

AMERICAN FORK CITY COUNCIL
APRIL 2, 2015
NOTICE OF WORK SESSION & AGENDA

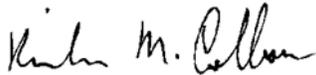
WORK SESSION

The purpose of City Work Sessions is to prepare the City Council for upcoming agenda items on future City Council Meetings. The Work Session is not an action item meeting. No one attending the meeting should rely on any discussion or any perceived consensus as action or authorization. These come only from the City Council Meeting.

Notice is hereby given that the American Fork City Council will meet in a work session on **Thursday, April 2, 2015**, in the **American Fork City Offices, 51 East Main Street**, commencing at **3:30 p.m.** The agenda shall be as follows:

1. Discussion of a Resolution approving the implementation of the Parks, Arts, Recreation and Culture (PARC) Tax, and the policies and procedures that will govern the application, selection, distribution, and accounting of funds. – *Derric Rykert*
2. Discussion of a Mobile Food Business Ordinance. – *Audra Sorensen*
3. Presentation and discussion on the immediate need within the Public Works Streets Division to replace its 2003 LeeBoy Paver. – *Dale Goodman*
4. Adjournment.

Dated this 31 day of March, 2015



Richard M. Colborn
City Recorder

CITY COUNCIL STUDY ITEM

City of American Fork
COUNCIL WORK SESSION
April 2, 2015

Department Recreation - Administration Director Approval 

STUDY ITEM Adoption of a resolution creating the Parks, Arts, Recreation and Culture (PARC) Tax Advisory Board.

SUMMARY RECOMMENDATION Staff recommends approval of the PARC tax resolution policies and procedures that will govern the applications, selection, distribution, and accounting process of funds.

BACKGROUND On Tuesday, November 4, 2014 the citizens of American Fork approved the implementation of a PARC tax in the city. The City Council adopted the PARC Tax Ordinance on December 9, 2014, which enacted the PARC Tax. The tax will go into effect on April 1, 2015.

The City Council now needs to adopt the attached resolution to establish the PARC Tax Advisory Board. This Board will consist of seven members. They will account for all requests for funding from various groups and will make funding recommendations to the City Council. The Council will approve the distribution of PARC Tax funds in accordance with Utah Code Ann. 59-12-1403 and American Fork City Ordinance No. 2014-12-46 for the purpose of funding eligible cultural arts facilities and organizations and recreational facilities and programs in the City of American Fork, pursuant to Utah Code Ann. 59-12-1401.

The City Attorney and City staff have drafted the Policies and Procedures for PARC Tax Funding. These policies will guide the PARC Tax Advisory Board in their review of requests for funds; it will define and outline the grant process, including what projects and programs are eligible for funding.

BUDGET IMPACT It is projected that the PARC tax will generate between \$660,000 and \$700,000 in revenue annually. These funds will be used to improve the quality of life in American Fork through improved facilities and programs in the areas of Parks, Arts, Recreation and Culture.

SUPPORTING DOCUMENTS

1. Resolution establishing the PARC Tax Advisory Board
2. Policies and Procedures for PARC Tax Funding
3. Permissible Cultural Organizations

RESOLUTION NO. _____

A RESOLUTION CREATING THE PARKS, ARTS, RECREATION AND CULTURE TAX
ADVISORY BOARD.

WHEREAS, American Fork City Council approved Ordinance No. 2014-12-46, the Parks, Arts, Recreation and Culture Tax, on December 9, 2014;

WHEREAS, pursuant to American Fork City Ordinance No. 2014-12-46, revenue shall be distributed in accordance with UTAH CODE ANN. §59-12-1403 and for the purpose of funding eligible cultural arts facilities and organizations and recreational facilities in the City of American Fork, pursuant to UTAH CODE ANN. §59-12-1401 et. seq.; and

WHEREAS, the City desires to establish an advisory committee to assist in the determination of distribution of funds.

THEREFORE, BE IT RESOLVED by the City Council of American Fork, Utah as follows:

1. Distribution of Funds.
 - a. PARC Tax Revenue shall be distributed in accordance with UTAH CODE ANN. §59-12-1403 and American Fork City Ordinance No. 2014-12-46 for the purpose of funding eligible cultural arts facilities and organizations and recreational facilities in the City of American Fork, pursuant to UTAH CODE ANN. §59-12-1401.
2. Advisory Board Established.
 - a. The City shall create a PARC Tax Advisory Board (hereinafter the “Advisory Board”) to advise City Council on distributions of PARC Tax funds to eligible cultural arts facilities and organizations and recreational facilities in the City of American Fork, pursuant to UTAH CODE ANN. §59-12-1401.
3. Appointment of Advisory Board Members.
 - a. The Advisory Board shall consist of seven (7) members appointed by the Mayor with the advice and consent of City Council.
4. Membership and Terms of Office.
 - a. Members of the Advisory Board shall be residents of American Fork.
 - b. The term of office for Advisory Board members shall be three (3) years. The term of office of the initial members shall be staggered so that four (4) are for three (3) years and three (3) are for two (2) years.
 - c. Members of the Advisory Board may be appointed for multiple terms.
 - d. Each term shall continue until a successor is chosen and qualified, except in the case of the member’s death, resignation, removal or disqualification from holding office.

5. Removal or Vacancy From Advisory Board.
 - a. Any member of the Advisory Board may be removed at any time from office by the Mayor, with the advice and consent of City Council.
 - b. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than sixty (60) days.
 - c. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Advisory Board's scheduled meetings during any twelve (12) month period.

