

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
MAY 26, 2015

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, May 26, 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
Code Compliance Officer Nestor Gallo
Fire Chief Kriss Garcia
Library Director Colleen Eggett
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: Kevin Barnes, Mrs. Elaine Hadfield, Terry Mills, Mr. & Mrs. Reid Shelley, Jon Davis, Jason Beck, and 15 additional persons

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

Mayor Hadfield invited the Scouts in attendance to the front to introduce themselves.

Troop 830 Conner Freestone

Troop 935 Benjamin Karlinsey

Mayor Hadfield wished them well as they traveled along Scouting's Trail and when it was time for an Eagle Project to consider one in American Fork City.

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

Thomas Karlinsey moved here from Orem six years ago. One of the things that stuck out when he moved here was the number of small parks throughout the City that were very easily

accessible with large trees. They were worth preserving. It was a stark contrast to Orem. With the large Art Dye Park accessibility was good with good parking. He loved the trees.

Mayor Hadfield asked Derric Rykert how many participants were in organized soccer in American Fork. He noted that on soccer day every piece of grass big enough to hold a goal had a soccer field.

Mr. Rykert answered that there were about 2,500 throughout the year.

Kevin Barnes stated that he could not let yesterday go by without commenting to the Mayor, City Council, and Senior Staff, that part of what made a great community was more than just roads and ball parks. It was people and what people did. Memorial Day was a wonderful program with a packed house. The American Fork Band drew a lot of people. Mrs. Mayne was a wonderful speaker. Everybody that put effort into that needed to be appreciated for what they did. As always it was very well done. It was a great program. American Fork had a good reputation that was growing around the state that it was the place to be on Memorial Day. If you missed it, 364 days from now, one could repent. It was that good. He thanked everyone involved.

CITY ADMINISTRATOR'S REPORT

Craig Whitehead had nothing to report at this time.

COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Bowen had nothing to report at this time.

Councilman Frost accepted thanks in behalf of the Cemetery Committee who were people that came together, worked together, and talked together. Sometimes the Council had to determine what was a want and what was a need. The things that happened yesterday cost nothing but maybe a printed program but it was immeasurable. He felt like it had become a need that they had to do. They had to perpetuate what was done yesterday. A program would also be held on Veterans Day. He thanked Mr. Barnes noting that if anyone understood the relevance of the day, it was the Barnes Family. (Sgt. Nathan Stanley Barnes, 23, gave his life protecting American Freedoms on July 17, 2007 in Iraq. He was part of the 4th Battalion, 31st Infantry Regiment, 2nd Brigade Combat Team, 10th Mountain Division out of Fort Drum, New York.)

Councilman Frost enjoyed yesterday. It was one of his favorite days. It started off with the Firemen's Breakfast and then it moved on to the Tabernacle for the program and it had family all throughout. He was surprised that KSL came. They did not even do a press release. He could have listened to Mrs. Janice Mayne for another hour. It was in her to love the City of American Fork.

Councilman Shelton enjoyed the Memorial Day events. He loved taking his kids to the Firemen's Breakfast in the morning. The car crash simulator was a hit. From a public relations standpoint with the kids and the youth they really enjoyed that and being able to see the helicopter. Also being able to attend the Cemetery was great. Ray Garrett did a great job. The place was sacred to him as he was able to take his Grandfather there and hear stories about his

heritage and then go to the event at the Tabernacle. He saw a lot of posts on Facebook later in the evening next to the flag stand. He was grateful for Mr. Barnes whose son gave the ultimate sacrifice.

Councilman Shelton was happy to note that a report came across his desk that Investor Services has awarded the City an Aa3 Bond Rating. It was because of the City's

- Strong and diverse tax base
- Average wealth indices
- General sound fund balances
- Average debt levels

The only criticism was the City's size.

Councilman Shorter reported that the Youth City Council met earlier. They continued to work on the Steel Days activities.

Councilman Shorter reported that on Saturday was going to be the Timpanogos Chorale at 7:00 p.m. at the American Fork High School, \$15 for a family and \$5 for an individual. Also June 1 started the Concerts in the Park at the Amphitheater from 7:00 p.m. to 8:30 p.m. It was a great family activity.

