

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
OCTOBER 28, 2014

REGULAR SESSION

The American Fork City Council met in a regular session on Tuesday, October 28, 2014 in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m. Those present included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Brad Frost, Rob Shelton, Jeff Shorter, and Clark Taylor.

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

Also present: Leonard Hight, Christine Andersen, Scott Roudabush, Kevin Barnes, Dale Gunther, Heidi Rodeback, Barbara Christiansen, Ken Berg, Kyle Barratt, and 16 additional persons.

Mayor Hadfield welcomed those in attendance and led the audience in the Pledge of Allegiance. Police Chief Lance Call offered a prayer.

PRESENTATION OF COMMUNITY SERVICE AWARDS

- a. Cameron Creek for service on the Library Board
- b. Geoff Dupaix for service on the Planning Commission
- c. Nathan Hanamaikai for service on the Library Board

None of the recipients were in attendance. The Community Service Awards were given to Sheena Parker and John Woffinden for distribution. There was general applause.

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

<u>Troop 810</u>	Thomas Joyal	Logan Barker	Corbin Johnson
	Sam Ashton	Adam Austin	William Judy
	Dillon Childs	Geran Winn	

<u>Troop 811</u>	Ben Allred		
<u>Troop 813</u>	Jacob Wright		
<u>Troop 814</u>	Hyrum Jackson Gideon Roberts Dylan J. Bird Ien Gibson Bryan Willard	Wyatt Pulley Truman Gunther Joshua Hernandez Justan Cox Kyle Christensen	Brad Christensen Justice Hansen Jaxon Willard Joshua van der Beek
<u>Troop 828</u>	Carson Wright Jonnie Beck	James Kitchen	Ben Beck
<u>Troop 830</u>	Danny Curtis		
<u>Troop 943</u>	Michael Hartzell	Mason Hartzell	
<u>Troop 1104</u>	Isaac Kmetzsch	Matt Healey	
<u>Troop 1152</u>	Jordan Nixon Jared Johnson	Andrew Sumsion Ryan Illum	Kameron Armitage
<u>Troop 1342</u>	Jairus Satiu		

Mayor Hadfield invited the Scouts that when it came time to do an Eagle Scout Project to think of American Fork City as they could do a lot of good civic pride projects in the community.

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

Dale Gunther stated that he had been involved in encouraging people to vote for the PARC program. A question has come to his attention. The “Con” letter in the information packet that the City sent out indicated that in the minutes of the May 22, 2014, meeting there was a statement made that said that ‘if we don’t get this PARC tax that the Art Dye Park would stay for five, ten or 20 years and so on.’ That was not in the transcribed minutes but someone brought it to his attention that it was in the audio. He listened to that today. He thought that Councilman Frost had made that statement but it was not quite that way.

Mr. Gunther wanted to make sure of his understanding that the Council and the Mayor plan to use the PARC tax funds, assuming it passed, for parks, arts, recreation, and culture improvements and there would be a balance of funds spent on those areas.

Councilman Taylor responded that was the case. There had been some confusion because of the individual who wrote the “Con” letter lived in the same proximity as Art Dye Park and there was some reluctance to have that park go through which he had communicated to Councilman Taylor. So that was what had been largely targeted. Also with the attention that the City had

given in trying to get the restaurant tax dollars and tourism dollars for Art Dye Park it has been kind of lumped in with the PARC tax. However, that was not the case.

Councilman Taylor continued that the PARC dollars were for all the parks, recreation, arts, and culture. That was the intent. There would be a committee of approximately seven citizens. Of those seven citizens, three would be from parks, arts, recreation, or culture and the other four would be citizens at large from throughout the City and would be an advisory board to the City Council. Persons would come on a grant basis to secure those PARC dollars. They would then advise the City Council on those things they thought were the best. The City Council would then vote on them. It was not for one park but for all of those programs.

Mr. Gunther asked Councilman Frost to elaborate on his comments made at the May 22, 2014, meeting.

