

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
MARCH 10, 2015

PUBLIC HEARING

The American Fork City Council met in a public hearing on Tuesday, March 10, 2015, in the American Fork City Hall, 31 North Church Street. Those present included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Rob Shelton, Jeff Shorter, and Clark Taylor. Councilman Frost was excused.

Staff present: Associate Planner Wendelin Knobloch
City Administrator Craig Whitehead
City Engineer Andy Spencer
City Recorder Richard Colborn
Finance Director Cathy Jensen
Planning Commission Chairman John Woffinden
Police Chief Lance Call
Public Works Director Dale Goodman
Technology Director George Schade

Also present: Terry Mills, Mr. & Mrs. Rick Ellison, Barbara Christiansen, and Ryan Kimball and six additional persons

7:20 p.m. Receiving of public comment regarding the vacating of a portion of the right-of-way at approximately 782 South Auto Mall Drive - Staff

Mayor Hadfield asked if there were any comments regarding the vacating of a portion of the right-of-way at approximately 782 South Auto Mall Drive.

There being no comment, the hearing concluded at 7:22 p.m.

REGULAR SESSION

The American Fork City Council met in a regular session on Tuesday, March 10, 2015 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, Rob Shelton, Jeff Shorter, and Clark Taylor. Councilman Frost was excused.

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
Planning Commission Chairman John Woffinden

Police Chief Lance Call
Public Relations/Economic Development Director Audra Sorensen
Public Works Director Dale Goodman
Technology Director George Schade

Also present: Terry Mills, Mr. & Mrs. Rick Ellison, Barbara Christiansen, Ryan Kimball, Dannette Klein, Lane Kiriyaama, Joe Phelon, Leeann Miller, Lindsey Bell, Scott Baird, and 25 additional persons

Mayor Hadfield led the audience in the Pledge of Allegiance and Councilman Clark Taylor offered a prayer.

PRESENTATION OF A CHAMBER OF COMMERCE LOCAL HERO'S AWARD TO RYAN KIMBALL

Mayor Hadfield turned time to Councilman Shelton.

Councilman Shelton reported that the Chamber of Commerce recently had an awards ceremony. A video clip done by American Fork Hospital regarding the rescue of heart attack victim Rick Ellison was shown. There was general applause.

Chamber of Commerce President Dannette Klein, Chamber Board Members Lane Kiriyaama & Joe Phelon, Mr. & Mrs. Rick Ellison, and Ryan Kimball came forward.

Ms. Klein explained that in February at the Chamber of Commerce Annual Installation Luncheon and Awards each year someone who had faced adversity and shown great courage was recognized. They presented a Local Hero at that event to Rick's son Spencer. Another Local Hero regarding that event was Ryan Kimball who was not able to be at that event but was here tonight. She presented Ryan Kimball with the Chamber's Local Hero Award for 2014. There was general applause.

Ryan Kimball thanked the Chamber of Commerce for the Award. He was grateful to be where he was on that day to be a part of rescuing Rick Ellison. There was general applause.

Rick Ellison referred to Mr. Kimball's wife and kids and noted that their Dad was a hero and if he had another son to give a name to it would be Ryan. Ryan Kimball was close to his heart now in many ways.

Mr. Ellison spoke to the young men in the audience stating that they could become a good man and save lives just like Ryan Kimball has. The lesson he learned that day better than anything else was that we need each other. In order to make it through this life we need other people to help us. If you were willing to help someone else then they would be willing to help you. He now had a great desire to help other people as well. He thanked Ryan Kimball noting that words could not express how much he felt for him for what he did that day and for all of the First Responders who work so hard behind the scenes. He thanked them. There was general applause.

Ryan Kimball shook hands with the Council.

Mayor Hadfield invited the Scouts in attendance to come forward and introduce themselves.

<u>Troop 708</u>	Bridger Gear Eric David Sarda	Easton Ernst	Benjamin Dobesh
<u>Troop 820</u>	Jimmy Valverde Nathan Hunsaker Logan Gifford	Jayden Clements Ethan Schatz Mariner Merrill	Briggs Lemar Brex Wilkerson
<u>Troop 853</u>	Joseph Togisala		
<u>Troop 1129</u>	Jaydon Carter Calvin Sandberg	Eric Sandberg Hayden Millins	Derrick Karlinsey Justin Nelson
<u>Troop 1137</u>	Bobby Rasband		
<u>Troop 1157</u>	Jimmy Pulley		
<u>Troop 1159</u>	Tyson Parker	Carson Cloward	

Mayor Hadfield recognized the efforts of the young men as they went forward along Scouting's Trail. He invited them when it came time for an Eagle Scout Project to give American Fork City some consideration as there were many things that could be done in the community.

