

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
MAY 14, 2013

REGULAR SESSION

ATTACHMENT

The American Fork City Council met in a regular session on Tuesday, May 14, 2013 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 Brad Frost, Craig Nielsen, Robert Shelton, Clark Taylor, and *Councilmember Heidi Rodeback.

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
City Treasurer Melanie Marsh
Economic Development Director Debby Lauret
Finance Director Cathy Jensen
Fire Marshal Doug Bateman
IT Specialist George Schade
Library Director Sheena Parker
Police Chief Lance Call
Public Works Director Dale Goodman
Utility Billing Supervisor Stephannie Cottle

Also present: Judy Price, Heather Bytendorf, LaVerne Nerdin, and son and granddaughter. Alec Anderson, Dan Adams, Ryan Hunter, and 15 additional persons.

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

PRESENTATION BY THE PLEASANT GROVE STRAWBERRY DAYS ROYALTY

2013 Miss Pleasant Grove Queen Lauren Wilson and First Attendant Melanie Porter, Second Attendant Melissa Cook, Third Attendant Lexady Burke, and Fourth Attendant Nicole Tucker invited all to the Pleasant Grove Strawberry Days Celebration June 17-22.

2013 Rodeo Queen Paige Morgan, First Attendant Kaycee Goodrich and Second Attendant Whitney Ashton invited all to the Strawberry Days Rodeo.

A Strawberry Cheesecake was presented to the City Council. There was general applause.

PRESENTATION OF COMMUNITY SERVICE AWARDS – Mayor Hadfield

LaVerne Nerdin was invited to join Mayor Hadfield and Councilman Frost to the front where she was presented with a Community Service Award for her service as a Cemetery Committee member. There was general applause. She shook hands with the Council.

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

<u>Troop 10</u>	Robert Allison Sam Schiess	William Briggs Takota Laudie	Wyatt Briggs Plus 1
<u>Troop 818</u>	Kolby Enosa Renton Johnson	Dillan Allen Seth Graff	Garrett Johnson Tautai Fano

Mayor Hadfield wished the Scouts much success along the Scouting Trail and invited them to come to American Fork City when the time came for them to do an Eagle Scout Project.

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

Judy Price addressed the subject of the History and Heritage Pageant. The City’s Historical Council had gone to Boston where a presentation was made regarding such a Cemetery Pageant. That very year (August 18-19, 2000) the American Fork History and Heritage Pageant was presented. She was pageant director for the first four years and it about killed one off. She heard rumors that it was in jeopardy after all these years

Ms. Price continued that they had many great volunteers including current Director Cindy Holindrake, Matt Burch, and others. She thought it would be very sad to lose this.

Ryan Hunter representing the Executive Board of the Chamber of Commerce discussed tabling the proposed sign ordinance as they wanted to make sure all of the input of the business community had been received. There was a lot of City staff time put into this effort and that was appreciated. They would invite Adam Olsen to come and speak at their meeting in June.

Mayor Hadfield asked if there was a public hearing held at Planning Commission.

Adam Olsen answered that they did have a public hearing in which Debby Lauret was present along with one business owner from the downtown area. He understood their concern and would be happy to meet with them. He explained that the Planning Commission looked at this and discussed making it applicable to the rest of the City. One Commissioner thought it might be good however the rest did not. It was felt that this was a benefit to the downtown businesses. Businesses in other areas of the City had other options. The downtown businesses had been pushing for this for a long time. Out of respect for the downtown businesses, he urged its passage tonight.

CITY ADMINISTRATOR’S REPORT

Craig Whitehead had nothing to report at this time.

COUNCIL REPORTS

Councilman Shelton thanked the Historic Preservation Committee members that were in attendance. Dan Adams did a great job. Recently they had an opportunity to go to some State training.

Councilman Shelton reported that the Youth City Council Yard Sale to benefit the Library would be this Saturday at Robinson Park from 8 a.m. to Noon. They welcomed additional donations for the sale.