Councilman Frost answered that he had a hard time remembering from last week but responded that he felt that it was a funding source that they could always look at in order for every park to have an improvement. The intent was to have a broad-based approach. The target was parks, arts, recreation, and culture. They wanted to improve the entire community. There was not a bull's eye target for those funds.

Mr. Gunther asked if that was representative of the others' feelings.

Mayor Hadfield explained that they continually searched for other sources. Utah County had a restaurant tax and a hotel tax. The City felt that they contributed a lot to those funds and wanted to see more come back to American Fork..

Mr. Gunther expressed that his main concern was that he had been representing to the people that he had contacted that this would be a balanced funding approach.

Councilman Shelton added that the reason they would be setting up an advisory committee was to make sure that residents had an opportunity to say directly as to how this money was to be spent. There had never been talk to make sure that a certain percentage went to one area or another. They felt it was important that this committee made decisions on where that money was spent based upon the greatest impact that a project could have. One clarification that he brought up was that even the City would have to apply through that citizen committee to be able to spend that money on park improvements. It would be based upon its merits.

Councilman Shorter stated that they certainly did not have any ulterior motive about spending the money. It was going to be used for parks, arts, recreation, and culture.

Councilman Bowen provided his perception from being in meetings where the comments were brought up. What was being referred to was some of the City Council and the Mayor met with the County Commissioners to try to encourage them to spend some of the money that the Mayor was discussing that the County allocated, to come to American Fork City. The impression that he got was that the County Commissioners wanted some kind of additional funding source. He was not sure if that was what Councilman Frost was referring to or not but that was the context that he would put it in as far as its use if the tax did not go through.

Councilman Bowen stated for the record that he was opposed to the PARC tax. He did support our parks though. There were a lot of parks in American Fork City and he believed they were relatively well maintained. He enjoyed them and knew that many of the citizens enjoyed them. He opposed the public funding of the arts as he thought it was dangerous and opened up the City to liability and could cause citizens to fund arts that they did not necessarily agree with which was being seen at the national level.

Dale Gunther thanked the Mayor and City Council.

Scott Roudabush stated that he led the group that supported the PARC tax. He appreciated Mr. Gunther's support. This had been a difficult situation. He had other things to do rather than chasing down who was stealing their signs. About 100 "Yes for PARC" signs were produced and they have had about 40 of them stolen. Two teenagers were caught by a property owner. He got the signs back and asked them why they were taking the signs. They responded to him that "these were the signs they were told to take." Another teenager that was caught by another property owner said that he was paid to take the signs. They also dealt with the big "No to 10% Sales Tax Increase," sign. What was not seen in the small print was the "10% increase on 1% American Fork City Sales Tax."

Mr. Roudabush understood that this was a 1/10th of 1% increase on the sales tax and asked if that was correct.

Mayor Hadfield answered that was correct.

Mr. Roudabush stated that if they increased the sales tax in American Fork it would go from 6.75 to 6.85 percent.

Mayor Hadfield answered that was correct.

Mr. Roudabush continued that in applying that to a purchase, after spending \$10 it would add one penny to the purchase.

Mayor Hadfield answered that was correct.

Mr. Roudabush felt that they were discussing semantics. The opposition to the PARC tax had been very clever in the way they put things. There was also a flyer that said that if the PARC tax passed it would put a \$600,000 annual tax burden on the citizens of American Fork. Was that accurate?

Mayor Hadfield answered that it was not.

Mr. Roudabush continued that \$600,000 was the estimate of possible money that could be collected to fund PARC projects.

Mayor Hadfield maintained that 70% of the sales tax money of American Fork came from outside of the City's borders. To say that it would place a tax burden on the citizens of American Fork was untrue. He said that because he had spoken with the three biggest generators of sales tax revenues, which were car lots, and they wouldn't be there if they only sold to those that lived

in American Fork. There were people across the Wasatch Front and many from out of state that came to purchase automobiles in American Fork because of the dealerships.