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

John Woffinden explained that he was the Chairman of the American Fork Planning Commission. He declared that he was the low bidder on a construction management consultant. He would be working with the City Engineer in trying to get a bunch of abandoned punch lists from PUD's, subdivisions, and commercial properties completed. This in no way interfered with his duties as Planning Commission Chairman. This has been cleared by City legal staff as far as no conflict of interest exists.

Councilman Bowen thanked Mr. Woffinden for his declaration.

CITY ADMINISTRATOR'S REPORT

Craig Whitehead had nothing to report at this time.

COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Bowen commented on a news story about a picture of a dress. Some saw a blue and black dress and others a white and gold dress. It was amazing that two people could stare at the exact same picture but see something completely different and it wasn't because they were colorblind. He could not help but make the comparison to our political views. In our society there were various perspectives which he felt was a good positive thing that made us stronger as

a society and a community. Sometimes things were just seen differently. For him, that was insightful.

Councilmembers Shelton and Shorter had nothing to report at this time.

Councilman Taylor reminded all about the scheduled meeting with Fox Hollow Golf Course on Thursday, March 26, at 6:00 p.m. This was something that was done each year.

Councilman Taylor announced that there were a lot of important things that went on in the City and a lot of people that did great work. There were some awards that needed to be passed out. He turned time to our Public Relations/Economic Development Director Audra Sorensen for a couple of awards.

Ms. Sorensen stated that one of those unrecognized things was great infrastructure in American Fork City. She presented an award for the Storm Drain Program that was recently evaluated. She invited Mayor Hadfield, Craig Whitehead, and Dale Goodman to come forward to be recognized for Outstanding Support for the American Fork Storm Drain Program. Another award was for Aaron Brems. Mike Roderick, owner of Roderick Enterprises at North Pointe was given an award for furthering the City’s programs. There was general applause.

MAYOR’S REPORT

Mayor Hadfield explained that 12 years ago EPA put some requirements on the table in dealing with storm drains. American Fork City at that time passed a Storm Drain Ordinance and every resident in the community paid a monthly fee depending upon their area of impervious surface. Likewise a fee was paid for permeable surface for pressurized irrigation water. Businesses were the same way. The City has been proactive in this. American Fork City was one of the first communities to have the full-fledged inspection by the Division of Drinking Water. It was a difficult, week-long inspection in which good grades were achieved. Many communities have not been as fortunate and had been fined. He thanked Audra Sorensen.

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 February 11, 2015 City Council retreat minutes.
2. Approval of the February 24, 2015 City Council minutes.
3. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$25,000. – *Cathy Jensen*

Councilman Shelton moved approval of the Common Consent Agenda as presented. Councilman Taylor seconded the motion. Voting by voice roll call was as follows:

Councilman Bowen	Nay	
Councilman Shelton	Aye	
Councilman Shorter	Aye	
Councilman Taylor	Aye	The motion carried

ACTION ITEMS

REVIEW AND ACTION ON AN ORDINANCE VACATING A PORTION OF THE ROADWAY AT APPROXIMATELY 782 SOUTH AUTO MALL DRIVE FOR COPPER RIDGE AT NORTSHORE CORP. CENTER PHASE 1 – *Staff*

Mayor Hadfield explained that this was the matter of the earlier public hearing where no public comment was received.

Councilman Taylor moved to adopt Ordinance No. 2015-03-09 approving the vacation of a portion of Auto Mall Drive and directing the City Recorder to withhold recording of the quit-claim deed until the Copper Ridge at Northshore Corp. Center Phase 1 plat can be recorded sequentially. Councilman Shelton seconded the motion. Voting by voice roll call was as follows:

Councilman Bowen	Aye	
Councilman Shelton	Aye	
Councilman Shorter	Aye	
Councilman Taylor	Aye	The motion carried

REVIEW AND ACTION ON APPOINTMENTS TO CITIZEN COMMITTEES AND BOARDS - *Mayor Hadfield*

Mayor appointed

- a. Planning Commission – Nathan Shellenberg to 2021
- b. Historic Preservation Committee – Rebecca P. Allen to 2019

These terms would expire on January 31 of those years.