6. Compensation of Members.
 - a. Members of the Advisory Board shall serve without monetary compensation.

7. Responsibilities of Advisory Board and City Council.
 - a. The Advisory Board may provide its input and opinion to City Council as to the distribution of PARC Tax funds.
 - b. City Council shall make final determinations as to the amount of PARC Tax funds to be distributed to what entity or organization they will be distributed.

8. Termination of Advisory Board.
 - a. City Council may, at its discretion and by majority vote, dissolve said Advisory Board at any time for any reason.

9. Adoption Policies and Procedures.
 - a. The City Council hereby adopts the Policies and Procedures for PARC Tax Funding that are attached to this Resolution as Exhibit "A."

10. Effective Date.
 - a. This resolution shall become effective upon its passage.

PASSED by the American Fork City Council this ____ day of _____, 2015.

JAMES H. HADFIELD
American Fork City Mayor

Municipal Recorder

POLICIES AND PROCEDURES FOR PARC TAX FUNDING

Background.

In November, 2014, a majority of American Fork City voters approved a 1/10th of 1% increase in local sales and use tax as a means of enhancing funding for recreational and cultural facilities and cultural organizations within the City of American Fork. The American Fork City Council enacted the tax by ordinance on December 9, 2014 and the tax goes into effect April 1, 2015.

Purpose.

The funds from the tax known as the Parks, Arts, Recreation Culture Tax (“PARC Tax”) are to be used for eligible cultural arts facilities and organizations and recreational facilities in the City of American Fork consistent with UTAH CODE ANN. § 59-12-1401 and as defined in UTAH CODE ANN. § 59-12-702.

Distribution and Use of Revenue.

The revenue from the PARC Tax shall be distributed in accordance with UTAH CODE ANN. §59-12-1403 for the purpose of funding eligible cultural arts facilities and organizations and recreational facilities in the City of American Fork, pursuant to UTAH CODE ANN. §59-12-1401 et. seq.

1.0 Policy.

The American Fork City Council shall distribute the entire amount of revenues and interest collected as a result of the PARC Tax in a manner consistent with UTAH CODE ANN. § 59-12-1403, which allows for:

- 1.1 Inter-local agreement provided for under § 59-12-1704;
- 1.2 Granting to one or more organizations or facilities defined in § 59-12-702.
- 1.3 Retaining an amount not to exceed 1.5% of the tax collected under this part for the cost of administering the PARC Tax.

2.0 Definitions.

- 2.1 Administrative Unit: a division of a private nonprofit organization or institution that would, if it were a separate entity, be a cultural organization; and consistently maintains books and records separate from those of its parent organization.
- 2.2 Application Form: The PARC Tax Fund Distribution application, including the documents provided to the entities and organizations requesting funds pursuant to this policy by the City of American Fork for PARC Tax distribution and any required attachments and supporting documents.
- 2.3 Cultural Facility: any publicly owned or operated museum, theater, art center, music hall, or other cultural or arts facility.
- 2.4 Cultural Organization: a private nonprofit organization or institution having its primary purpose the advancement and preservation of art, dance, history, music, natural history, or theater; and an administrative unit. Cultural organization does not

include any agency of the state; any political subdivision of the state; any educational institution whose annual revenues are directly derived more than 50% from state funds; or any radio or television broadcasting network or station, cable communications system, newspaper, or magazine.

2.5 Non-profit: an organization or corporation that is not organized, created, operated or maintained to generate a profit or distribute income to its members, directors, officers, or corporation. Certification by the Internal Revenue Service as an organization qualifying under 501(c)(3) of the Internal Revenue Code or registration with the State of Utah as a nonprofit corporation with an active status at the time of the application deadline is required for any private nonprofit organization to qualify for funds hereunder.

2.6 Publicly Owned: owned by a governmental agency.

3.0 General Guidelines.

3.1 PARC Tax funds come from sales tax revenues that are collected by the State of Utah and distributed to American Fork City. All funding shall be based on the actual sales and use tax receipts as received, recorded, and reconciled by the City.

3.2 PARC Tax funds are not an entitlement. Filling out an application does not guarantee that any funds will be awarded.

3.3 The American Fork City Council City Council shall make all final determinations as to the amount of PARC Tax funds to be distributed to each entity or organization.

3.4 The fact that a particular project, facility or organization has previously received PARC Tax funds does not guarantee that it will receive subsequent funding unless so authorized in the original grant.

4.0 Cultural Arts Facilities Grants.

4.1 PARC Tax funds may be provided to a publicly owned and operated museum, theater, art center, music hall, or other cultural or arts facility.

4.2 All funded facilities expenses must be located in American Fork City or within the boundaries of an inter-local agreement with American Fork City.

4.3 Applying entities and organizations must provide for perpetual maintenance and be responsible for operational and financial accountability for all facilities for which funding is requested.

4.4 Cultural arts facilities grants may not be used to fund publicly owned or operated cultural programs.

5.0 Cultural Arts Organizations Grants.

5.1 PARC Tax funds may be provided to qualifying organizations described herein.

5.2 Private nonprofit cultural organizations requesting funding must be 501(c)(3) nonprofit entities or registered with the State of Utah as a nonprofit corporation with an active status at the time of the application deadline.

5.3 Qualifying organizations include the following:

5.3.1 A private nonprofit organization or institution having its primary purpose the advancement and preservation of:

5.3.1.1 Natural history, art, music, theater, dance, or cultural arts including literature, a motion picture, or storytelling.