Mr. Roudabush answered that was right. He was thankful that the Scouts were present to hear all of this. It was a great place to get close to the politics in the community. He hoped that they did not go away thinking this was a lesson in math or economics.

Councilman Bowen stated that even though he was against the PARC tax he was disappointed to hear that “Pro” signs had been stolen or vandalized. He hoped that anyone that opposed the PARC tax would not engage in that kind of behavior.

Councilman Bowen was curious in the people that Mr. Roudabush talked with and if they asked them who asked them to do that or who was paying them.

Mr. Roudabush answered that they did not.

Councilman Bowen stated that it was a 10 percent increase in the revenue. It was a 10 percent increase on the City’s portion of sales tax. That was where that came from.

Mayor Hadfield explained that it was not a 10 percent increase. By State Law, American Fork City received one-half of 1 percent based on Point of Sale. The other half percent was distributed based on population statewide. It never equaled 1 percent.

Councilman Bowen responded that he was taking that from the City’s own information that said 1/10th of 1 percent. The Administrator was saying it was 1 percent. He did not know who else he could rely on.

Mayor Hadfield called a halt to the discussion.

Councilman Shelton commented that he had time to reflect on this and he found it interesting that they talked a lot about rights. He had a worry and that was that sometimes our rights became so important that other rights were trampled. He saw the vandalism that took place on the signs. As a community he thought they needed to focus more on our responsibilities than our rights.

CITY ADMINISTRATOR’S REPORT

Craig Whitehead reminded all that TSSD was collecting yard waste again.

COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Shorter had nothing to report at this time.

Councilman Shelton reported that he had a great opportunity to attend a 5 hour session on economics. Ryan Westbury who was a leading economist came into town. He met with Mr. Westbury on an annual basis. It was a great reminder of the great opportunity that we had in our state and also in our City. He reflected on how lucky we were in American Fork to have a great

sales tax base and to have jobs and to have people that want to move here and to have something that people desired. In the world's population we really were truly blessed to live here.

Councilman Shelton was grateful that as a City we were in good financial position that we raised the fund balance from 9 percent to 18 percent.

Councilman Taylor spoke to the Scouts noting that probably most were in attendance preparing for a Citizenship Merit Badge; probably Citizenship in the Community. He pointed out that this one was crucial as they would always be a citizen of somewhere. This was a great start by coming and being involved in Council meeting tonight. There was good intent that went on here. He encouraged the Scouts to do more than just fulfill a requirement and to get involved in your City and make it a better place. American Fork was a wonderful place to live and to do business. He thanked them for coming and being involved.

Councilman Frost commented that it was a long time since there had been this many Scouts in attendance. He added to what Councilman Taylor was talking about noting that as a Scout he did not fully realize and offer gratitude to his leaders. He encouraged them to do so.

Councilman Frost stated that there was a great tradition in American Fork and that was the Veterans Day program. It was always on the Eleventh Month on the Eleventh Day at the Eleven O'clock hour. This year it would be held in the LDS Tabernacle. Participants would include a retired General, the American Fork Marching Band, 500 Fifth Graders, and Veterans. He invited all to come out and support the Veterans.

Councilman Frost noted that it almost took an entire year to prepare for a week of Steel Days activities. The City was privileged this year to have a company come and want to be involved in Steel Days. They were known for great entertainment. They have met with them and at a future Council meeting they would be able to reveal the name.

Councilman Bowen also commended the Scouts and their leaders for being here. He imagined that part of the reason for being here was to see how government worked. Divergent opinions were definitely a part of that. They lived in a City and system where differences could be worked out peacefully.

Councilman Bowen reported that he attended the Citizen Academy these past few weeks put on by the American Fork City Police Department. He enjoyed the opportunity to meet some of the officers, become more familiar with the work that they did in finding those that violated our property rights and those involved in more serious crimes.

