

AMERICAN FORK CITY
COUNCIL MEETING
FEBRUARY 24, 2015

REGULAR SESSION

ATTACHMENT

The American Fork City Council met in regular session on Tuesday, February 24, 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, 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 Chief Kriss Garcia
Parks & Recreation Director Derric Rykert
Planning Commission Chairman John Woffinden
Police Chief Lance Call
Public Relations/Economic Development Director Audra Sorensen

Also present: Barbara Christiansen, Shirl LeBaron, Mac Oswald, Melanie Engle, Scouts, and 15 additional persons

Mayor Hadfield led the audience in the Pledge of Allegiance and a prayer was offered by Councilman Brad Frost.

The Scouts were invited to come forward and introduce themselves.

<u>Troop 14</u>	Coby Larsen	Caden Miller	Victor Newman
	Gaige Davis	Kaden Carter	Ben Amundsen
	Elijah Hunt	Ben Anderson	Carson Mcallistar
	Brodie Layne	Tyler Anderson	Danny Edwards
	Isaiah Brown	Taylor	_____

Troop 828 Bradley Larson

Mayor Hadfield wished them well on Scouts' pathway and when it came time to do an Eagle Scout project to think of the many things that they could do in their community. There were a number of projects available.

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

Melanie Engle had issues with her water bill since she moved into her apartment. It was in the landlord's name and recently got shut off for non-payment. She was being charged a base rate of \$100 per month and she did not use that much when it was on. She did not think that was very fair. When it was shut off she stated that she was being charged double. She was a single mom with five kids. It was back on today. She had to pay \$600 and there was still almost \$200 owing. She wanted to know if the base rate amount could be applied back to her account from when the water was shut off.

Mayor Hadfield responded that the utility bill was in the property owner's name by City Ordinance. There was a base rate for usage. He asked if she was exceeding that base rate.

Ms. Engle answered that she was not and she was hardly using anything. She was in the first bracket.

Mayor Hadfield explained that gave her 6,000 gallons or 18,000 gallons per meter read which was done every three months.

Ms. Engle added that for some reason the other tenants' irrigation water was put onto her account. The landlord was supposed to pay \$300 a month during the summer months. She had been using hardly any water at all. This last summer she had a water bill of about \$1,000.

Mayor Hadfield asked how many units were in her building.

Ms. Engle answered that there were four.

Mayor Hadfield suggested that they needed to work that out with the landowner.

Ms. Engle agreed. The landowner thought that \$300 a month was reasonable. Ms. Engle did not. She had to go to Salt Lake a lot to take care of her mother who was sick and while she was gone the toilet was constantly running and she did not know it. She received a credit on that after it was fixed. After that it still was stuck on. She was told to talk to the City Council about the base rate amount.

Mayor Hadfield stated that there was a meter that was operable and every gallon of water used above the 6,000 gallons per month was added into that base rate. He has Ms. Harr's name and he knew the address and he will call her and make her aware of the concerns expressed here tonight.

Ms. Engle said that she would never get caught back up if she had to pay double when it was off from when it was on.

Mayor Hadfield stated that he would work with Ms. Harr regarding a separate meter for landscaping purposes.

Cathy Jensen invited Ms. Engle to come into the office tomorrow to see what could be done. She understood that the culinary was watering the landscaping.

CITY ADMINISTRATOR'S REPORT

Mr. Whitehead had nothing to report at this time.

COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Bowen reported that he and his family went to the ice rink at Art Dye Park in late January. It has been a very warm winter. He felt bad for the ice skating company in that regard. On the night they went the rink was full with a young single adult group from Alpine.

Councilman Frost had nothing to report at this time.

Councilman Taylor reported that on March 26 the Fox Hollow Golf Course would be having its annual meeting where the City Council and Mayor were invited to attend and see what was taking place and how last year was and the plans for this year. There were two of the big State Amateurs being played there this year. There were some really good things happening and some notoriety coming to the course. As always, the crew was doing a wonderful job. That meeting would be at 6:00 p.m.

Councilman Shelton reported that Chamber of Commerce has had a Pancakes and Politics with the next one being this Saturday at American Fork Hospital. It was a good chance to interact with your State Legislators.

Councilman Shelton reported that the new Chamber Director was Kristin Kmetzsch.

Councilman Shorter reported that the Youth City Council was working on the dance for Steel Days. The Day at the Legislature was good. They got to listen to Terry Bradshaw.

MAYOR'S REPORT

Mayor Hadfield echoed Councilman Shelton's issue on the Pancakes and Politics. One will be held this Saturday in the Education Room at American Fork Hospital at 9:00 a.m.

