

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
OCTOBER 14, 2014

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, October 14, 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: 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 Chaplain David Laycock
Library Director Sheena Parker
Police Chief Lance Call
Public Works Director Dale Goodman
Technology Director George Schade

Also present: Barbara Christiansen, Ken Berg, Matt Adams, Scott Roudabush, Scott Glazier, Brian Spafford, and 20 additional persons.

Mayor Hadfield welcomed all those in attendance.

Mayor Hadfield led the audience in the Pledge of Allegiance and Fire Chaplain David Laycock offered a prayer.

Scouts in attendance were invited to the front to introduce themselves.

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| <u>Troop 332</u> | Matthew Warburton | | |
| <u>Troop 709</u> | James Corey Chasen Barkle | Conner Harward Ammon Anderson | Whitney Sherman Jaxton Parker |
| <u>Troop 814</u> | Jacob Smith | Danny Buhler | Sam Shurtz |
| <u>Troop 825</u> | Shad Nielson Damon Karren Carter Nielson | Robert Roundabush Hunter Gillman Brady Karren | Emeron Dean Dakota Nielson Justus Nielson |
| <u>Troop 829</u> | Joseph Thomas | | |

Mayor Hadfield appreciated their attendance and encouraged them to come to the City when it came time to do an Eagle Scout project.

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

Matt Adamson explained that he was hesitant about the PARC Tax and has come to find out a little more. He took his daughter to the AF Fitness Center to swim and jump off the diving board and he was frustrated to find out that the diving board was open on Monday and Wednesday from 7 to 9 p.m. and almost all day on Saturday. It was closed on Tuesday and Thursday. He did a little more digging and found that the HAST Swim Team used up about half the pool depending on which way it was roped off. The Swim Team also had rates that were better than what the public could get. Their price was \$315 for a family if they were a resident and \$360 for a non-resident. For others it was \$420 for a resident family and \$480 for a non-resident. He wondered if the Art Dye Complex was going to be available to the public for two hours a night when that was built.

Councilman Taylor responded that the Art Dye was being closely affiliated with the PARC tax when in fact it was affiliated the same way that the other parks in American Fork were. If the Art Dye Park were to be finished it would have a much different look and feel that it did now in terms of pavilions, the playground, and etc. that would be available. As it currently existed there was one small playground and fields and it was open any time to be used.

Mayor Hadfield explained that the pool was heavily used. HAST (Hilltop Aquatics Swim Team) and with three high schools used that facility along with water aerobics and other classes that used the deep end. They would like to have additional pools. That might be one consideration for the PARC tax. Recreation was one part. Anything that enhanced the Quality of Life in American Fork could qualify.

Councilman Shelton appreciated Mr. Adamson bringing up the price difference. He would look into it.

Scott Roudabush stated that he had a flyer dropped off on his doorstep and he had some questions.

- The flyer was from an American Fork Citizens Group that said, “Yet another tax increase proposal.” It was obvious they wanted one to vote no on the PARC tax. Mr. Roudabush asked if it was a fact that the PARC tax equated to 1 penny on every \$10 spent in American Fork.

Mayor Hadfield answered that was correct.

- Also the flyer said that the City had no plan and set no priorities. It also mentioned the road bond that was defeated last year. Mr. Roudabush asked if anybody from the Citizen’s Group either last year or this year came to the City and said this was what they would like to see happen to fix the roads or came to the City and said this was how we would like to address the park needs, with a specific plan.

Councilman Shelton responded that he met with one of their leadership team, Max Meyers, on numerous occasions on different issues. There was obviously some disagreement in budgeting practices that they were working on with him and the AF Citizens Group. He met with him prior to the Council voting to put the PARC tax on the ballot saying that he would like to get the AF Citizens Group involved. Mr. Myers had talked to Councilman Shelton regarding some of his concerns including current funds on the Capital Improvements list being included so that it was not all new items and it would free up money in the General Fund to go toward roads. He has had an open invitation for them to meet with him.

- Mr. Roudabush stated that he was an administrator where he worked and when he gave his managers direction and if they came back to him and said, no, this isn't a good idea, he would ask what they had on the table to replace it.