Councilman Shorter moved to approve the appointments. Councilman Shelton seconded the motion. Voting by voice roll call was as follows:

Councilman Bowen	Abstain	
Councilman Shelton	Aye	
Councilman Shorter	Aye	
Councilman Taylor	Aye	The motion carried

REVIEW AND ACTION ON THE ORDINANCE OF ANNEXATION FOR THE EDWARDS ANNEXATION CONSISTING OF 5.48 ACRES 850 EAST 50 SOUTH AND PLACEMENT OF THE PROPERTY IN THE R3-7500 MULTIPLE FAMILY ZONE AND THE PO-1PROFESSIONAL OFFICE ZONE – *Kevin & Jill Edwards*

Jonathan Johnson explained that a question had arisen during this past week regarding a part of Section 6 of the Annexation Agreement.

“Compensation shall not be considered for alternate uses of the property.”

During this time they looked at different options for the Professional Office portion, in particular. The owner is interested looking at potentially zoning it R3-7500 and doing a couple of 4-plexes. He wanted to vocalize that at this time to get the temperament of the Council.

Mayor Hadfield asked if that desire was expressed to the Planning Commission.

Mr. Johnson answered that it was vocalized.

Mayor Hadfield explained that an Annexation Agreement was an agreement as to what the City would do and what the developer would do and part of that were water rights. He did not think that a professional office had the same water right requirement as a couple of 4-plexes.

Mr. Johnson noted that the Annexation Agreement addressed that as well and they did not have a problem with that.

Mayor Hadfield commented that if there was a zone map amendment it would go back to the Planning Commission and would be discussed again.

Councilman Bowen supported rights of property owners. He assumed that compensation with Annexation agreement had to do with the value. A change of use might change the value being brought to the table and if that change was made it still needed to be apples to apples.

Mr. Johnson noted there was still the option to do single-family homes.

Mayor Hadfield applauded the Planning Commission and the efforts of Mr. and Mrs. Edwards and Jonathan Johnson to get this done. It cleaned up a lot of issues.

Mr. Johnson thanked the Council and staff.

Councilman Shelton moved to approve Ordinance No. 2015-03-10 for the Edwards Annexation at 850 East 50 South consisting of 5.48 acres to be placed in the R3-7,500 Residential zone and the PO-1 Professional Office zone. Councilman Shorter seconded the motion. Voting by voice roll call was as follows:

Councilman Bowen	Aye	
Councilman Shelton	Aye	
Councilman Shorter	Aye	
Councilman Taylor	Aye	The motion carried

REVIEW AND ACTION ON A RESOLUTION INDICATING THE CITY'S INTENT TO ANNEX THE MILLS ANNEXATION CONSISTING OF .0281 ACRES AT APPROXIMATELY 235 NORTH 1075 EAST – Terry & Christi Mills

Terry Mills was present and came forward and explained his request to annex this portion of the rear of his property that was presently in the City. This was a very small piece of property.

Mayor Hadfield stated that this was an effort to clean up some derelict parcels that were in the County.

Councilman Shorter moved to approve Resolution No. 2015-03-05R indicating the City’s intent to annex the Mills Annexation consisting of .0281 acres at approximately 235 North 1075 East. Councilman Bowen seconded the motion. Voting by voice roll call was as follows:

Councilman Bowen	Aye	
Councilman Shelton	Aye	
Councilman Shorter	Aye	
Councilman Taylor	Aye	The motion carried

REVIEW AND ACTION ON A DEVELOPMENT AGREEMENT WITH WALNUT PROPERTY MANAGEMENT REGARDING ACTUAL CONSTRUCTION IN LIEU OF PROVIDING AN IMPROVEMENTS CONSTRUCTION GUARANTEE ASSOCIATED WITH THE WALNUT COURT (FORMERLY BYBEE COURT) COTTAGE DEVELOPMENT SUBDIVISION AT APPROXIMATELY 350 WEST 400 NORTH – *Walnut Property Management*

Andy Spencer explained that their review showed that Walnut Property Management had sufficient funds and recommended approval. This was the standard agreement used by the City.