Councilman Frost stated that one of the great things of being a Councilman was the opportunity to meet new people and work alongside them. He noted that LaVerne Nerdin was the sweetest person. A Brigadier General has stated that he was “putty in her hands.” He appreciated her service.

Councilman Frost commented that he had heard the same rumor regarding the History and Heritage Pageant. The request was for \$1,000 from the City to keep that Pageant alive. Cindy Holindrake took on a tremendous load in putting it on.

Councilman Taylor gave a shout out to the American Fork High School Girls Golf Team. Four years ago there was not a program. This year they took seventh place out of 16 teams. He congratulated them for their hard work.

Councilman Nielsen had nothing to report at this time.

Councilman Frost invited all to the Memorial Day Program at the Historic LDS Tabernacle at 11:00 a.m. There would be a great speaker and the American Fork Marching Band would perform.

MAYOR’S REPORT

Mayor Hadfield stated that this Saturday would open the Murdock Canal Trail. The kickoff for the Murdock Canal American Fork Trailhead will be at the Highland Glen Park just south of Lone Peak High School at 10:00 a.m.

The Firefighters Memorial Day Breakfast will be at the Fire Station from 6 a.m. to 10 a.m.

Mayor Hadfield stated that candidates for office will need to sign up between June 3 and June 7. He announced that he has decided to run for another term as Mayor.

Councilman Shelton thanked the efforts of staff on placing the blocks on the islands on 900 West.

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 April 23, 2013 City Council minutes.

2. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$1,000.
3. Approval of the authorization for the release of the Improvements Durability Retainer for the subdivision recorded as Robinson Ranch "D" consisting of two lots at 40 East 1450 North in the amount of \$1,340. – *Staff*
4. Approval of the authorization for the release of the Improvements Construction Guarantee and issuance of a Notice of Acceptance of the improvements for the subdivision recorded as American Fork Commercial Center, Plat M consisting of 5 lots at 265 North Meadow Lane (750 West) in the amount of \$40,800. – *Staff*

Councilman Taylor moved approval of the Common Consent agenda items as presented. Councilman Shelton seconded the motion. All were in favor.

ACTION ITEMS

PRESENTATION AND ACCEPTANCE OF THE 2013-2014 TENTATIVE CITY BUDGETS – *Cathy Jensen*

Craig Whitehead stated that several things were discussed at the May 9, 2013 work session. He asked that the Council adopt the Tentative Budget as proposed. He asked that the Council meet in a Special Work Session on Tuesday, May 21, 2013 at 3:30 p.m. to discuss the budget further prior to its final adoption. It was agreed. They would be looking at priorities and options.

Councilman Taylor moved approval of the Tentative Budget for Fiscal Year Ending June 30, 2014. Councilman Frost seconded the motion.

Mayor Hadfield stated that they would continue to meet to work out some of the final issues.

All were in favor.

REVIEW AND ACTION ON A RESOLUTION INDICATING THE CITY'S INTENT TO ANNEX THE CHERTUDI ADDITION ANNEXATION AT 975 WEST 1100 NORTH CONSISTING OF 4.83 ACRES – *Jeff Jackson*

Leslie Mascaro was present representing Henry Walker Homes. She asked if there were any questions.

Mayor Hadfield explained that this was in an area that was next to the Lehi City boundary. Lehi City had been made aware of this annexation request.

Ms. Mascaro reported that they had met with the Lehi City Council who was willing to allow this property to go to American Fork.

Councilman Shelton moved to adopt Resolution No. 2013-05-05R indicating the City's intent to Annex the Chertudi Addition Annexation consisting of 4.83 acres at 975 West 1100 North. Councilman Nielsen seconded the motion. All were in favor.

REVIEW AND ACTION ON A RESOLUTION INDICATING THE CITY'S INTENT TO ANNEX THE WOFFINDEN-MCDANIEL ADDITION ANNEXATION AT 980 EAST 50 SOUTH CONSISTING OF 5.35 ACRES – Elizabeth Woffinden

Mr. John Davis reported that he had this property under contract to purchase for development. There were no questions.