Councilman Bowen explained that he had also been approached by that group. The input he has received was that they would like to see more money go to the maintenance of existing roads that were still in good enough condition to maintain by putting on protective coats like has been done on some of the roads with the mineral bond.

- Mr. Roudabush did not want to turn this into a road discussion, but on Center Street south of Main Street it was a 4-wheel drive experience. He was for the Road Tax because he believed that the City had a plan and he believed that the City had a plan for the PARC tax. This was not borrowing. This put money in a fund that could only be used for parks, arts, recreation, and culture. He asked if that was correct.

Mayor Hadfield responded that it was.

Mr. Roudabush stated that 1¢ on every \$10 spent was not a lot. He did not know why anybody opposed this, unless there was some real self-interest as Councilman Taylor stated tying it to Art Dye.

Councilman Taylor commented that he had seen the flyer as well and it was important to note that it talked about no resources given to roads. He asked what had been set apart for roads last year and what was set aside for this year.

Mr. Whitehead responded that it was around \$3.5 million this year. It was about \$3.3 million last year.

Dale Goodman added that with regard to the preventive maintenance, those kinds of treatments were done on different roads each year. The City was at the point where it did not have any more maintainable roads that had not received the treatment in the last five years. The money available really need ed to go to rebuild roads.

Mayor Hadfield noted that there was now a major project on Pacific Drive that was about \$600,000 and included new drainage facilities to keep water from standing on the road. The project would be completed by November 10, 2014. In the older part of the community the biggest problem was the old water lines of 1915 and 1918 that were now 100 years old and were failing.

Councilman Bowen disagreed that \$3.3 million to \$3.5 million was a significant increase. He thought it to be minuscule compared to what needed to happen. They could have done a lot more for roads over the past 10 months.

CITY ADMINISTRATOR'S REPORT

Mr. Whitehead had nothing to report at this time.

COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Bowen reported that the Beautification Committee would be meeting tomorrow night.

Councilman Bowen commended the Council for setting aside Constitution Day at their last meeting. He distributed a Resolution passed by the Constitutional Sheriffs and Peace Officers Association and invited the Council to sign it if they would like. He would then forward it to that group. In the Constitution itself it required that all elected officials take an oath to support the Constitution which they had all done. The reason that was included in the Constitution was that it was a check to make sure they recognized the Constitution as the supreme law of the land.

Councilman Bowen noted that the Supreme Court did not rule this past week on the gay marriage issue. He wanted to mention it because he thought the City should adopt a Resolution stating that we affirm the Utah State Constitution which included Amendment 3 prohibiting same gender marriage. The Supreme Court not ruling on this was really acknowledging that this needed to be handled legislatively and not judicially. It was unfortunate that so many activist judges were ruling when the legislatures had not ruled on this issue. In fact, the voice of the people which is reflected in Constitutions such as Utah's, has been against same gender marriage. He thought it was very unfortunate that a few unelected appointed judges were taking it upon themselves to overrule the voice of the people. This also happened with Roe v. Wade. As a society we needed to figure out how to reign in judiciaries that violated legislative supremacy.

Councilman Bowen reported that he received in his mail the flyer on the PARC tax. He thought it was unfortunate that the City said that this was a 1/10th of one percent increase which was inaccurate. The City's portion of the sales tax was one percent. The PARC tax would increase the City's portion by 10 percent. He thought it was unfortunate that the information in the Voter Information Pamphlet the City put out was confusing. He stated that one just needed to look at the numbers. The City's sales tax revenue was \$6 million. The City expected revenue from the PARC tax of about \$600,000 which was about a 10 percent increase.

Mayor Hadfield commented that the current sales tax in American Fork was 6.75 percent. The PARC tax proposal would make it 6.85 percent. There was the one-tenth of one percent. The City did not get 1 percent of the sales tax. The taxing entity gets one-half of one percent based upon point of sale. The rest of the sales tax was distributed based on population.

Councilman Frost had personal beliefs that were very similar. He was disturbed when he watched the news. He did not believe that the Council needed to get involved in social issues such as that.