Councilman Shelton moved to approve the Development Agreement with Walnut Property Management for Walnut Court Cottage Development Subdivision and authorize the Mayor to execute the documents. Councilman Taylor seconded the motion. Voting by voice roll call was as follows:

Councilman Bowen	Aye	
Councilman Shelton	Aye	
Councilman Shorter	Aye	
Councilman Taylor	Aye	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 approving a commercial site plan for a Popeyes restaurant located at 1027 West State Street in the SC-1 Planned Shopping Center zone – *Benchmark Civil Engineering*

Adam Olsen explained that the proposal was to replace Wienerschnitzel with a new building for a Popeyes Restaurant. The parking and landscaping requirements had been met. This has been recommended by the Planning Commission.

Councilmembers Shorter and Taylor commented that they would miss Wienerschnitzel.

Leeann Miller from Benchmark Civil Engineering noted that there would be a greater capacity in the drive thru.

Councilman Shorter moved to adopt Ordinance No. 2015-03-11 approving a commercial site plan for a Popeyes Restaurant located at 1027 West State Street in the SC-1 Planned Shopping Center zone with instructions to the City Recorder to withhold publication of the Ordinance subject to all conditions identified in the public record associated with the February 18, 2015 Planning Commission meeting. Councilman Taylor seconded the motion. Voting by voice roll call was as follows:

Councilman Bowen	Aye	
Councilman Shelton	Aye	
Councilman Shorter	Aye	
Councilman Taylor	Aye	The motion carried

- b. Review and action on the final subdivision plat of Roderick North Pointe Amended, consisting of two lots, located at 558 East 1100 South in the PI-1 Planned Industrial zone – Roderick Enterprises

Lindsey Bell with Legend Engineering explained that this was a lot split.

Mayor Hadfield asked if there were any questions. There were none.

Councilman Shelton moved to approve the final subdivision plat of Roderick North Pointe Amended, consisting of two lots, located at 558 East 1100 South in the PI-1 Planned Industrial zone 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 subject to all conditions as identified in the public record associated with the February 18, 2015 Planning Commission meeting. Councilman Taylor seconded the motion.

Mayor Hadfield asked if there was a question on the motion.

Councilman Bowen asked if it was known who might occupy the new lot.

Ms. Bell did not know.

Voting by voice roll call was as follows:

Councilman Bowen	Aye	
Councilman Shelton	Aye	
Councilman Shorter	Aye	
Councilman Taylor	Aye	The motion carried

- c. Review and action on an Ordinance adopting the final plat and site plan of Z-Act Home Development Inner-Block Cottage Project, consisting of three single family cottages and

a twin-home, located at 109 South 200 East in the R-2 7,500 Residential and R-4 7,500 Residential zones – Z-Act LLC

Adam Olsen explained that this was an Inner Block Cottage Development with 140 South continuing from the east to 200 East. It met the Code for Inner Block Cottages and the Planning Commission gave it a positive recommendation.

Mayor Hadfield asked if there were any questions. There were none.

Councilman Shorter moved to approve Ordinance No. 2015-03-12 adopting the final plat and site plan of Z-Act Home Development Inner-Block Cottage Project, consisting of three single family cottages and a twin-home, located at 109 South 200 East in the R-2 7,500 Residential and R-4 7,500 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 all conditions identified in the public record associated with the February 18, 2015 Planning Commission meeting. Councilman Shelton seconded the motion. Voting by voice roll call was as follows:

Councilman Bowen	Aye	
Councilman Shelton	Aye	
Councilman Shorter	Aye	
Councilman Taylor	Aye	The motion carried

REVIEW AND ACTION ON A MEMORANDUM OF UNDERSTANDING WITH THE NATIONAL PARK SERVICE AND THE UTAH STATE HISTORIC PRESERVATION OFFICE REGARDING THE REHABILITATION OF CAVE CAMP SPRING – Andy Spencer

Mayor Hadfield stated that American Fork City has owned certain water rights in American Fork Canyon for nearly 100 years and owned those rights prior to the establishment of the National Park Service and Timpanogos Cave and improvements were done in that location for Timpanogos Cave during the Depression of 1930-1931 when the WPA (Works Progress Administration) and the CCC (Civilian Conservation Corp) did certain projects in American Fork Canyon. Now that the City was rehabilitating those spring collection boxes other entities were involved because the work originally done was historical in nature.