Councilman Frost moved to adopt Resolution No. 2013-05-06R indicating the City's intent to Annex the Woffinden-McDaniel Addition Annexation consisting of 5.35 acres at 980 East 50 South. Councilman Taylor seconded the motion. All were in favor.

REVIEW AND ACTION ON THE NORTH GRANITE VIEW ANNEXATION AT 810 EAST 50 SOUTH CONSISTING OF 0.93 ACRES INCLUDING THE ORDINANCE OF ANNEXATION AND PLACEMENT OF THE PROPERTY IN THE R3-7500 ZONE – Scott Mitchell

Mayor Hadfield reported that this was the last piece of the Scott Mitchell property.

Councilman Taylor moved to adopt Ordinance No. 2013-05-14 approving the North Granite View Annexation at 810 East 50 South consisting of 0.93 acres including placement of the property in the R3-7,500 Residential zone. Councilman Shelton seconded the motion. All were in favor.

REVIEW AND ACTION ON THE HANSEN SYKES ANNEXATION AT 755 WEST 700 NORTH CONSISTING OF 1.640 ACRES INCLUDING THE ORDINANCE OF ANNEXATION AND PLACEMENT OF THE PROPERTY IN THE RA-1 RESIDENTIAL AGRICULTURAL ZONE – Cecil Hansen

Mayor Hadfield reported that this was a small portion of property surrounded on three sides by City.

Councilman Taylor move to adopt Ordinance No. 2013-05-15 approving the Hansen - Sykes Annexation at 755 West 700 North consisting of 1.640 acres including placement of the property in the RA-1, Residential Agricultural zone. Councilman Frost seconded the motion. All were in favor.

REVIEW AND ACTION ON A CLASS A BEER LICENSE FOR SUNSTORE LLC (DBA CONOCO #6611) LOCATED AT 655 SOUTH 500 EAST (FORMERLY CIRCLE K) – Heather E Bytendorp

Heather Bytendorp was present. There were no questions.

Councilman Shelton moved to approve the granting of a Class A Beer License to Sunstore LLC (DBA Conoco #6611) located at 655 South 500 East. Councilman Nielsen seconded the motion. All were in favor.

REVIEW AND ACTION ON THE VACATION OF PORTIONS OF AN EXISTING SIDE AND REAR YARD PUBLIC UTILITY EASEMENT WITHIN TEMPLE GROVE SUBDIVISION, LOT 5, AT 292 NORTH 900 EAST – J Brent & Karen Finch

Mr. Brent Finch was in attendance.

Andy Spencer stated that this able to be done because Mr. Finch owned the adjacent property.

Councilman Shelton moved to approve the easement vacation for a portion of the rear lot and side lot easement on Temple Grove, Lot 5 and authorize the Mayor to execute and instruct the City Recorder to record the document at the office of the Utah County Recorder pending receipt of the recorded replacement easement documentation as represented on the applicant’s submitted drawing. The final easement documents shall be reviewed and approved by the City Engineer to ensure compliance with the plan representation prior to recording. Councilman Frost seconded the motion. All were in favor.

APPROVAL OF CHANGE ORDER #1 IN THE AMOUNT OF \$232,317.67 TO STAKER PARSON LLC, CONTRACTOR FOR THE 1350 NORTH/1270 EAST RIGHT-OF-WAY RECONSTRUCTION PROJECT, TO ADD ADDITIONAL WORK FOR THE REPAIR AND RECONSTRUCTION OF 220 NORTH, FROM 900 TO 1100 EAST AND THE ASSOCIATED 1020 EAST CUL-DE-SAC – Andy Spencer

Councilman Shelton reported that quite a few neighbors in the area were greatly appreciative of this work.