Councilman Taylor commented that because of the rain the Fox Hollow Golf Course was in tremendous shape. At the last Board meeting they invited all of the City officials and staff on the last Wednesday of the month for a luncheon and to play the course if desired. The crew there did a great job. He played the course yesterday and as he was playing he came upon the Pro Rick Roberts on one of the gang mowers. They were understaffed and they embraced it and everyone was on board and wearing as many hats as possible. The comment came to him that they were appreciative of American Fork and Lehi cities. Lehi City just installed some new asphalt and American Fork City's crews brought in clay to line the ponds so that the water was retained.

Councilman Taylor commented that when he decided to run for office four years ago he talked about Mayberry. Yesterday epitomized what he was hoping for in terms of that Memorial Day Program. He seldom ever missed the Firemen's Breakfast and they did that again. The Memorial Day Program has become that new thing. When he said Mayberry they have had some tremendous speakers come and talk about Freedom. Yesterday when Janice Mayne was there it was hometown American Fork. It was the discussion of people by someone who clearly with all of her heart loved American Fork. She was one of his teachers for two years and her husband Doug was his Fifth Grade teacher. She talked about those who were killed in WWII and she talked about Sgt. Nathan Barnes and how the City welcomed him with 400 flags along the route and now there was a street named after him. The event was getting national attention and congratulated Councilman Frost and the Cemetery Committee on the job they did. He loved Janice Mayne. In the audience was 102 year old Mary Kawakami. It was down home and it was people who loved this area. He was pleased to be a resident here and have had the opportunity to serve the City the last four years.

MAYOR'S REPORT

Mayor Hadfield reported that a budget meeting was held just before this meeting for 2016. He spoke to the Quality of Life. Two people spoke during the public comment period regarding certain things. He reminded the Council that not everything in American Fork was designed to make money. They had a library, pool, recreation center, arts, and golf course noting that some things were meant not to operate in the black but they increased the Quality of Life.

As they moved forward it should be kept in mind what was wanted by the residents of American Fork City. American Fork City did not plan on being the biggest community in the State but it had the staff, the resources, and the facilities that could continue to guarantee Quality of Life.

Two more businesses would be opening in American Fork next week.

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 May 7, 2015 work session minutes.
2. Approval of the May 12, 2015 City Council minutes
3. Approval of the City bills for payment and purchase requests over \$25,000. – *Cathy Jensen*

Councilman Taylor moved approval of the common consent agenda as presented. Councilman Frost 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 THE ANNEXATION AGREEMENT FOR THE MILLS ANNEXATION CONSISTING OF 0.0281 ACRES LOCATED AT APPROXIMATELY 235 NORTH 1075 EAST – Terry Mills

Terry Mills was present to represent the Mills Annexation consisting of a small parcel of ground. He appreciated the time and effort that had gone into this process.

Councilman Shorter moved to approve the agreement for the Mills Annexation consisting of 0.0281 acres, at 235 North 1075 East. 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 AMENDED ANNEXATION AGREEMENT FOR THE RED LEAF ANNEXATION, CONSISTING OF 1.8 ACRES, LOCATED AT APPROXIMATELY 825 EAST 50 SOUTH – Reid Shelley

Mr. Reid Shelley was present with his wife Shellie. They were not comfortable with the agreement and had some concerns. They appreciated the City's help in doing this. They had asked about accessing their property from the north from 30 North Street as the sewer was much closer. They were told that a knuckle or bulb would be required along with a deed for the property and installation of a sidewalk and asphalt. This was explained under Section 6. They had a difficult time seeing a win-win situation at a cost of \$17,500. An estimate for a sewer line of 500 feet to 50 South Street was about \$20,000. Impact fees were another \$10,000 bringing the total out of pocket to them of \$47,000.

Mayor Hadfield asked if the size of the bulb could be reduced.

Mr. Spencer answered that the bulb was designed by Ken Berg, the Shelley's engineer. It could possibly be reduced a little. The bulb was to provide the required frontage at the set back line so the lot was conforming.

Mayor Hadfield asked Mr. Spencer if the Shelley's estimates were about correct as he saw them. He knew that the Greenland Property on 50 South had a sewer line stubbed in behind the sidewalk. He asked the depth of the sewer on 30 North Street.

Mr. Shelley answered that it was only about 7½ feet.

Councilman Frost commented that what the City was requiring was due to something that might take place in the future.

Mr. Spencer answered that it was both for now and the future. This was how this property would best fit into the City's infrastructure plans in the future.

Councilman Bowen asked Mr. Shelley what would be required to make it a win-win to him.