Councilman Bowen stated that he received a mailing from the City regarding the PARC tax that was kind of portrayed as a get out the vote pamphlet. He was really disappointed though that it clearly was trying to persuade voters to support the PARC tax which in his opinion was both unethical to spend taxpayer resources to lobby against taxpayers and to lobby for a tax increase, but it was also unlawful in Utah. He was disappointed by that. It specifically mentioned that this was not a 10 percent tax increase. It really was a 10 percent tax increase in the City's portion of the sales tax revenue. The way to look at that was that the City received \$6 million in sales tax revenue last year. If the PARC tax was approved the estimate was \$600,000 which was a 10 percent increase in the City's portion of the sales tax revenue. He thought it was unfortunate that

what he would call misinformation was put out and that City resources were misallocated in this way against State Law.

Councilman Shelton asked the City Attorney to respond where it was being said that they were breaking the law.

Kasey Wright stated that they reviewed those things before they were sent out. He personally reviewed them and he reviewed the law on that flyer particular and there was nothing that was out of line. They were in compliance with State Law.

Mr. Wright continued that the only thing that maybe against State Law was the defamation that was just made by a Councilmember who accused the City of breaking the law with absolutely nothing to support it. This City had gone above and beyond to be in compliance with State Law with regard to this PARC tax.

Councilman Bowen stated that for the record, he stood by his comments.

MAYOR'S REPORT

Mayor Hadfield reported that he would be happy to attend the Red Rocks Band Competition and the Western Regionals with the American Fork High School Marching Band this weekend. He wished the Marching Band well.

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 October 14, 2014 City Council minutes.
2. Approval of the City bills for payment and purchase requests over \$25,000. – *Staff*
3. Approval regarding authorization to release the Improvements Durability Retainer for the Wimmer Subdivision at 400 North 300 West in the amount of \$1,602.00. – *Staff*
4. Approval regarding authorization to release the improvements Construction Guarantee for the James Court Inner-Block Cottage Subdivision at 150 West 200 North in the amount of \$49,604.75 and issuance of a Notice of Acceptance. – *Staff*

**Councilman Shelton moved approval of the common consent items as presented.
Councilman Taylor seconded the motion.**

Councilman Bowen asked for a correction to the minutes on Page 4, Line 40, adding the word, “increase,” at the end of the sentence.

**Councilman Shelton amended his motion to include the requested change to the minutes.
Councilman Taylor agreed with his second. Voting was as follows: Aye, Councilmembers Shelton, Taylor, Frost, and Shorter. Abstain, Councilman Bowen. The motion carried.**

ACTION ITEMS

REVIEW AND ACTION ON APPOINTMENTS TO THE LIBRARY BOARD

Mayor Hadfield reported that the City had received very good applications from some highly qualified individuals. To the Library Board he appointed Jessica Awtrey, Sam Beeson, and Jason Cootey. He asked them to stand.

Councilman Taylor moved to approve the appointments. Councilman Shelton seconded the motion

Councilman Shelton commented that he participated in the interviews and the Library Board was extremely pleased.

All were in favor of the motion.

REVIEW AND ACTION ON APPOINTMENTS TO THE PLANNING COMMISSION

Mayor Hadfield explained that there was a need to appoint new Planning Commissioners. Leonard Hight had been the Alternate for the past year. He appointed Leonard Hight a Planning Commissioner and Christine Andersen an Alternate Planning Commissioner.

Councilman Taylor moved to approve the appointments. Councilman Shelton seconded the motion. All were in favor.

REVIEW AND ACTION ON THE APPROVAL OF THE AMERICAN FORK CITY WATER MANAGEMENT AND CONSERVATION PLAN UPDATE – *Staff*

Mayor Hadfield explained that the City was required to have a conservation plan on water management updated every five years.

Dale Goodman explained that this was a topic of discussion at the last work session. Those changes had been made. They had been very successful over the last five years in completing their goals. Some of them were ongoing including education, changing out water meters, etc. They would continue to do their best to reduce the amount of water being used.