Councilman Frost moved to approve Change Order # 1 with Staker Parson LLC on the 1350 North/1270 East Right-of-Way Reconstruction Project. Councilman Nielsen seconded the motion. All were in favor.

APPROVAL OF CHANGE ORDER #2 IN THE AMOUNT OF \$52,470.00 TO STAKER PARSON LLC, CONTRACTOR FOR THE 1350 NORTH/1270 EAST RIGHT-OF-WAY RECONSTRUCTION PROJECT TO ADD THE ADDITIONAL WORK FOR THE REMOVAL OF SOFT NATIVE SOIL UNSUITABLE TO SUPPORT NEW CONSTRUCTION – Andy Spencer

Mayor Hadfield explained that the sub base of clay contained sufficient moisture that it would not compact. Large granular material had to be brought in and a fabric layer put in place.

Councilman Taylor move to approve Change Order # 2 with Staker Parson LLC on the 1350 North/1270 East Right-of-Way Reconstruction Project. Councilman Shelton seconded the motion. All were in favor.

REVIEW AND ACTION ON AN ORDINANCE ADOPTING MODIFICATIONS TO THE FOLLOWING SECTIONS OF THE AMERICAN FORK CITY DEVELOPMENT CODE RELATING TO SIGNS (Staff):

- 1) Amendment to Section 17.5.128.B relating to the establishment of a Downtown A-Frame Overlay Zone.
- 2) Amendment to Section 17.5.128.E (new subsection) relating to regulations for A-frame signs within the Downtown A-frame Overlay.
- 3) Amendment to Section 17.5.128.G relating to Prohibited Signs.
- 4) Amendment to Section 17.12.219 relating to "S Definitions".
- 5) Addition of Sign Map 17.5.128-3 (Downtown A-Frame Overlay).
- 6) Addition of Chart 17.5.128.F.

Adam Olsen explained that this Ordinance would allow A Frame signs at a certain location on the sidewalk in the downtown area which was from 100 East to 100 West. This went to the Planning Commission and they felt it was amenable to adjust the ordinance to allow for A Frame signs in the downtown area.

*Councilmember Heidi Rodeback arrived.

Adam Olsen spoke with UDOT about allowing A Frame signs. They did not like the idea but understood it. They requested that the signs be brought in every night at the close of business. He asked if there were any questions.

Councilman Taylor asked Mr. Hunter if he had a problem with the suggestion of Adam Olsen and passing this tonight.

Mr. Hunter thought that would be wise. There was value in understanding from other businesses their complaints. This would be a building point going forward. Mr. Olsen had done a lot of work on this.

Mayor Hadfield commented that the key was the width of the sidewalk. It had to be greater than four feet wide.

Councilman Shelton appreciated the hard work of Adam Olsen and Debby Lauret. This was a long time coming. He thought a lot about the comments and connotation out there that American Fork was not business friendly. He would like to have this tabled to receive more input.

Councilman Shelton moved to table this for a month to allow the Chamber of Commerce and other businesses to meet with Adam Olsen.

Mayor Hadfield called for second. There was none. He declared the motion dead for the lack of a second.

Councilman Taylor believed they were going in the right direction. He liked what Councilman Shelton said but this could be done. He would appreciate a commitment from Staff to put some things in place and have this meeting with other businesses. But right now, he felt it was imperative that this be enacted tonight.

Councilman Taylor moved to adopt Ordinance No. 2013-05-16 approving modifications to the following sections of the American Fork City Development Code relating to signs:

- 1) **Amendment to Section 17.5.128.B relating to the establishment of a Downtown A-Frame Overlay Zone.**
- 2) **Amendment to Section 17.5.128.E (new subsection) relating to regulations for A-frame signs within the Downtown A-frame Overlay.**
- 3) **Amendment to Section 17.5.128.G relating to Prohibited Signs.**
- 4) **Amendment to Section 17.12.219 relating to “S Definitions.”**
- 5) **Addition of Sign Map 17.5.128-3 (Downtown A-Frame Overlay).**
- 6) **Addition of Chart 17.5.128.F.**

Also, a commitment from Staff to attend the meeting spoken of earlier and to bring this up with other businesses.