Ms. Shelley stated that they totally understood the City impact fees and those were charged to anyone who was building. They recognized those and accepted them. The other expenses, like the bulb and the sewer were their questions. She shared a little background. Reid and she got married less than two years ago. They were trying to make an 'Our Home.' They both had homes. They considered themselves American Fork and raised their kids here and grew up here. It has become not as simple as they had hoped. They supported American Fork City.

Mr. Shelley asked if there were other things that they were not seeing, financially. They knew about non-resident fees and they could pay those and never come up to the costs facing them with annexation.

Mayor Hadfield explained that improvements put in by one party and if connected to there was a reimbursement formula adopted by the City by Ordinance. He explained that there were

locations in the City where the main level was gravity fed into the sewer and the lower level was pumped to the main level. Public improvements were provided in the form of a financial guarantee with occupancy delayed until the improvements were in place.

Councilman Bowen did not see the benefit of the bulb.

Councilman Shelton asked if the property could be developed in the County.

Mr. Shelley answered that they could but the City would have to write the County a letter stating that a septic tank or connection to their sewer was okay.

Mayor Hadfield asked about the engineering standards for the bulb.

Mr. Spencer explained that it was not the size of the bulb but the bulb was to allow for the required frontage at the setback line. With regard to the sewer, they could connect to 30 North or run a 4-inch lateral or an 8-inch main line down and connect to 50 South Street.

Councilman Frost wanted to provide them every benefit of every doubt however the Council needed to hold to the Ordinance.

Councilman Shelton commented that the only reason for the bulb was to get the required frontage. He suggested that this go to the Board of Adjustment. They were not subdividing nor gaining by the action.

Mr. Spencer responded that this was annexation and annexation was a negotiation. Items going to the Board of Adjustment were those that were not self-created.

Councilman Bowen recognized that they were the property owners and wanted to build a house. He was willing to make an exception in this case in preference of their property rights over the City regulations that seemed marginally applicable.

Councilman Bowen moved to accept the annexation and waive the requirement for the bulb and waive any prohibition of connecting to the sewer to the north.

Councilman Shelton asked if the Council could legally make that exception. He thought that was with another body.

Kasey Wright answered that he did not think they would be violating a law. It did put restraints in the future. Having said that, he did not like the language they you were willing to make an exception this time because that was the very definition of arbitrary and capricious. This was a little different because it was an annexation agreement. It could be a negotiation and go back and forth. They were not held to those same standards.

Councilman Bowen explained that he was willing to do it because it appeared that the enforcement of those particular provisions seemed to be of marginal utility to the City.

Kasey Wright responded that the Council did not have a right to decide which law they did or did not enforce. That was the definition of arbitrary and capricious and that would get the City in

trouble. The City did have the right to enter into negotiations and a give and take. That was not a problem. He saw this more as a give and take more than going against any of the laws.

Mayor Hadfield expressed that there was a motion on the floor but he wanted Mr. Spencer to explain that if the bulb was eliminated additional width of road was still needed and curb, gutter, and sidewalk.

Mr. Spencer did not think that there was any need for additional road width but some land dedication. The bulb was a frontage issue.

Councilman Taylor asked if the Shelley's were to dedicate that land to the City and the City put extra oil in there and then negotiated a split on the cost, if that was something the Shelley's would be willing to entertain.

Mr. Shelley answered that they would.

Mayor Hadfield called for a second on the motion. There was none. The motion was declared dead.

Councilman Taylor asked Mr. Shelley if he had other things.

Mr. Shelley asked if they would be able to sewer off of 30 North if they could access the pressurized from there as well.

Mayor Hadfield answered that they could.

Councilman Frost liked the idea of deferring additional development to a later date.

Mr. Shelley responded that right now pressurized irrigation came in from 50 South.

Councilman Shelton noted that a lot of options were being thrown around. He thought it would be best to go back to staff and redraft the document and then come back to the Council. He asked if a postponement was okay.

Mr. Shelley thought it would be okay.

Councilman Taylor thought they could come to a solution.

Councilman Bowen suggested to the Shelley's that they consider connecting to the sewer on the south. They needed to see what accommodated them the best.

Councilman Shelton moved to table this item to the next earliest meeting possible and asked Staff to make themselves available. 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 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 final plat and site plan for Bonneville Vista Townhomes PUD Plat B, consisting of 5 units, located in the area of 990 East 50 South – Jon Davis/Dudley & Associates

Jon Davis was present.