6.0 Recreational Facilities Grants.

- 6.1 PARC Tax funds may be provided to a publicly owned and operated park, campground, marina, dock, golf course, playground, athletic field, gymnasium, swimming pool, trail system, cultural facility, or other facility used for recreational purposes.
- 6.2 All funded facilities expenses must be located in American Fork City or within the boundaries of an inter-local agreement with American Fork City.
- 6.3 Applying entities and organizations must provide for perpetual maintenance and be responsible for operational and financial accountability for all facilities for which funding is requested.
- 6.4 Recreational facilities grants may not be used to fund publicly owned or operated recreational programs.
- 6.5 Funds may be used to finance ongoing operating expenses of recreational facilities.

7.0 Application Process.

- 7.1 An interested person, organization, or entity may submit an official PARC Tax application provided by the City of American Fork.
- 7.2 All qualifying persons, organization, or entities may be required to make a brief presentation and discuss the merits of their proposals with American Fork City Council at a public meeting.
- 7.3 American Fork City Council shall make final determinations as to the amount of PARC Tax funds to be distributed to each entity or organization.
- 7.4 The names of entities or organizations and the amount of funds each is to receive shall be presented by the American Fork City Council at a public meeting.

8.0 Distribution of Funds.

- 8.1 Qualifying organizations may be required to enter into a contractual agreement with the City of American Fork prior to receiving funds. Said contract shall include:
 - 8.1.1 A detailed planned use schedule of expenditures;
 - 8.1.2 A beginning and end date for the project, if applicable;
 - 8.1.3 A provision allowing for the City of American Fork to verify all application information and use of funds information; and
 - 8.1.4 The consequences of the failure to use PARC Tax funds as approved.
- 8.2 Said contracts must be returned to the City prior to any distribution of PARC Tax funds to the entity or organization.

9.0 Reporting Requirements.

- 9.1 Each recipient of PARC Tax funds shall be required to submit a yearly evaluation report detailing how it expended the funds received.
- 9.2 Future funding may be withheld due to inadequate, incomplete, or failure to submit reports.

PERMISSIBLE CULTURAL ORGANIZATIONS

- 1. A private non-profit organization having its primary purpose the advancement and preservation of:**
 - a. Architecture**
 - i. Ex. Historical preservation, service, and education.
 - b. Arts education**
 - i. Ex. Performances for children, after school instruction, teacher and artist training.
 - c. Dance**
 - d. Folk arts**
 - i. Ex. Crafts, stories/Oral history, and traditional performing arts.
 - e. History**
 - i. Ex. Heritage preservation, museums, historical research, and living history programs.
 - f. Humanities**
 - i. Lectures or conferences promoting branches of learning embraced by philosophy, literature, languages, and art with the exception of theology, natural science, and social sciences.
 - g. Literature**
 - i. Excludes magazines and newspapers.
 - h. Media arts**
 - i. Excludes video, radio and TV broadcasting.
 - i. Music**
 - j. Natural History**
 - i. Primarily focused on public programs, as opposed to academic research.
 - k. Theater**
 - l. Visual arts**
 - i. Ex. Ceramics, gallery space, painting, drawing, photography, etc.

PERMISSIBLE CULTURAL FACILITIES

- 1. Publicly owned and operated cultural arts facility**
 - a. Ex. museum, theater, art center or music hall

PERMISSIBLE RECREATIONAL FACILITIES

- 1. Publicly owned and operated facility used for a recreational purpose**
 - a. Ex. Park, campground, marina, doc, golf course, playground, athletic field, gymnasium, swimming pool, trail system or cultural facility

* May be used to finance ongoing operating expenses of recreational facilities.

CITY COUNCIL STUDY ITEM

City of American Fork
COUNCIL WORK SESSION
April 2, 2015

Department Economic Development Director Approval Audra Sorensen

STUDY ITEM Mobile Food Business Ordinance

SUMMARY RECOMMENDATION Economic Development recommends adoption of a Mobile Food Business Ordinance.

BACKGROUND The City has no Mobile Food Business Ordinance. This makes licensing confusing, and it discourages food trucks, et al., from participating in the community. It is our opinion that food trucks create economic vitality and fosters community participation. The adoption of the ordinance will, therefore, help manage these businesses in a proactive way.

BUDGET IMPACT Adoption of the Mobile Food Business Ordinance will enact a new licensing fee. Rather than issuing temporary permits (or regular business licenses for those companies whose commissary are housed within the American Fork City limits), mobile food businesses will be charged a mobile food business permit fee of \$200 per year per EIN number.

SUPPORTING DOCUMENTS Food Truck Ordinance draft

ORDINANCE NO. 2015-____ - _____

REGULATIONS FOR MOBILE FOOD BUSINESS. AN ORDINANCE CREATING A NEW CHAPTER OF TITLE 5 OF THE AMERICAN FORK MUNICIPAL CODE REGULATING MOBILE FOOD BUSINESSES IN AMERICAN FORK, UTAH.

PREAMBLE:

WHEREAS, Utah municipalities are authorized to regulate the use of public streets, sidewalks and right-of-ways for public health, safety, welfare and convenience; and

WHEREAS, current ordinances do not provide regulations for mobile food businesses; and

WHEREAS, mobile food businesses are a growing industry; and

WHEREAS, the American Fork City Council finds it in the interest of public health, safety, welfare and convenience to authorize the operation of mobile food businesses within the city of American Fork, Utah, subject to the regulations to protect the safe and convenient use of public-rights-of-way.