Councilman Shelton asked if they were going to start enforcement right away. He thought some might feel blindsided in that they might not know they were in violation. He asked that enforcement be held until after the referred to meeting.

Councilman Frost asked Councilman Taylor to amend his motion to add language regarding liability if the sign was not secured. He talked with Kasey Wright. The suggested language was,

“A-Frame signs shall be secured so they do not move from the location where they were placed during the day.”

Councilman Taylor agreed to the amendment,

“A-Frame signs shall be secured so they do not move from the location where they were placed during the day.”

Councilman Taylor asked what secure would mean.

Kasey Wright felt the language, “so they do not move” was sufficient. It could mean a chain or sandbag or in some other manner.

Councilman Nielsen seconded the motion.

Councilman Shelton was concerned about now enforcing the law without some knowing it. He felt it was better policy to hold back enforcement.

Councilman Frost stated that they were not dealing with private property here but with public property.

Craig Whitehead expressed that warnings may be appropriate for a period of time.

Councilman Shelton did not think they should send out the enforcement officer saying that the Council has passed a new ordinance and they were in violation. From a public relations standpoint and wanting to be a business friendly community, one sounds better than another.

Councilman Taylor did not think this made them an unfriendly business community. He understood Councilman Shelton’s point. The City was being progressive. It worked for

downtown. The meeting was June 13. The City was taking positive steps. He called for the question.

Mayor Hadfield called for a vote on the motion.

Voting was as follows: Aye, Councilmembers Frost, Nielsen, and Taylor. Nay, Councilman Shelton. Councilman Shelton explained his opposition in that in looking at policies going forward the City ought to get public input on big items and address that input.

Mayor Hadfield did a roll call vote:

Councilman Nielsen	“Aye”
Councilmember Rodeback	Stated that she arrived in the middle of the discussion and by rights should abstain. However, it was 2003 when she began meeting with Debby Lauret and the Board of Downtown Inc and the merchants at that time were asking for this. This made it ten years that she had been looking forward to this. She voted, “Aye.”
Councilman Taylor	“Aye”
Councilman Frost	“Aye”
Councilman Shelton	“Nay”

The motion carried.

REVIEW AND ACTION ON AN ORDINANCE ADOPTING MODIFICATIONS TO THE FOLLOWING SECTIONS OF THE AMERICAN FORK CITY DEVELOPMENT CODE RELATING TO VEHICLE IMPOUND YARDS: (Staff)

- 1) Addition of section 17.6.117 entitled “Vehicle Impound Yards”
- 2) Amendment to section 17.4.503 entitled “I-1 Industrial Zone”
- 3) Amendment to section 17.12.215 entitled “O-Definitions”
- 4) Amendment to section 17.12.222 entitled “V-Definitions”

Adam Olsen explained that this had been before the Council a few years, was not approved and had been in limbo since then. There have recently been inquiries again of placing impound yards in the downtown area. Impound yards did not fit with the Downtown Vision Plan. The Ordinance provides that existing impound yards would be allowed to remain. The Ordinance directs new impound yard to the Industrial areas. The Planning Commission has recommended approval.

Councilman Taylor moved to adopt Ordinance No. 2013-05- 17 approving modifications to the following sections of the American Fork City Development Code relating to vehicle impound yards:

- 1) **Addition of section 17.6.117 entitled “Vehicle Impound Yards”**
- 2) **Amendment to section 17.4.503 entitled “I-1 Industrial Zone”**
- 3) **Amendment to section 17.12.215 entitled “O-Definitions”**
- 4) **Amendment to section 17.12.222 entitled “V-Definitions”**

Councilman Shelton seconded the motion.

Councilmember Rodeback stated that she did remember when this came forward in the past and that there were some objections by existing owners. Since the existing owners were grandfathered that issue did not pertain to this Ordinance.