Councilman Frost stated that they had a very wonderful progression in the Cemetery. The moratorium has been lifted and they have sold over 100 lots. Three big mature trees donated from Rocky Mountain Power have been planted. Yesterday 14 more trees were planted and another 6 would come tomorrow. A contractor would be coming in to construct some infrastructure and then they would begin on the Memorial Gardens.

Councilman Frost reported that the Cemetery Committee was working on the Veterans Day Program to be held on November 11 at 11:00 a.m. in the LDS Tabernacle. General Bruce Frandsen would be speaking. Fifth Grade classes from all of the elementary schools have been invited and have all accepted. Also participating would be the American Fork Marching Band and the A Capella Choir.

Councilman Frost added that they were moving ahead with plans for the 2015 Steel Days. The theme was “Live, Work, and Play.”

Councilman Taylor welcomed Troop 709 as that was his Scout Troop growing up. He commended all the young men that were in attendance.

Councilman Taylor reported that he had the good fortune last Wednesday to attend the “Pumpkin Walk of Values” at Legacy Elementary School. It was wonderful. When he saw things like that he knew they were in good hands.

Councilman Taylor did not speak for or against the PARC tax, but with the bond issue for the roads and similar to that with the PARC tax, almost all of the Council felt that it was important enough and thought that the citizens were smart enough and deserved enough credit that they could choose for themselves. If the City Council wanted to approve a road bond, it could have done that without the consent of the people but they thought it was important enough to ask the citizens of the community because it was their community. The Council gave the citizens the choice. They chose against it. The Council also thought it important enough to give the citizens the opportunity to say, with all of the things going on, that having Parks, Arts, Recreation and Culture was important enough to him to give an extra penny for every \$10 purchase that took place in American Fork. Those dollars would go through an advisory committee to review where those funds would go. The citizens had a choice to become educated on the issue and to vote one’s own conscience.

Councilman Shelton reported that they were busy at the Library. He mentioned that Erin Warnick and Lori Bonner were recently presented with the “Engaged Librarian Award” relating to the Library’s Summer Reading Program. Last year 30,000 hours were reported. This year it was 200,000 hours.

Councilman Shelton noted some vacancies on the Library Board and there will be some appointments ready for the next Council meeting. He was impressed with the quality of the individuals making application.

Councilman Shelton reported that he attended the American Fork Hospital Surgical Center and ER Open House. His uncle was an ER Doctor there since 1982. He also noted that the Downtown Trick or Treat would be on Halloween from 4 to 6 p.m.

Councilman Shorter reported that the Symphony would perform at the High School on November 3. On November 7, the Arts Council would be having a fundraiser Masquerade Ball. The cost was \$50 per person.

Councilman Shorter stated that there was a need for more youth to serve on the Youth City Council. They met on the second and fourth Tuesdays from 5:30 to 6:00 p.m. in the City Hall. Interested persons should contact Councilman Shorter or Monica Lish.

MAYOR'S REPORT

Mayor Hadfield attended the Hospital Open House and was impressed with the service provided there. The City's EMT's provided a higher level of care because of the hospital transports.

He added that on Sunday Evening past there was a celebration of 100 years of the LDS Tabernacle in the community. He recognized the pioneers in four wards who sacrificed over \$83,000 to build the Tabernacle in 1914. That was \$2.2 million in today's dollars.

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 September 19, 2014 Work Session minutes.
2. Approval of the September 23, 2014 City Council minutes.
3. Approval of the September 30, 2014 Public Hearing minutes.
4. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$25,000. – *Staff*
5. Approval authorizing the release of the Improvements Durability Retainer for the project known as the Intermountain Health Care (American Fork Hospital) in the amount of \$30,639.55. – *Staff*
6. Approval authorizing the release of the Improvements Construction Guarantee and issuance of a Notice of Acceptance of the project improvements for the project known as the New Hope Academy in the amount of \$35,800.75. – *Staff*
7. Approval authorizing the release of the Improvements Durability Retainer for the project known as the Doug Smith Expansion 2012 in the amount of \$5,518.00. – *Staff*

Councilman Shorter moved approval of the common consent agenda items as presented. Councilman Frost seconded the motion. Voting was as follows: Aye, Councilmembers Shorter, Frost, Taylor, and Shelton. Nay, Councilman Bowen. The motion carried.