NOW THEREFORE, be it ordained by the City Council of American Fork, Utah, that:

5.__.010 PURPOSE AND INTENT:

Mobile food businesses within public streets pose special challenges to the public health, safety and welfare of American Fork residents. It is the purpose and intent of the Council, in enacting this Chapter, to provide clear and concise regulations to prevent hazards to safety, traffic or health, as well as to preserve the peace, safety and welfare of the community.

5.__.020 DEFINITIONS.

- A. *Food Truck* means a motor vehicle from which a mobile food business serves food or beverages for sale to the public. The term “food truck” shall not include vending carts, mobile food trailers or mobile ice cream vendors.
- B. *Mobile food business* means a business that serves food or beverage from a food truck. The term “mobile food business” shall not include vending carts or mobile ice cream vendors.
- C. *Operator* means and includes every person, firm or corporation who owns, leases, contracts or in any other way permits a person to operate upon the city streets any mobile food business for the purpose of vending, as defined in subsections B and E of this section.

- D. *Person* means a natural person.
- E. *Vend or vending* means offering food or beverage for sale from a motor vehicle on the city streets.

5.__.030 LICENSE—REQUIRED.

It is unlawful for any person to operate a mobile food business on the city streets without first obtaining a mobile food business license, as provided in 5. ____.040 of this chapter. This license is in addition to any business license required for the business under the provisions of Chapter 5. ____.040 of this title.

5.__.040 LICENSE—APPLICATION.

- A. Application for a mobile food business license shall include the following:
 - i. The date of application;
 - ii. The name, mailing address, and telephone number of the person or persons, firm or corporation desiring the license (who shall be known by, and obligated to the city, as the licensee or licensees, or "responsible owners," of the business); and the physical address, mailing address, and telephone number of the principal place of business or residence if not permanent place of business exists;
 - iii. The kind of license desired, stating the business, calling, trade or professions to be performed, practiced or carried on;
 - iv. Proof of such applicant's compliance or qualifications under the applicable state regulatory laws and local ordinances;
 - v. The period of time for which the license may be issued;
 - vi. The number of vehicles to be used in the business, a description of each vehicle, its license plate number, vehicle identification number (VIN) and proof of insurance coverage, and safety inspection.
 - vii. Any other matter or thing which may be required and necessary for the purpose of enabling the city to fix the amount of license fee.
- B. The annual fee for such license shall be the standard business license fee as adopted and set forth by the city council.
- C. If applicable, an applicant shall also provide a certified copy of the applicant's articles of incorporation, articles of organization, or similar document if the applicant is a corporation, limited liability company, or similar entity required to file such documents with the State of Utah or any other state for formation of the entity or before the state will treat the entity as separate from its owners.
- D. An application shall not be approved and no license shall be issued or renewed to an applicant if a criminal background check, administrative records search or application materials uncover information showing either the applicant or the driver have a record for any of the following:

- i. a conviction within the past ten years of driving under the influence of drugs or alcohol; alcohol or drug related reckless driving, impaired driving, driving with any measurable amount of a controlled substance or metabolite of a controlled substance in the body, automobile homicide;
 - ii. any criminal conviction within the past ten years for an offense involving violence, theft, possession or use of a deadly weapon, possession of controlled substances with the intent to distribute to another person or any conviction for a crime of moral turpitude; or
 - iii. misrepresentation of material facts in an application for a business license.
- E. The applicant, driver, and any other person working in the Food Truck shall be responsible for obtaining at their expense a criminal history for the last ninety (90) days from the Bureau Criminal Investigations (“BCI”).
- F. A valid copy of all necessary licenses or permits required by the State or the Utah County Health Department, including, but not limited to, proof of business name and business owner’s or registered agent’s name as registered with the Department of Commerce and proof of a valid sales tax certificate from the State of Utah.
- G. Each applicant for a license or renewal under this chapter shall submit, with the application, a certificate of insurance executed by an insurance company or association authorized to transact business in this State, showing that there is in full force and effect, for the full term of the license, general liability insurance either:
 - a. in an amount not less than two hundred thousand dollars (\$200,000) for personal injury to each person, five hundred thousand dollars (\$500,000) for each occurrence, and five hundred thousand dollars (\$500,000) for each occurrence involving property damage; or
 - b. a single limit policy of not less than five hundred thousand dollars (\$500,000) covering all claims per occurrence. Such policy or policies shall also include coverage of all motor vehicles used in connection with the applicant’s business.
- H. A current certificate of insurance shall be kept on file with the City Recorder at all times that the applicant is licensed by the City verifying such continuing coverage and naming the City as an additional insured. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspension or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination.
- I. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or

injury to persons arising from any activity carried on under the terms of the license.

- J. Each applicant for a license or renewal under this Chapter shall submit, with the application, a valid fire inspection.

5.__.050 SEPARATE APPLICATIONS.

- A. Separate business license applications shall be required for each mobile food business. Separate business license fees shall be required for each food truck operating under one business.

5.__.060 LOCATION RESTRICTIONS.

- A. Mobile food businesses are allowed to operate in the public right-of-way only within the GC-1, GC-2, CC-1, CC-2, SC-1, PO-1, PC, PI-1, PI-1(O), I-1, PF, S-1, SP, and M-1 zones in accordance with the provisions of this chapter. Mobile food businesses shall be allowed to vend on private property within all the aforementioned zones in American Fork, with prior consent from the private property owner.
- B. A person shall not vend within two blocks of any public school property in the city between the hours of seven (7) a.m. and four (4) p.m. on all days when school is in session.
- C. A person shall not vend in any congested area where his operations might impede, inconvenience or endanger the public. It shall be up to the judgment of the peace officer, exercising good faith, to determine whether such interference has taken place.
- D. Mobile food businesses shall not operate on public streets where the speed limit exceeds thirty-five miles per hour or locations that are otherwise deemed hazardous by the American Fork City Engineering Division, unless the roadway or location has been closed to vehicular traffic for a public event.
- E. Only two food trucks operating in the public right of way are allowed within the same block face at one time unless operating during a special event, as set forth in Section 5.__.120.