All were in favor.

REVIEW AND ACTION ON AN ORDINANCE ADOPTING AMENDMENTS TO SECTIONS 17.7.501.I, 17.7.502.J, 17.7.503.J, 17.7.504.J, 17.7.506.I (NEW SUB-SECTION) OF THE AMERICAN FORK CITY DEVELOPMENT CODE RELATING TO AMENITIES IN LARGE SCALE DEVELOPMENTS - *Staff*

Adam Olsen explained that the Ordinance dealt only with PUD's and PUD options. The issue was that in many cases the PUD was built but the amenities were the last to go in and sometimes the City was left with only a bond. This would set a cap as to when the full amenities would need to be in place. That cap was 40 percent of the total number of units.

Councilman Shelton moved to adopt Ordinance No. 2013-05-18 approving amendments to sections 17.7.501.I, 17.7.502.J, 17.7.503.J, 17.7.504.J, 17.7.506.I (new sub-section) of the American Fork City Development Code relating to amenities in large scale developments. Councilman Frost seconded the motion. All were in favor.

REVIEW AND ACTION ON AN ORDINANCE APPROVING AN AMENDMENT TO SECTION 17.5.506.H.5.C OF THE AMERICAN FORK CITY DEVELOPMENT CODE RELATING TO BUILDING LOCATION IN SENIOR HOUSING DEVELOPMENT PROJECTS – *Staff*

Adam Olsen explained that this Ordinance dealt only with Senior Housing Projects and the clarifying of the keeping a clear space of ten feet between the building and property line. It was a safety issue.

Councilman Frost moved to adopt Ordinance No. 2013-05-19 approving an amendment to Section 17.5.506.H.5.c of the American Fork City Development Code relating to building location in Senior Housing Development Projects. Councilman Nielsen seconded the motion. All were in favor.

REVIEW AND ACTION ON A RESOLUTION AMENDING RESOLUTION NO. 2012-12-32R REGARDING UTILITY WAIVERS FOR ACTIVE DUTY MILITARY PERSONNEL AND ESTABLISHING AN EFFECTIVE DATE – *Staff*

Mayor Hadfield reported and suggested some additional language as shown in *italics*:

SECTION I. UTILITY FEE WAIVER

A utility fee waiver is established for municipal fees for culinary water, pressurized irrigation water, sewer, and storm drainage.

1. The fee waiver is subject to the following policies:
 - a. Only activated military personnel deployed are eligible. *(Under Title 10 of the United States Code)*

Mayor Hadfield explained that there were people activated for training, Full Time Training Duty (FTTD) where they volunteer and go someplace on active duty for training to get an education or for training to get a promotion. It did not fall under Title 10. Activation to a war zone fell under Title 10.

Mayor Hadfield added,

- e. Applicant or spouse must present to the City a copy of the activation orders placing the individual on active duty and provide the dates, duty station and location of active duty stationing and fill out an Active Duty Military Personnel Utility Service Fee Abatement Application Form. *(Not Full Time Training Duty, FTTD)*

Councilman Shelton moved to adopt Resolution No. 2013-05-07R amending Resolution No. 2012-12-32R regarding Utility Waivers for Active Duty Military Personnel and Establishing an Effective Date including the suggested changes. Councilman Frost seconded the motion. All were in favor.

REVIEW AND ACTION ON THE 2013 UTAH COUNTY MUNICIPAL RECREATION GRANT - Staff

Mayor Hadfield reported that the City had received some money from a 2013 Utah County Municipal Recreation Grant. He asked Andy Spencer to look for a bid for some fencing along the Art Dye/Goodsell property. The bid was much more than the \$15,607.56 that the City was going to receive. That was Option #1. There were other options.

Option #2, proposed the grant funds be saved until next year to complete a larger project at the Art Dye Park.

Option #3, proposed that the grant be used to purchase picnic tables for various parks. Picnic tables range from \$700 to \$1,000 per table.