Councilman Bowen explained his "Nay" vote stating the he supported a lot of these things and he supported the improvements to the cemetery and debt payments. But he did not support the expenditure of funds to promote a tax on its citizens. He did not appreciate his own City lobbying against him for tax increases.

ACTION ITEMS

REVIEW AND ACTION ON AN ORDINANCE APPROVING THE ASHLEY MEADOWS ANNEXATION CONSISTING OF 13.20 ACRES AT 900 WEST 900 NORTH AND PLACEMENT OF THE PROPERTY IN THE R1-12000 AND R1-9000 RESIDENTIAL ZONES – Adam Olsen

Adam Olsen explained that this was the final step for the annexation. The agreement had already been approved.

Mayor Hadfield commented that there was another approved subdivision to the north and one to the south. There would be improvements along 900 West and a road that would tie into Lehi's 450 North Street. He asked if there were any questions.

Councilman Shorter moved to adopt Ordinance No. 2014-10-37 approving the Ashley Meadows Annexation consisting of 13.20 acres at 900 West 900 North and placement of the property in the R1-12000 and R1-9000 Residential Zones. Councilman Bowen seconded the motion. All were in favor.

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

- a. Review and action on an Ordinance adopting the revised final plat and site plan of the Walnut/Bybee Court Inner Block Cottage Development Project consisting of 9 units on 7 lots, located at 350 West 400 North in the R2-7,500 Residential zone – Todd Bybee

Ken Berg noted that his Scout Troop was 1160. His Eagle Project was painting fire hydrants red on the east side of Heber City.

Mr. Berg stated that the Council had seen this before. Now there were some things changed. There would be two lots at a future time rather than at this time.

Councilman Shelton moved to adopt Ordinance No. 2014-10-38 approving the revised final plat and site plan of the Walnut/Bybee Court Inner Block Cottage Development Project consisting of 9 units on 7 lots, located at 350 West 400 North in the R2-7,500 Residential 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 and publication of the Ordinance subject to all conditions identified in the September 3, 2014 Planning Commission meeting. Councilman Taylor seconded the motion. All were in favor.

- b. Review and action on an Ordinance approving a commercial site plan for a restaurant located at 599 West Main Street in the SC-1 Shopping Center zone – Zaxby's

Mayor Hadfield stated that this would be east of the In & Out Burger.

Councilman Shelton moved to adopt Ordinance No. 2014-10-39 approving a commercial site plan for a restaurant located at 599 West Main Street in the SC-1 Shopping Center zone with instructions to the City Recorder to withhold publication of the Ordinance subject to all conditions identified in the September 17, 2014 Planning Commission meeting. Councilman Frost seconded the motion. All were in favor.

- c. Review and action on the final plat of Live Oak Estates Subdivision Plat C, consisting of four units, located at 340 West Mahogany Drive in the R2-7,500 Residential zone – Roger Dudley/Brian Spafford

Developer Brian Spafford needed to tweak some lot lines.

Councilman Shorter moved to approve the final plat of Live Oak Estates Subdivision Plat C, consisting of four units, located at 340 West Mahogany Drive in the R2-7,500 Residential 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 identified in the September 17, 2014 Planning Commission meeting. Councilman Shelton seconded the motion. All were in favor.

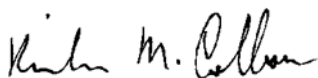
- d. Review and action on the final plat of Argyle Acres Plat B Subdivision, consisting of two lots, located at 152 West 640 North in the R1-9,000 Residential zone – Scott Glazier & Joel Williamson

Mr. Scott Glazier was present noting that he was purchasing a portion of Mr. Williamson's property.

Councilman Taylor moved to approve the final plat of Argyle Acres Plat B Subdivision, consisting of two lots, located at 152 West 640 North in the R1-9,000 Residential 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 identified in the September 17, 2014 Planning Commission meeting. Councilman Shelton seconded the motion. All were in favor.

ADJOURNMENT

Councilman Shelton moved adjournment at 8:25 p.m. Councilman Taylor seconded the motion. All were in favor.



Richard M. Colborn
City Recorder