5.__.070 PARKING AND VENDING RESTRICTIONS.

- A. All business related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve hours within a twenty-four hour period at any one location nor for more than three consecutive days within a seven day period on either public or private property.
- B. Mobile food businesses utilizing parking space within the public right-of-way shall park lawfully unless given prior approval from a law enforcement

officer. Food trucks must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.

- C. The mobile food business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage.
- D. All vehicles must be removed from the public right-of-way at the close of each business day.
- E. A person shall vend only when the food truck is lawfully stopped.
- F. A person shall not back the truck to make or attempt a sale.
- G. A person shall locate the vending window facing the sidewalk or on private property unless the roadway has been closed to vehicular traffic for a public event.
- H. A person may not vend to a person standing in the roadway unless the roadway has been closed to vehicular traffic for a public event.

5.__.080 NOISE RESTRICTIONS.

Businesses and persons operating under this Chapter shall comply with the City's Disturbing the Peace laws and regulations. If the Food Truck uses a generator, the sound from such generator must also comply with applicable Disturbing the Peace laws and regulations.

5.__.090 DESIGN AND OPERATION GUIDELINES.

Mobile food businesses shall comply with the following design and operation requirements:

- A. Food trucks shall be designed and operated in a manner so as to meet all applicable Utah County Health Department requirements relating to the handling and distribution of food.
- B. The food truck shall not have or operate as a drive-through.
- C. Food trucks shall be kept in good operating condition and well maintained.
- D. No mobile food business shall operate within a one hundred foot radius of any public entrance to a restaurant or city-authorized special event selling food, unless the business obtains the written consent of the proprietor of such restaurant or shop. Such consent shall not exempt the applicant from compliance with the other location and distance restrictions of this chapter.
- E. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash and recycling containers shall be provided for use of the business patrons. If a mobile food business has operated on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.
- F. Any canopy extensions must be integrated into the design of the food truck

and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the parkway or public right-of-way.

- G. Any auxiliary power required for the operation of the mobile food business shall be self-contained. No use of power or water located on private property is allowed without written consent from the owner, or the owner's authorized designee.
- H. All garbage or other refuse generated from a mobile food business shall be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system. Food trucks must dump their garbage into dumpsters which they have written permission to use or they must transport their garbage out of the City.
- I. Licensees/owners will ensure their food trucks are, at all times, in compliance with all other applicable laws or ordinances regulating motor vehicles.

5.__.100 SIGNS.

No signs shall be used to advertise the conduct of the mobile business at the premises other than those which are physically attached to the vehicle, except that a two foot by three foot menu board may be placed within twelve (12) feet of the food truck. Such signs must be placed in a manner that they do not interfere with other food trucks or activities.

5.__.110 COMPLIANCE.

- A. The license holder shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the holder pays salary, wages or any other form of compensation to drivers.
- B. All mobile food businesses are subject to American Fork City sales tax for goods sold within the boundaries of American Fork City. Vendors shall be required to keep accurate records of daily sales that occur within the American Fork City limits. American Fork City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the American Fork City business license.

5.__.120 SPECIAL EVENTS.

The restrictions of this chapter notwithstanding, nothing herein shall prohibit the city from authorizing mobile food businesses, other than those licensed under this chapter, to conduct concurrent mobile food business operations within the public

right-of-way, or such other areas as the city may deem appropriate, during special events (special event vendors). The special event vendors shall still be governed by this chapter, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of-way remains open to the general public, such authorization of special event vendors shall not require removal of a permittee under this chapter from operating within an otherwise lawfully occupied location or a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under city ordinances. If the city is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the city.

5. __.130 ENFORCEMENT AUTHORITY.

American Fork City law enforcement officers are authorized to require any person seen operating a mobile food business, and who is not known by such officer to be duly licensed, to produce his license and to enforce the provisions of this chapter against any person found to be violating the same.

5. __.140 VIOLATION—PENALTY.

Any person violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor and, upon conviction thereof, shall forfeit his permit and be punishable by a fine not to exceed one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

5. __.150 EFFECTIVE DATE.

This Ordinance shall become effective upon passage, approval and publication or as otherwise provided by law.

Passed by the American Fork City Council this _____ day of _____, 2015.

MAYOR

JAMES H. HADFIELD
Mayor of American Fork

ATTEST:

RICHARD COLBORN
City Recorder

CITY COUNCIL STUDY ITEM

City of American Fork
COUNCIL WORK SESSION
April 2, 2015

Department Public Works

Director Approval 

STUDY ITEM Presentation and discussion on the immediate need within the Public Works Streets Division to replace its 2003 LeeBoy Paver.

SUMMARY RECOMMENDATION Request Council consider allowing staff to take immediate steps to replace the Streets Division 2003 LeeBoy Paver (this replacement has already been requested in the upcoming budget).

BACKGROUND In 2003 the City's Streets Division purchased a small, self-propelled paver. The purchase was a 50/50 partnership with the City of Lehi's Streets Division. In the subsequent years, the paver has been extensively used by both cities to complete small, difficult projects that might have otherwise gone undone. The estimated savings from these projects has easily offset the purchase price several times.