Councilman Shelton asked if there were residences backing right up against the City's property.

Mayor Hadfield responded that there were not.

Councilman Shelton leaned toward Option #3 as he did not see the need for a fence right now to define that property.

Mayor Hadfield wanted to see the fence go in so they could start to do some improvements as they had the resources or staff time available.

Councilmember Rodeback stated that the reason she leaned toward Option #3 was that she had been meeting with the Parks and Recreation Committee and they had been working on the replacing of the picnic pavilion in Evergreen Park. That has stalled because they were still trying

to round up enough donations to finish the project. They needed picnic tables there. She was thinking that there were greater needs other than a fence.

Mayor Hadfield asked Andy Spencer if Rocky Mountain Power had promised some picnic tables when they settled on the 900 West project.

Mr. Spencer answered that they had provided a donation of \$2,500.

Councilman Frost suggested that when land was being developed a fence would only get in the way. Unless there was a liability issue, he was comfortable with Option #2 or Option #3.

Councilman Shelton thought it would make sense to put some funding into the pavilion at Evergreen Park.

Councilmember Rodeback suggested Option #3 as park personnel recommended.

Melanie Marsh noted that the City applied last year and used those funds for the pavilion at Evergreen Park.

Councilman Shelton stated that the City was looking to get some concrete work donated and that did not happen.

Councilman Shelton moved to first use the grant for finishing the Evergreen project and second to provide picnic tables in other parks as needed. Councilman Frost seconded the motion. All were in favor.

CONSIDERATION AND ACTION ON ENTERING INTO AN EXECUTIVE SESSION TO:

- 1) Discuss litigation
- 2) Discuss the professional character and competence of an individual

Councilman Shelton moved to enter into an executive session at 8:50 p.m. to discuss 1) Litigation and 2) The professional character and competence of an individual. Councilman Frost seconded the motion. All were in favor.

The City Council entered into an executive session in a downstairs work room of the City Hall to discuss litigation at 8:55 p.m. Those in attendance included Mayor James H. Hadfield and Councilmembers Heidi Rodeback, Brad Frost, Craig Nielsen, Robert Shelton, and Clark Taylor. Others present included City Administrator Craig Whitehead, City Attorney Kasey Wright, Finance Director Cathy Jensen, and City Recorder Richard Colborn. Litigation was discussed. The meeting was audio tape recorded as required by statute. This portion of the executive session ended at 9:46 p.m.

The City Council entered into the second portion of the executive session at 9:48 p.m. (See ATTACHMENT)

Councilman Taylor moved to return to regular session at 10:07 p.m. Councilmember Frost seconded the motion. All were in favor.

ADJOURNMENT

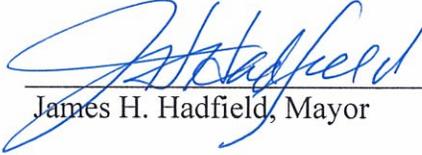
Councilman Taylor moved adjournment at 10:07 p.m. Councilman Nielsen seconded the motion. All were in favor.

A handwritten signature in black ink, appearing to read "R.M. Colborn". The signature is written in a cursive style with a large, stylized initial "R" and "C".

Richard M. Colborn
City Recorder

**AMERICAN FORK CITY
MAYOR'S AFFADAVIT
James H. Hadfield, Mayor**

I, Mayor James H. Hadfield, do solemnly swear and affirm that the sole purpose of the second portion of the executive session of the American Fork City Council on Tuesday, May 14, 2013, was to discuss the professional character and competence of an individual.

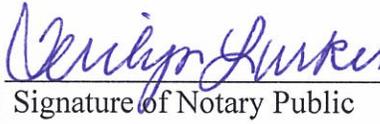


James H. Hadfield, Mayor

State of Utah
County of Utah

Subscribed and sworn to before me this 20 day of May, 2013.





Signature of Notary Public

My Commission Expires: 2/4/16