs and approvals once an initial site plan had received approval from the Planning Commission and the City Council. Up until now if a business wanted to locate an additional sign that was not part of their original approval they needed come before the Planning Commission and sometimes before the City Council to receive approval. These amendments would omit the requirement of moving through the Planning Commission and City Council. Staff would handle it administratively. It speeded up the process. The Planning Commission recommended approval.

Councilman Frost asked where an appeal would go.

Mr. Olsen answered that it would go to the Planning Commission.

Councilman Taylor moved to approve Ordinance No. 2014-06-21 adopting amendments to Section 17.5.128 of the American Fork City Development Code relating to Planning Commission approvals of sign locations. Councilman Frost seconded the motion.

Councilman Shelton appreciated Mr. Olsen’s hard work on this and it would help to clean up unnecessary red tape and speed up the process. It would help economic development by making it easier to do business.

Voting was as follows: Aye, Councilmembers Taylor, Frost, Bowen, and Shelton. Absent, Councilman Shorter. The motion carried.

REVIEW AND ACTION ON A CLASS A BEER LICENSE FOR ARS, LLC LOCATED AT 655 S 500 E – *Howard Bode*

Mayor Hadfield noted that Heather Bytendorp was here once again as the ownership has changed. He added that she had been the manager now through three owners.

Councilman Taylor moved approval of a Class A Beer License for ARS, LLC located at 655 South 500 East. Councilman Shelton seconded the motion. Voting was as follows:

Aye, Councilmembers Taylor, Shelton, Bowen, and Frost. Absent, Councilman Shorter. The motion carried.

REVIEW AND ACTION ON THE AWARD OF A CONTRACT FOR HIGH DENSITY MINERAL BOND SEALANT TO HOLBROOK ASPHALT COMPANY IN THE AMOUNT OF \$109,875 – Staff

Dale Goodman explained that staff had looked at a lot of roads in other cities that have used this product. There was really only one company that produced High Density Mineral Bond Sealant and that was Holbrook Asphalt.

Councilman Shelton commented that this was typically used on newer roads.

Mr. Goodman answered that it was generally put down within a year. It prevented the oxidation of the asphalt emulsion and from hardening.

Mayor Hadfield reported that he was familiar with Holbrook Asphalt out of St. George, and they did a lot of work in Washington County, Utah, and Clark County, Nevada, and along the Arizona Strip.

Councilman Bowen asked if this was a competitive bid.

Mr. Goodman answered that it was not. Holbrook Asphalt was the only one to offer this product. They did receive other bids but they asked to use a substitute product.

Councilman Bowen asked how it held up in the wintertime.

Mr. Goodman responded that it could not be applied in the winter but that it held up just fine.

Councilman Shelton moved to approve the contract award for the High Density Mineral Bond Sealant to Holbrook Asphalt Company in the amount of \$109,875 for approximately 72,500 cubic yards of material, including installation.

Councilman Shelton noted that he did not have a chance to go to the road school but they ought to take a look at micro seal vs. chip seal down the road.

Councilman Frost seconded the motion. Voting was as follows: Aye, Councilmembers Shelton, Frost, Bowen, and Taylor. Absent, Councilman Shorter. The motion carried.

REVIEW AND ACTION ON A SPECIAL USE PERMIT WITH ALPINE PINNACLE RECREATION TO PROVIDE CONCESSIONS SERVICES AT THE AMERICAN FORK BOAT HARBOR – Staff

Derric Rykert explained that this was a way to try and create some additional revenue through a public-private partnership. It would be more than concession services and would also include fishing equipment & bait, paddle boats, stand up paddle boards, etc. The City would receive 7 percent of the gross revenue.

Mayor Hadfield added that the American Fork Boat Harbor was open and doing very well. There was good success over the Memorial Day weekend. American Fork was one of the deeper harbors on the Lake.

Councilman Frost asked if the City incurred the liability of the equipment and their operations.

Mr. Rykert responded that the concessionaire would have that responsibility of insurance in the coverage amount of \$2 million.

Councilman Bowen asked if the 7 percent of the gross was in addition to a lease payment and if they were going to sell alcohol. He felt this was a positive thing.