Andy Spencer noted that the agreement included the providing of a project area map and other small changes.

Councilman Taylor moved to approve the Memorandum of Understanding with the National Park Service and the Utah State Historic Preservation Office regarding the Rehabilitation of Cave Camp Spring and to authorize the Mayor to sign said Memorandum. Councilman Shelton seconded the motion.

Mayor Hadfield asked if there were questions on the motion.

Councilman Bowen supported this work being done as it was critical to our water supply. His concern was in Section 9, Termination, as he did not think it was necessary.

“Once the MOU is terminated, and prior to work continuing on the undertaking, JLAs must either (a) execute an MOU pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. NPS shall notify the signatories as to the course of action it will pursue.”

Councilman Bowen commented that this Memorandum applied for the next five years. If it was terminated he assumed a future Memorandum would be adopted and it would be based on whatever the current law was at that time. He would rather not bind future MOA’s. Hopefully the work would be completed within the five years and this Section would not come into effect but if it were to come into effect he felt it could be a problem.

Councilman Bowen moved to amend the motion to delete the second paragraph in Section IX of the MOA.

Mayor Hadfield noted that this Memorandum came to the City from the National Park Service who had their standards as did the State Historical Preservation Office.

Mayor Hadfield asked for comment from Legal Counsel Kasey Wright regarding Councilman Bowen’s request to delete the second paragraph in Section IX.

Mr. Wright responded that the City could take it out but he did not know that the other parties would be okay with that. He agreed that it was not necessary for the City’s sake but it may be for theirs.

Mayor Hadfield believed that to be the case. He understood Councilman Bowen’s request. He did not think it was going to default by any way, shape, or form because American Fork City was so heavily involved in the preservation of that water shed. It also involved the State of Utah because one-third of the water coming out of American Fork Canyon, by agreement in about 1920, went to the State of Utah Developmental Center. He suggested that it be adopted as it was sent to us.

Mayor Hadfield called for a second to Councilman Bowen’s motion to amend. There was no second. He declared the motion dead for the lack of a second.

Voting by voice roll call on the original motion was as follows:

Councilman Bowen	Abstain	
Councilman Shelton	Aye	
Councilman Shorter	Aye	
Councilman Taylor	Aye	The motion carried

REVIEW AND ACTION ON A MUTUAL AID INTER-LOCAL AGREEMENT FOR UTAH PUBLIC WORKS EMERGENCY MANAGEMENT – Dale Goodman

Dale Goodman explained that this was an agreement between jurisdictions in the State of Utah to provide emergency help when called upon. The agreement did not bind the City to provide assistance if it was unable or even unwilling to do so. The term was 50 years however the City

could get out anytime with 30-day notice. It provided that the City would be reimbursed for time, equipment, personnel, and material provided. As the City helped other communities it could probably expect help in return. These were common with Fire and Police Departments.

Mayor Hadfield commented that he recognized the need because many times American Fork City was called on because it had the resources. By assisting other communities they would be responsible for overtime wages per this agreement and fuel. He encouraged its adoption.

Councilman Taylor moved to approve the Mutual Aid Interlocal Agreement for Utah Public Works Emergency Management. Councilman Shelton seconded the motion.

Mayor Hadfield asked if there was any discussion on this item. There was none.

Voting by voice roll call was as follows:

Councilman Bowen	Aye	
Councilman Shelton	Aye	
Councilman Shorter	Aye	
Councilman Taylor	Aye	The motion carried

DISCUSSION AND ACTION TO MAKE AN EXCEPTION FOR EXTREME PARTY INNOVATIONS TO USE INFLATABLES IN AMERICAN FORK CITY PARKS FOR A ONE-TIME PARTY HOSTED BY INFLUENCE REAL ESTATE (MIKE WAGNER) ON SATURDAY, MARCH 28, 2015 AT BAMBERGER PARK IN THE CITY OF AMERICAN FORK – Audra Sorensen

Audra Sorensen turned time to Extreme Party Innovations owner Scott Baird.