Councilman Shelton referred to Page 13 and recommended that it be made clear that it was referring to culinary water rates.

Councilman Frost commented that as he read through all of the data and saw what had happened in the past, what was happening now, and future growth projections, he thought that it was very important, perhaps the most important thing, as stewards, to take care of the water.

Councilman Frost moved to approve and adopt the Water Management and Conservation Plan update with changes. Councilman Shelton seconded the motion.

Mayor Hadfield asked if there were questions on the motion. There were none.

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

REVIEW AND ACTION ADOPTING A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR FURTHER STUDY REGARDING THE MAIN STREET VISION PLAN – *Staff*

Andy Spencer explained that the City addressed the Main Street corridor four years ago. This was a continuation of that effort. It would be funded by UDOT and the City with each putting forward \$25,000 to come up with a detailed concept plan.

Mayor Hadfield noted that UDOT's current plan to widen three lanes in all directions ended on American Fork's 500 East. He asked if this vision was to go from 500 East to about 600 West Main Street.

Mr. Spencer answered that the corridor being looked at would be from 500 East to the Main Street – State Street split by Doug Smith Auto.

Councilman Taylor moved to approve the Cooperative Agreement with the Utah Department of Transportation for the purpose of preparing a Concept Plan for a portion of the Main Street Vision Design on Main Street (US-89). Councilman Shorter seconded the motion.

Councilman Frost asked if through this conceptual design if citizens and local businesses would have input.

Mr. Spencer responded that there would be meetings for input and open houses.

Mayor Hadfield added that this would go through the Planning Commission and there would be a public hearing.

Councilman Shelton remembered that former Councilman Dale Gunther took some time to help in his new responsibility regarding downtown. He showed Councilman Shelton a drawer in his office that was full of concept plans of downtown American Fork. Councilman Shelton hoped that this would get the City somewhere they could go.

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

REVIEW AND ACTION ON THE AGREEMENT FOR THE BOLEY II ANNEXATION CONSISTING OF 79.40 ACRES AT APPROXIMATELY 200 SOUTH 800 WEST – *Melvin V. Frandsen*

Adam Olsen explained that this was the first of a few annexation agreements tonight that were all owned by Frandsen family. This was at 800 West on the south side of 200 South.

Councilman Frost moved to approve the agreement for the Boley II Annexation, consisting of 79.40 acres, located at approximately 200 South 800 West. Councilman Taylor seconded the motion.

Mayor Hadfield asked if there were any questions on the motion. There were none.

All were in favor of the motion.

REVIEW AND ACTION ON THE AGREEMENT FOR THE DUNCAN ANNEXATION
CONSISTING OF 20.54 ACRES AT APPROXIMATELY 570 WEST 700 SOUTH – *Melvin V.
& Mary C. Frandsen Family LLC*

Adam Olsen reported that this was proposed for single family residential development.

Councilman Shorter moved to approve the agreement for Duncan Annexation, consisting of 20.54 acres, located at approximately 570 West 700 South. Councilman Shelton seconded the motion.

Councilman Bowen asked if this was something the property owner requested.

Mr. Olsen answered that it was and it fit within the Land Use Plan.

Mayor Hadfield asked if there was further discussion. There was none.

All were in favor of the motion.

REVIEW AND ACTION ON A RESOLUTION APPROVING A LAND USE MAP
AMENDMENT FOR APPROXIMATELY 5.5 ACRES FROM THE VERY LOW DENSITY
RESIDENTIAL TO THE RESORT DESIGNATION AT APPROXIMATELY 75 WEST 1500
SOUTH. (PART OF PULLEY ANNEXATION) - *Staff*

Adam Olsen explained that this was an area near a TSSD Sewer Lift Station. The property owner felt that it was not conducive to residential uses and initially asked for commercial zoning. The Planning Commission looked at it and felt that since it was adjacent to the Resort zone on the south that the Resort zone be expanded to include this area. The applicant agreed.