The paver has now reached the end of its useful life. A recent audit of the paver showed that \$15k in repairs would only extend its life another year. Because of the way it was designed, some of the major components are simply not repairable or even replaceable. In light of the value the paver has provided for the two cities over the past eleven years, staff from both cities recommend replacement—with some upgrades—is in order. Once again, Lehi is willing to pay 50% of the purchase price. Some other factors to consider:

- Purchase of a Tier 4i (interim) paver will save \$20k over the Tier 4 paver purchase price.
- FY 2014 the Division put down 207,267 tons of hot mix asphalt, or 142,161 ft², which produced a savings of approximately \$35,000 over contract prices.
- The new paver would not have any of the non-repairable/replaceable components.
- With the new paver the Streets Division could pave 980 N from 200 E into Art Dye Park, and save approximately \$50k on the project.
- There are currently 6 additional small, difficult projects awaiting this decision which will provide a combined savings of \$38,000.

BUDGET IMPACT Staff recommends the City fund its portion of the cost through the financing arrangement noted below:

City	Paver Cost	3 Mo. Rent	1st Payment	2nd Payment	3rd Payment
American Fork	\$94,870*	\$38,700	\$50,346	\$5,824	0
Lehi	\$94,870*	0	0	\$44,524	\$50,346

*\$189,740 does not include interest.

ALTERNATIVE Approximately \$15,000 in repairs will get the current paver through one additional year. The Division would be able to move forward with the small projects, but not the 980 N/Art Dye project.

SUPPORTING DOCUMENTS

1. American Fork In-house Paving Information
2. Cate Equipment LeeBoy 8616B Paver Quote
3. LeeBoy 8616B Paver Brochure

American Fork City In-House Paving Information

The Streets Division uses an asphalt lay down machine for nearly all of our in house road maintenance and repairs. The paver is used to repair water and sewer utility road cuts, curb and gutter tie-ins, road surface/sub-surface failures, small road reconstruction, small to medium road construction, parking lot and salt dome site construction.

Paver purchase/rental options

New Leeboy 8616B quote from Cate Equipment Company (offer expires 4/25/15)

Purchase price \$189,740.00

RPO price \$210,900

Monthly rental \$12,900.00

The included quote states:

WE WILL APPLY 100% OF THE PAID RENT AGAINST THE DISCOUNTED CASH PRICE IF THE MACHINE IS CONVERTED TO PURCHASE WITHIN THE 1ST MONTH. OTHERWISE 80% PAID RENT TO APPLY AGAINST THE RPO PRICE FOR A MAXIMUM OF 6 MONTHS. However, the dealer has agreed to extend the 1 month deadline into July.

Price comparison of in-house v. contract paving

Current prices for asphalt paving (straight line) from contractors are approximately \$.38 ft² x depth, and paving in cul-de-sacs is approximately \$.53 ft² x depth. For example, a 3 inch lift of asphalt in a cul-de-sac would be \$1.59 ft². Past in-house projects have been completed for as low as \$.99 ft². A sample of some of these projects is:

1005 N Cir (Nob Hill) \$1.55 ft². This was our first cul-de-sac reconstruction, the unit price has dropped as shown below.

825 E cul-de-sac \$1.20 ft². Cul-de-sac paving is much more time consuming, I am impressed that the unit price for this job came in at this point.

East Pacific DR \$.99 ft²

500 N (800~850 E) \$1.02 ft²

Current needs

To provide the same level of service as we have in the past we need to replace our paver. Service life of the paver quoted should be 12 to 15 years. Paving projects that are in the queue include cemetery curb tie-ins, 400 E Main St curb tie-in, 300 N 500 E curb tie-in, these projects alone measure out to be over 8,800 ft². Other projects on the immediate horizon include 1340 N (100 E~150 W) road repairs, 790 N 150 W cul-de-sac reconstruction, 1120 N (150 W~560 W) sunken trench repair, and the second new access road at the cemetery.

TJ Warnick
Streets Supervisor



CATE EQUIPMENT COMPANY
CONSTRUCTION, MINING, INDUSTRIAL EQUIPMENT

2055 SOUTH PIONEER ROAD · SALT LAKE CITY, UT 84104
 PHONE (801) 973-2900 · FAX (801) 973-2940
 www.cateequipment.com

Date: 3/25/15
 To: American Fork City
 275 East 200 North
 American Fork, UT 84003
 Attn: Troy Warnick
 Phone: (801) 404-0698
 E-mail: twarnick@afc-city.net

Customer Number: 01532
 Offer Expiration Date: 4/25/15

From: Greg Ruther, Territory Manager / Myke Thurman, General Manager

Re: Asphalt Paver Offer(s)

Cate Equipment Company is pleased to offer you the following equipment for your review and consideration, all existing terms & conditions to apply. Prices are subject to change without notice – a steel surcharge may apply for new equipment purchases. **All equipment is subject to prior sale & availability.** All offers are subject to State and Federal taxes where applicable. All freight is F.O.B. Pocatello, ID unless otherwise stated. Cate Equipment Company reserves the right to correct all clerical and verbal quote errors.