Mr. Rykert answered that the 7 percent was the lease payment. The sale of alcohol was not anticipated. They operated the Provo Boat Harbor and they did not sell beer there.

Councilman Shelton moved to authorize the Mayor to sign the Special Use Permit for Alpine Pinnacle Recreation to provide concessions services at the American Fork Boat Harbor. Councilman Taylor seconded the motion. Voting was as follows: Aye, Councilmembers Shelton, Taylor, Bowen, and Frost. Absent, Councilman Shorter. The motion carried.

REVIEW AND ACTION ON SUBDIVISIONS, COMMERCIAL PROJECTS, CONDOMINIUMS, AND PUD'S INCLUDING 1) PLAT APPROVAL; 2) METHOD OF SATISFACTION OF WATER RIGHTS REQUIREMENTS; 3) POSTING OF AN IMPROVEMENT BOND OR SETTING OF A TIME FRAME FOR IMPROVEMENT INSTALLATION; AND 4) AUTHORIZATION TO SIGN THE FINAL PLAT AND ACCEPTANCE OF ALL DEDICATIONS TO THE PUBLIC AND TO HAVE THE PLAT RECORDED

- a. Review and action on an Ordinance adopting the final plat and project documentation of Lakeside Plat A, consisting of 32 cluster units and 48 single family lots, located in the area of 900 South 100 West in the PR-3.0 and R1-12,000 Residential zones – Legend Engineering

Adam Olsen explained that this had been a long time coming. Preliminary plans were originally approved in 2007 and reaffirmed in 2008. It was then reapproved recently by the Planning Commission who also recommended the approval of the final plat. This was directly south of the Ivory Homes development on 100 West. He asked if there were any questions.

Councilman Shelton moved to approve Ordinance No. 2014-06-22 adopting the final plat and project documentation of Lakeside Plat A, consisting of 32 cluster units and 48 single family lots, located in the area of 900 South 100 West in the PR-3.0 and R1-12,000 Residential zones and to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat and publication of the Ordinance subject to:

- 1) **Posting of a performance guarantee to ensure the timely construction of required public improvements and conveyance of water rights.**

- 2) All findings and conditions as identified in the April 16, 2014 Planning Commission meeting.
- 3) Review by City Engineer of all final construction and plat documents for compliance with City standards.

Councilman Bowen seconded the motion. Voting was as follows: Aye, Councilmembers Shelton, Bowen, Taylor, and Frost. Absent, Councilman Shorter. The motion carried.

CONSIDERATION AND ACTION ON ENTERING INTO AN EXECUTIVE SESSION TO DISCUSS LITIGATION – Mayor Hadfield

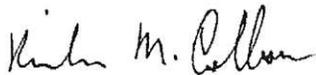
Councilman Taylor moved to enter into an Executive Session to discuss litigation at 8:44 p.m. Councilman Frost seconded the motion. Voting was as follows: Aye, Councilmembers Taylor, Frost, Bowen, and Shelton. Absent, Councilman Shorter. The motion carried.

The City Council entered into an Executive Session at 8:47 p.m. in a downstairs work room. Those present included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Brad Frost, Rob Shelton, and Clark Taylor. Councilman Shorter was excused. Also present were City Attorney Kasey Wright, City Planner Adam Olsen, Parks & Recreation Director Derric Rykert, City Administrator Craig Whitehead, and City Recorder Richard Colborn. Litigation was discussed. The executive session was audio tape recorded as required by statute. The Executive Session concluded at 9:07 p.m.

Councilman Taylor moved to return to regular session at 9:07 p.m. Councilman Frost seconded the motion. Voting was as follows: Aye, Councilmembers Taylor, Frost, Bowen, and Shelton. Absent, Councilman Shorter. The motion carried.

ADJOURNMENT

Councilman Frost moved adjournment at 9:07 p.m. Councilman Taylor seconded the motion. Voting was as follows: Aye, Councilmembers Frost, Taylor, Bowen, and Shelton. Absent, Councilman Shorter. The motion carried.



Richard M. Colborn
City Recorder