Councilman Frost moved to adopt Resolution No. 2014-10-39R approving a Land Use Map Amendment for approximately 5.5 acres from the Very low Density Residential to the Resort Designation, located at approximately 75 West 1500 South. Councilman Shorter seconded the motion.

Mayor Hadfield added that the area to the south in the Resort zone was where the Adams Boat Storage was located. He asked if there was any further discussion. There was none.

All were in favor of the motion.

REVIEW AND ACTION ON THE AGREEMENT FOR THE PULLEY ANNEXATION PLAT
A CONSISTING OF 58.71 ACRES AT APPROXIMATELY 1100 SOUTH HARBOR ROAD –
Mary Mel Land & Livestock LLC

Mr. Olsen stated that this was the Annexation Agreement that included the property just discussed. The zone designation would be Marina zone, Residential zone, and Public Facilities

zone. One of the areas was under the power lines along the Vineyard Connector. The developer would be able to transfer development rights in exchange for the Public Facilities zone.

Councilman Shorter moved to approve the agreement for the Pulley Annexation Plat A, consisting of 58.71 acres, located at approximately 1100 South Harbor Road. Councilman Taylor seconded the motion.

Mayor Hadfield asked if there was any discussion. There was none.

All were in favor of the motion.

REVIEW AND ACTION ON A RESOLUTION APPROVING A LAND USE MAP AMENDMENT FOR 28.54 ACRES FROM THE DESIGN INDUSTRIAL TO THE VERY LOW DENSITY RESIDENTIAL DESIGNATION AT APPROXIMATELY 1100 SOUTH 100 EAST. (FRANDSEN-GRAY ANNEXATION) – Staff

Mr. Olsen explained that this Land Use Amendment would provide that all of the proposed annexation would come in under a single land use. One of the reasons for this change was that a lot of property to the north was owned by the LDS Church where they would be building a chapel and they would be requesting the change to residential as well.

Councilman Taylor moved to adopt Resolution No. 2014-10-40R approving a Land Use Map Amendment for 28.54 acres from the Design Industrial to the Very Low Density Residential Designation, located at approximately 1100 South 100 East. Councilman Shelton seconded the motion.

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

All were in favor of the motion.

REVIEW AND ACTION ON THE AGREEMENT FOR THE FRANDSEN-GRAY ANNEXATION CONSISTING OF 28.54 ACRES AT APPROXIMATELY 1100 SOUTH 100 EAST – Mary Mel Land & Livestock LLC

Mayor Hadfield explained that this was the Annexation of the previously discussed property.

Councilman Frost moved to approve the agreement for the Frandsen-Gray Annexation, consisting of 28.54 acres, located at approximately 1100 South 100 East. Councilman Shorter seconded the motion.

Mayor Hadfield asked if there were any questions on this motion. There were none.

All were in favor of the motion.

ADJOURNMENT

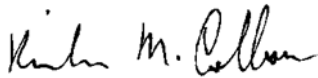
Mayor Hadfield noted that in November the Utah County Commission would be conducting a Canvass of the November 4, 2014 election on November 18, 2014. The City would then meet in

a special session that night to act on the Canvass. The regular Council meeting was to be on November 25, the Tuesday before Thanksgiving. He asked if they should combine that meeting and hold it in conjunction with the November 18 meeting.

Councilman Shelton announced that he would be out of town on November 11 and unavailable on November 18. The rest of the Council would be able to attend.

Mayor Hadfield announced that the Council meetings in November would be on the 11th and the 18th. Also the meeting on the fourth Tuesday, December 23, would be cancelled.

Councilman Taylor moved adjournment at 8:27 p.m. Councilman Shelton seconded the motion. All were in favor.

A handwritten signature in cursive script, appearing to read "Richard M. Colborn".

Richard M. Colborn
City Recorder