NEW:

One (1) each **Leeboy model 8616B Track Mounted Asphalt Paver (8' – 15' Legend 816HD Electric Screed / 20,000 lbs.)**, **New 2014/2015 model (delivered in Dec. 2014) – S/N 8616-115659**. Standard equipped as shown below, see spec sheet for details:

- **8616B Pavers are equipped with:** 99 HP "Kubota" **Tier 4i** diesel engine; 7' x 14" STD poly pad tracks; "Operator's Choice" control platform allowing operation from the high or low deck position; fail-safe brakes w/ run/stop function; proportional 12" sonic augers and 20.5" conveyors w/ variable speed conveyors replacing the need for flow gates (Auger and conveyor bypass); Dual 2,200 VPM Screed Vibrators; Plus 1 Dual electronic joystick steering; wired for sonic-grade controls; 2 independent cut-offs located under auger; 4 operating HALOGEN lights; Amber Safety Strobe Light; vandalism covers; horn and back-up alarm; spray down system w/ 2 hose reels and tank; 1 manually operated sliding control console including; Plus 1 CAN-Bus control and onboard diagnostic system w/ DP700 (7", 800 x 400 pixel) Color Graphic Display (includes: voltmeter, engine temp, fuel, oil pressure, hydraulic temp, hour meter and tachometer, Speed Control Dial); Enhanced Convenient Screed Mounted Controls; 2 Speed Drive Motor, and cold weather start assist.
- **Legend 816HD Electric Screed:** 8' to 15' hydraulically extendable, Heavy Duty 1/2" thick wear plate, Heavy Duty Flight screws, 3-Adjuster Screed (1-Single angle of attack adjustment / 2-Vertical height adjustment), Heavy Duty Crown and Valley mechanism, manual adjustment STD, main screed dual vibrators, main screed and extensions electrically heated with six (6) 1500 watt blade elements (four in main screed [2 in each side of main screed] / one in each extension), equipped with replaceable wear shoes.

PURCHASE PRICE:	DISCOUNTED CASH PRICE	\$ 189,740.00
	RPO PRICE (80% OF PAID RENT TO APPLY AGAINST THE RPO PRICE FOR 6 MONTHS MAX.)	\$ 210,900.00
	<ul style="list-style-type: none"> • WE WILL APPLY 100% OF THE PAID RENT AGAINST THE DISCOUNTED CASH PRICE IF THE MACHINE IS CONVERTED TO PURCHASE WITHIN THE 1ST MONTH. OTHERWISE 80% PAID RENT TO APPLY AGAINST THE RPO PRICE FOR A MAXIMUM OF 6 MONTHS. 	
OPTIONS:	S/N 8616-115659 IS EQUIPPED WITH SLOPING SCREED EXTENSIONS & POWER CROWN (INCLUDED IN THE PRICE).	
	TOPCON SYSTEM 5 CONTROLS – DUAL GRADE	\$ 15,000.00
	TOPCON SYSTEM 5 CONTROLS – DUAL GRADE & SLOPE	\$ 25,000.00
RENTAL RATES:	MONTHLY RATE (SINGLE SHIFT)	\$ 12,900.00
LEAD-TIME:	S/N 8616-115659 IS CURRENTLY IN STOCK AT CATE SLC (STANDARD EQUIPPED WITH THE SLOPING EXTENSIONS & POWER CROWN OPTIONS).	

Prices in this quote apply only to the specific model and tier engine stated and are subject to availability of the specific model and tier engine. All price quotes are time bound and subject to prior sale; i.e., when all of the model with the emission engine quoted are sold, no more will be available. Cate Equipment Company assumes no liability for obsolescence of a machine due to emission tier change. There will be NO quote supersession to higher engine emission tier level models. It is possible that some models will be sold out before the replacement model is available, in which case new prices and lead time will be quoted and applied.

We appreciate this opportunity to gain your business. Please contact us should you have any additional questions.

Sincerely,

Greg Ruther

Myke Thurman



SALES

RENTALS

PARTS

SERVICE





8600 Series Asphalt Pavers

8616B Asphalt Paver



8616B Asphalt Paver

Performance features include:

- 99 HP (74 kW) Kubota Turbocharged Tier 4i Diesel Engine
- 8' to 15' (2.4 to 4.6 m) Legend 816HD Electric Screed
- High Deck or Low Deck Configuration
- 9-ton (8,165 kg) Receiving Hopper Capacity
- 12" (305 mm) AISI 4140 Steel Alloy Cast Augers
- 20,000 lb. (9,072 kg) Gross Operating Weight with Screed
- Operator's Choice Controls – Left Side or Right Side
- Dual Lever Plus-1 Joystick Propulsion Steering Controls
- Graphic Instrument Display with Vandal Protection
- Under Auger Cut-off Gates
- Proportional Sonic Augers



The LeeBoy 8616B Asphalt Paver is the perfect paver for government agencies or contractors for street and highway projects and in large commercial paving applications. From Driveways to Highways.....

Designed with the Paving Professional in Mind.®

Best in Class

LeeBoy

Legendary Screed Performance

LeeBoy Legend 816HD Screed System

The heavy-duty Legend 816HD Screed System is standard on the 8616B and comes with an electrically heated main screed and extensions. The 16.75" (425 mm) floating main screed with bullnose leading edge is made of 1/2" (13 mm) AR 400 steel, a long-wearing, hardened material that is bolted on for easy replacement. The 44" (1.1 m) hydraulic screed extensions are 7.38" (187 mm) wide with replaceable wear plates. Extensions have vertical and angle of attack adjustments which help provide a seamless mat at paving widths up to 15' (4.6 m).



LEGEND HD
HEAVY DUTY ELECTRIC SCREED SYSTEM

Legendary Feed System Design



Heavy-Duty Radius Hopper Wings

Heavy-duty, 3/8" (10 mm) steel hopper wings with large radius corners enhance material flow. The 9-ton (8,165 kg) receiving hopper keeps the 8616B paver moving along between truck loads.



Efficient Feed Conveyors

The 8616B is equipped with two 20.5" (521 mm) wide, variable speed, heavy-duty conveyors independently controlled with automatic cut-off gates.