Mr. Baird explained that he had been asked to represent a sponsoring party. Extreme Party Innovations had all the liability insurance that would cover the City plus all of the guests at the party.

Mayor Hadfield understood that Extreme Party Innovations took care of the setup, anchoring, and power supply.

Mr. Baird noted that they brought in the inflatables, set them up, sanitized them, party techs stayed with the inflatables to make sure they were operated efficiently and that people played on them appropriately, and when the party was over they took them down and cleaned them. They also made sure that the property was not damaged. They picked up all of the garbage.

Mayor Hadfield asked if there were any questions.

Councilman Bowen did not think that inflatables were that dangerous. He was not opposed to removing the restriction. He knew that was not what they were here to talk about tonight, however. He had gone to a park in another community where they had an inflatable at a party and it was great.

Councilman Shelton agreed with Councilman Bowen. He did not think that there was an actual policy in place in the City with that protocol. He did not know why they were here doing an exception in this body when this body never adopted any such policy. If the City was going to have such a policy, a Resolution outlining the kind of permitted uses needed to be submitted.

Kasey Wright pointed out that there was not a Resolution that was ever passed. But, they did not have to pass one. He thought the City would be amiss if it required for every activity that the City did not want to allow in their parks that it had to go through the City Council. Previously in 2013 it was discussed that if certain activities were to be allowed that it be done through a permitting process as that would help with liability issues. That was the attorney in him and that was his job.

Councilman Shelton could respect that. His concern was that he did believe that it was the Council's position to regulate uses. He referred to the Grist Mill as an example. Smoking in parks and curfews in parks were talked about as a Council.

Mr. Wright expressed that those were a little bit different.

Councilman Shelton felt that they needed to have a policy that came into place that said that this activity required this process of approval. Right now, that never came before the elected body to adopt that policy and procedure and that was his concern.

Mr. Wright agreed. He asked if it was the Council's position that something could not be prohibited unless the Council said that activity was prohibited.

Councilman Bowen stated that was his position.

Mr. Wright responded that was where he had some concern because it was too broad-based.

Councilman Bowen continued that these were public spaces and any activity that was not illegal should be allowed on public spaces. If a problem was found they could be dealt with on a case by case basis.

Mr. Wright responded that it was because of liability.

Councilman Shelton expressed that there was good discussion back in May but nothing came back to the Council and he thought that was partly because the Council did not follow up on that. They got conclusion on the issue that was before them. At this point his recommendation would be to allow Mr. Baird to move forward with the activity. He asked Mr. Wright if he would have any concern moving forward with the activity with insurance coverage being in place.

Mr. Wright answered that he would want to verify the insurance. The 250+ page policy has been sent over. Also an indemnity agreement was necessary.

Audra Sorensen added that Chief Call, Chief Garcia, Parks and Recreation, and herself were all currently looking at a permitting process and should have that to the Council by April.

Councilman Shelton had a problem with giving an exception to a policy that had never been adopted.

Ms. Sorensen explained that they wanted to be respectful of everyone on the Council and staff to make sure that Mr. Baird could safely and legitimately take care of this party and then go forward.

Councilman Taylor noted that this was conjecture at this point. He agreed with both Councilman Bowen and Councilman Shelton, however not to the point where anything one did that was legal should be allowed in a park. If things were legal, but we see that things were being destroyed inadvertently through waterslides or whatever, there had to be some limits. All those things needed to be taken into consideration. He did not have an issue with this exception but they had to be prudent and it could not be 'carte blanche.' They had the fiduciary responsibility that if it took man hours and equipment and sod and different things to go in and replace what had been tore up by persons' freedom then that was costing tax dollars and possibly taking away from the enjoyment of other people. He would like to revisit some of the things talked about previously with Kasey Wright two years ago and put something effective in place.

Mr. Wright thought that Councilman Shelton was right that probably the best action for the Council tonight was no action.

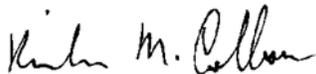
Councilman Shelton thought that staff could handle it from here.

Councilman Shelton moved to remove this item from the agenda.

Mayor Hadfield removed this item from the agenda.

ADJOURNMENT

Councilman Shorter moved adjournment at 8:40 p.m. Councilman Taylor seconded the motion. All were in favor.



Richard M. Colborn
City Recorder