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 10, 2015 City Council minutes.
2. Approval of the City bills for payment and purchase requests over \$25,000. – *Cathy Jensen*
3. Approval of the authorization to release the Improvement Construction Guarantee and Durability Retainer in the amount of \$261,896.25 for the Granite View Estates, Plats A, B, and C at approximately 850 East 50 South. – *Staff*

Councilman Bowen requested that they move the "Approval of the authorization to release the Improvement Construction Guarantee" to the regular action items.

Mayor Hadfield moved it to item No. 8 on the regular agenda.

Councilman Bowen noted that one of the items over \$25,000 was contingent on item No. 5 that they would be voting on later.

Mayor Hadfield noted that should not be on the requests over \$25,000.

Cathy Jensen stated it would be approved contingent upon the action item.

Councilman Bowen thought it to be more appropriate just to vote on it first and then add it to the bills.

Councilman Frost asked about the payment to the Central Utah Project.

Ms. Jensen explained that was the annual payment for water that was being used in the secondary irrigation system.

**Councilman Taylor moved approval of the common consent agenda as amended.
Councilman Shelton seconded the motion. Voting by voice roll call was as follows:**

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

ACTION ITEMS

REVIEW AND ACTION ON A RESOLUTION APPROVING AN AMENDMENT TO THE
LAND USE ELEMENT OF THE GENERAL PLAN LOCATED IN THE AREA OF 850 EAST
BAMBERGER DRIVE FROM THE RESIDENTIAL HIGH DENSITY TO THE
PROFESSIONAL OFFICE DESIGNATION – Kevin Edwards

Mayor Hadfield noted that this action was requested by the property owner who was annexing the property.

Adam Olsen explained that this went hand in hand with the next item on the agenda. Future plans called for an office medical type use. The Planning Commission was supportive of this action.

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

**Councilman Frost moved to adopt Resolution No. 2015-02-03R approving an Amendment to the Land Use Element of the General Plan located in the area of 850 East Bamberger Drive from the Residential High Density to the Professional Office designation.
Councilman Shorter seconded the motion.**

Councilman Bowen felt it made sense and he was not opposed.

Voting by voice roll call was as follows:

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

REVIEW AND ACTION ON THE ANNEXATION AGREEMENT FOR THE EDWARDS ANNEXATION CONSISTING OF 5.48 ACRES LOCATED IN THE AREA OF 850 EAST 50 SOUTH – Kevin Edwards

Adam Olsen explained that this annexation would include residential and professional office uses. This annexation would finish the right-of-way for 900 East to the south and connect with Bamberger Drive. Because that was a substantial portion of the annexation the applicant was requesting that the City participate in some of the improvements especially since it was proposed that area provide some parking for the Detention Basin Park Soccer Fields.

Mr. Olsen continued that proposed improvements were provided by the City (8) and by the applicant (8a). Upon review of both, the City Engineer would support either one as there was not much difference between the two.

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

Councilman Taylor moved to approve the Agreement for the Edwards Annexation consisting of 5.48 acres located in the area of 850 East 50 South. Councilman Shorter seconded the motion.

Mayor Hadfield asked if there was discussion on the motion.

Councilman Shelton thought they should determine between the two improvement options.

Councilman Taylor amended his motion to include Attachment 8a. Councilman Shorter agreed with his second.

Voting by voice roll call was as follows:

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

Mayor Hadfield felt that the City would benefit from the additional width and the trail and the associated parking next to the park. He applauded Mr. Spencer and Mr. Edwards working together for the benefit of the City.

REVIEW AND ACTION OF A RESOLUTION APPOINTING CRAIG WHITEHEAD AND/OR AMANDA DURRANT ADMINISTRATORS OF THE CITY'S PUTNAM 457 PLAN – Craig Whitehead

Craig Whitehead explained the City's 457 Plan was put in place a long time ago to benefit the volunteer firemen. There were only 12 still on the plan. When signatories changed new persons needed to be designated by Resolution.

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

Councilman Shorter moved to approve Resolution No. 2015-02-04R authorizing Craig Whitehead and/or Amanda Durrant to be signers of the American Fork City 457 Deferred Compensation Plan. Councilman Bowen seconded the motion. Voting by voice roll call was as follows:

Councilman Bowen	Aye	
Councilman Frost	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 the final plat of Copper Ridge at Northshore Corp. Center Phase 1 consisting of 4 lots located at 782 South Auto Mall Drive in the PI-1 Planned Industrial zone – Northern Engineering

Mayor Hadfield explained this item was tabled at the last meeting. There was some discussion about the residual remains of the round-a-bout. A traffic engineer was going to look at that and make a recommendation. That has been done. He understood that the petitioner and the City had come to some resolution. He asked the City Engineer for a report.