Track System and Heavy-Duty Undercarriage



Self-Cleaning Crawler Track System

The paver is propelled by hydrostatically-powered, self-cleaning tracks. Each track is equipped with self-adjusting front idlers. Heavy-duty torque hubs and hydraulic two-speed motors provide necessary power and speed ranges.

Choice of track: *Smooth Ride* HD poly pad track or standard poly pad track.

Operator Station / Controls

High Deck / Low Deck Configuration

The LeeBoy 8616B Asphalt Paver offers the versatility of a high deck or low deck configuration to suit the user's operational requirements. The electronic joysticks control forward and reverse with steering from either side of the paver.

The water-cooled Diesel Engine provides optimal power, is fuel efficient, and meets current EPA requirements. The fully enclosed engine cover allows engine access and reduced noise level for quiet operation.



High Deck Configuration



Low Deck Configuration

Large 12" (305 mm) Diameter Auger Feed and Non-Contact Auger Controls



Infinitely Variable Widths

Fingertip extension control provides smooth operation for variable width paving to 15' (4.6 m).

Cut-off gates provide precise material flow and a balanced head of material. Narrow paving widths to 1' (305 mm).

Dual vibrators enhance mat quality; adjustable extensions provide a level, smooth surface.

Sonic Auger Controls

Non-contact sonic auger controls provide automatic feed of asphalt to the screed and extensions.



Easy to Use Operator Controls



Enhanced Plus-1 Control Box with Onboard Diagnostic System

The 8616B includes a single sliding control box enabling the operator to run from the left or right side. The operator also has a choice to run in a low deck or a high deck position. The Plus-1 CAN-Bus control and onboard diagnostic system with DP 610 (6.5", 400x240 pixels) color graphic display includes: volt meter, engine temperature, fuel level, oil pressure, hydraulic temperature, hour meter, tachometer, and speed control dial.



Screed Mounted Controls

Screed mounted controls allow the screed operator to manage essential paving operations including tow points, extensions, auger speed, horn and emergency stop.

Configuration Checklist

8616B

99 HP (74 kW) Kubota Tier 4i Electronic Diesel Engine	✓
8' to 15' (2.4 to 4.6 m) Legend 816HD Screed System	✓
Electric Screed Heat	✓
12" (305 mm) AISI 4140 Steel Alloy Cast Augers	✓
Dual (2) Vibrators @ 2,200 vpm each	✓
7' x 14" (2.1 m x 356 mm) Poly Pad Tracks	✓
High Deck or Low Deck Configuration	✓
Fail-Safe Brakes	✓
Plus-1 Joystick Steering	✓
Plus-1 Smart Throttle	✓
Onboard Diagnostic System	✓
Vandalism Package	✓
2 Independent Under Auger Cut-off Gates	✓
Safety Beacon	✓
Smooth Ride HD Track with Bolt-on Poly Pads	optional
Hydraulically-activated Screed Extension Vibration	optional
Sloping Screed Extensions	optional
Power Crown	optional
110-volt Outlet (20 amp GFI outlet)	optional
LED Light Package	optional
TopCon Controls, Dual Grade	optional
TopCon Controls, Dual Grade & Slope	optional
20' (6.1 m) LeeBoy Ski	optional
30' to 40' (9.1 to 12.2 m) LeeBoy Ski	optional
12" (305 mm) Auger Extensions, left & right	optional
24" (610 mm) Auger Extension Group with Shields, left & right	optional
Truck Hitch	optional
Heated End Gates	optional

Specifications

8616B Asphalt Paver

ENGINE	
Make	Kubota Tier 4i Electronic Diesel Engine
Performance	99 HP (74 kW) @ 2,600 rpm
DIMENSIONS	
Weight	20,000 lbs. (9,072 kg)
Length	15'4" (4.7 m)
Width (transport)	8'6" (2.6 m)
Height	8'2" (2.5 m)
PAVING WIDTH	
Basic	8' to 15' (2.4 - 4.6 m)
SCREED	
Type	Legend 816HD Screed System
Screed Heat	Electric
Vibration	(2) Vibrators @ 2,200 vpm each
HOPPER	
Capacity	9 tons (8,165 kg)
Conveyors	(2) 20" (508 mm) Slat Conveyors
Feed Augers	12" (305 mm) diameter
SPEEDS	
Paving	0 to 108 fpm (33 m/min)
Travel	0 to 350 fpm (107 m/min)
TRACK SYSTEM	
Dimensions	7' long x 14" wide (2.1 m x 356 mm)
CAPACITIES	
Fuel, standard	30 gallons (114 l)
Hydraulic	40 gallons (151 l)
Citrus	10 gallons (38 l)

Electronic Options

Automatic Grade Controls

The LeeBoy 8616B Asphalt Paver may be equipped with optional automatic grade controls:

- Dual Grade Controls
- Dual Grade and Slope Controls
- Pre-wired for Grade Controls (TopCon)

Dual Grade Controls

automatically maintain a set depth on both ends of the screed.



Dual Grade and Slope Controls

automatically maintain a set depth on one end of the screed and a set slope on the other end of the screed.

LeeBoy makes continuous improvements to all its products and reserves the right to change specifications without notice. Photos and illustrations may contain standard and optional equipment.

8616B Paver, IC

LeeBoy



Check us out online

www.**LeeBoy**.com

Other Members of the LeeBoy Family of Products...



685C Motor Grader



420 Pneumatic Roller



1200B Asphalt Maintainer

"LeeBoy is dedicated to providing top quality parts and service support on every unit sold."