Andy Spencer reported that the traffic engineer indicated that it would be best to reconstruct the entry as paint would not be sufficient. As a result of meeting with the developer a compromise solution had been reached. Essentially, the City would remove and replace the asphalt and the applicant would remove and replace the concrete items. Mr. Oswald was in attendance.

Mayor Hadfield added that this was the plan that was recommended by the Planning Commission.

Councilman Taylor appreciated the extra effort Mr. Spencer went to along with the cooperation of Mr. Oswald.

Councilman Bowen asked Mr. Oswald if he was satisfied with this agreement.

Mr. Oswald answered that he was.

Councilman Shelton moved to approve Ordinance No. 2015-02-07 adopting the final plat of Copper Ridge at Northshore Corp. Center Phase 1 consisting of 4 lots located at 782 South Auto Mall Drive 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: 1) All conditions identified in the public record associated with the January 21, 2015 Planning Commission meeting, and 2) Denial of the waiver for removal of the residual roundabout with the finding that the current design poses safety concerns, and 3) The agreed upon participation as presented . Councilman Bowen seconded the motion.

Mr. Spencer asked that it be subject to the action on the vacation of right-of-way at the next Council meeting. Mr. Oswald had been made aware of this.

Councilman Shelton amended his motion to include, 4) That approval be subject to the action on the vacation of right-of-way at the next Council meeting. Councilman Bowen agreed with is second.

Voting by voice roll call was as follows:

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

- b. Review and action on an Ordinance approving an amended commercial site plan for Standard Plumbing, located at 552 East 620 South in the GC-2 General Commercial zone – David Peterson

Adam Olsen explained that Standard Plumbing had taken over the old Office Max site and they want to include a fenced outside sales and storage area behind the structure. Adjacent property owners who need the space to maneuver and who have contractual relationships with this parcel have no objections. The Planning Commission recommended approval.

Mayor Hadfield asked if there were any questions.

Councilman Frost asked about the fence.

Mr. Olsen responded that they were proposing a chain link fence. One of the provisions was that the storage material be kept below the height of the fence.

Councilman Shorter moved to adopt Ordinance No. 2015-02-08 approving an amended commercial site plan for Standard Plumbing, located at 552 East 620 South in the GC-2 General Commercial 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 4, 2015 Planning Commission meeting. Councilman Taylor seconded the motion. Voting by voice roll call was as follows:

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

REVIEW AND ACTION ON THE ACCEPTANCE OF QUOTE SUBMITTED BY CONTECH ENGINEERED SOLUTIONS IN THE AMOUNT OF \$184,770 AND AUTHORIZE THE PURCHASE OF A PRECAST BRIDGE TO BE INSTALLED AT APPROXIMATELY 980 NORTH 500 EAST IN ASSOCIATION WITH THE ART DYE PARK NORTH ACCESS PROJECT – Staff

Andy Spencer explained that in order to expedite, the staff was suggesting that they remove the bridge from the construction contract and deal with it independently. It would also be a cost savings. With this type of bridge it was a single source.

Mayor Hadfield added that there was about a 12 to 15 week timeframe from placement of order to receipt of product.

Councilman Bowen asked if this needed to go out to bid or was it okay with a single source provider.

Kasey Wright responded that the City was okay with a single source bid.

Councilman Taylor moved to approve the purchase of a precast bridge from Contech Engineered Solutions in the amount of \$184,770 and authorize staff to proceed with preparing the required purchase agreement. Councilman Frost seconded the motion.

Mayor Hadfield asked if there was discussion on the motion.

Councilman Bowen asked which option this order represented.

Mr. Spencer responded that this was the longer option. It was the full 72-foot bridge.

Councilman Bowen supported the construction of the bridge as it made a lot of sense. His concern was that in ordering it first that it may cost more in the long run if there were changes after the design. He also recognized the time constraint that was being dealt with.

Mr. Spencer explained that it was made in six-foot sections and they could adjust that if needed. The engineering would remain the same.

Voting by voice roll call was as follows:

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

REVIEW AND ACTION ON THE ACCEPTANCE OF A CHANGE ORDER TO THE 2014 – 15 UTAH VALLEY DRIVE SEWER REHABILITATION PROJECT WITH C & L WATER SOLUTIONS – Staff

Andy Spencer explained that currently work was being done to reline the sewer in Utah Valley Drive in the Business Park. They have found continuous infiltration of about 50 gallons per minute in 860 East Street running northward about 1800 feet from its intersection with Utah Valley Drive. Past studies have shown that one gallon per minute running for a full year cost about \$1,000 for treatment at TSSD.

Mr. Spencer continued that while they had the contractor on site that could do the job they would have him do the work. It would require the City to dip into the fund balance. It was felt that this would be a wise move at this time.

Mayor Hadfield asked if there were any questions.

Councilman Bowen asked if this would be the utility fund balance or the general fund balance.

Mr. Spencer answered that it would be the utility fund balance.

Councilman Bowen asked what the balance was in that utility fund.

Cathy Jensen responded that she did not have that figure at hand.

Councilman Bowen asked if she was confident that it was more than this.

Ms. Jensen answered that it was. The fund balance was in the millions.

Councilman Bowen asked if there were other things that were anticipated that those funds be used for.

Mr. Whitehead explained that any use was already provided for in the Capital Improvements Budget. The fund balance was unrestricted reserves and not programmed for anything.

Councilman Bowen commented that he did not like spending money that was not budgeted for but in this case he understood the situation and was agreeable.

Councilman Frost moved to approve the change order to C & L Water Solutions in the amount of \$211,970 and authorize staff to proceed with the execution of said change order. Councilman Taylor seconded the motion.

Voting by voice roll call was as follows:

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

APPROVAL OF THE AUTHORIZATION TO RELEASE THE IMPROVEMENT CONSTRUCTION GUARANTEE AND DURABILITY RETAINER IN THE AMOUNT OF \$261,896.25 FOR THE GRANITE VIEW ESTATES, PLATS A, B, AND C AT APPROXIMATELY 850 EAST 50 SOUTH – *Staff*

It has been reported by Andy Spencer that a letter had been received from the HOA President that he felt the work was done and now taken care of.

Councilman Bowen asked the nature of the concerns.

Mayor Hadfield explained that they thought more lighting was needed in a number of areas, a fence to be placed around a common space, and restitution on some concrete settling. Mr. Spencer had explained that some of the issues were outside the durability period. Mayor Hadfield believed that Mr. Mitchell, the developer of the property, had taken care of the lighting and the fence.

Councilman Bowen asked if it had been inspected.

Mr. Spencer responded that the public works inspector worked with them as they completed the work and reported to him that he was satisfied.

Councilman Shorter moved to accept the improvements and authorize the Mayor to execute the Notice of Acceptance for the Granite View Estates, Plats A, B, and C. Authorize the City Engineer to issue documents and/or payments to release the Improvement Construction Guarantee and Durability Retainer for Granite View Estates, Plats A, B, and C, and find that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards, or need for remedial action. Councilman Shelton seconded the motion.

Mayor Hadfield asked if there was any discussion on the motion. There was none.

Voting by voice roll call was as follows:

Councilman Bowen	Aye
Councilman Frost	Aye
Councilman Shelton	Aye

Councilman Shorter	Aye	
Councilman Taylor	Aye	The motion carried

CONSIDERATION AND ACTION ON ENTERING INTO AN EXECUTIVE SESSION TO DISCUSS 1) LITIGATION AND 2) THE PROFESSIONAL CHARACTER AND COMPETENCE OF AN INDIVIDUAL – Mayor Hadfield

Councilman Shorter moved to enter into an executive session at 8:25 p.m. to discuss 1) litigation and 2) the professional character and competence of an individual. Councilman Shelton seconded the motion. Voting by voice roll call was as follows:

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

The City Council entered into an executive session in a downstairs work room of the City Hall to discuss litigation at 8:30 p.m. Those in attendance at this first portion of the executive session included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Brad Frost, Rob Shelton, Jeff Shorter, and Clark Taylor. Others present included City Attorney Kasey Wright, City Administrator Craig Whitehead, 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 8:41 p.m.

The Council entered into the second portion of the executive session at 8:41 p.m. (See **ATTACHMENT 1**)

Councilman Taylor moved to return to regular session at 8:53 p.m. Councilman Shorter seconded the motion. All were in favor.

ADJOURNMENT

Councilman Taylor moved adjournment at 8:53 p.m. Councilman Shorter seconded the motion. All were in favor.



Richard M. Colborn
City Recorder

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

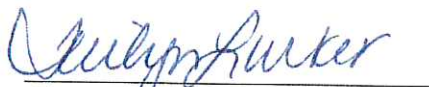
I, Mayor James H. Hadfield, do solemnly swear and affirm that the sole purpose of the second portion of the executive session of the American Fork City Council on Tuesday, February 24, 2015, was to discuss the professional character and competence of an individual.


James H. Hadfield, Mayor

State of Utah
County of Utah

Subscribed and sworn to before me this 24 day of February, 2015.




Signature of Notary Public

My Commission Expires: 2/4/16