Councilman Frost moved to void any previous approvals for Bonneville Vista PUD Plat B, and to approve Ordinance No. 2015-05-28 adopting the final plat and site plan for Bonneville Vista Townhomes PUD Plat B, consisting of 5 units, located in the area of 990 East 50 South and to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat and publication of the Ordinance subject to all conditions identified in the public record associated with the May 6, 2015 Planning Commission minutes. Councilman Shelton seconded the motion.

Mayor Hadfield asked if there were questions on the motion.

Mr. Davis noted that he would be back in a couple of weeks for Plat C. He was not able to build units fast enough.

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 A RESOLUTION APPROVING A LAND USE MAP AMENDMENT FOR A PARCEL OWNED BY UDOT ADJACENT TO I-15 FROM THE MAJOR TRANSPORTATION FACILITIES DESIGNATION TO THE DESIGN INDUSTRIAL DESIGNATION LOCATED AT 348 SOUTH 100 WEST (FRONTAGE RD.) – All Star Garage Doors

Jason Beck owner of All Star Garage Doors was present.

Mayor Hadfield asked if there were questions on this action.

Councilman Shelton moved to adopt Resolution No. 2015-05-11R approving a Land Use Map Amendment for a parcel owned by UDOT adjacent to I-15 from the Major Transportation Facilities designation to the Design Industrial designation located at 348 South 100 West (Frontage Rd.). Councilman Shorter seconded the motion.

Mayor Hadfield asked if there was any discussion on this 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

REVIEW AND ACTION ON AN ORDINANCE APPROVING A ZONE MAP AMENDMENT FOR A PARCEL OWNED BY UDOT ADJACENT TO I-15 FROM THE PF-PUBLIC FACILITIES ZONE TO THE PI-1 PLANNED INDUSTRIAL ZONE LOCATED AT 348 SOUTH 100 WEST (FRONTAGE RD.) – All Star Garage Doors

Councilman Frost moved to adopt Ordinance No. 2015-05-30 approving a Zone Map Amendment for a parcel owned by UDOT adjacent to I-15 from the PF-Public Facilities zone to the PI-1 Planned Industrial zone located at 348 South 100 West (Frontage Rd.). Councilman Shelton seconded the motion.

Mayor Hadfield asked if here were questions on this motion. There were 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

REVIEW AND ACTION ON AN ORDINANCE ADOPTING AN AMENDMENT TO SECTION 17.5.124, RELATING TO “RECREATIONAL VEHICLES AND MOBILE HOMES PROHIBITED; EXCEPTIONS”, OF THE AMERICAN FORK CITY DEVELOPMENT CODE - Staff

Adam Olsen explained that this proposed amendment would allow an RV in addition to a mobile home to be a temporary residence on the lot while a home was being constructed. It also eliminated the requirement to go to the Board of Adjustment. The provision was very rarely used.

Councilman Shelton moved to adopt Ordinance No. 2015-05-31 approving an amendment to Section 17.5.124, relating to “Recreational Vehicles and Mobile Homes Prohibited;

Exceptions,” of the American Fork City Development Code. Councilman Taylor seconded the motion.

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

Voting by voice roll call was as follows:

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

REVIEW AND ACTION ON THE APPROVAL OF CONTRACT CHANGE ORDER NO. 3 TO THE 2014 PACIFIC DRIVE OVERLAY AND DRAINAGE CONTRACT – Dale Goodman

Mr. Goodman stated that they were finding the money for this.

Councilman Shelton asked if this project would be completed by the end of June.

Mr. Goodman answered that this action extended the deadline to July 1 but the City has been told that it would be the middle of June.

Councilman Bowen commented that he would be glad to see Pacific Drive done. He thought it would be nice to see curb and gutter on the side by the tracks.

Councilman Shelton moved to approve Change Order No. 3 for Morgan Asphalt in the amount of \$53,754.50 for additional services associated with to the 2014 Pacific Drive Overlay and Drainage contract. Councilman Taylor seconded the motion.

Mayor Hadfield asked if there were any questions on the motion. There were 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

REVIEW AND ACTION ON AN ORDINANCE APPROVING AMENDMENTS TO THE STORM WATER ORDINANCE – Dale Goodman

Mr. Goodman reported that there had been changes imposed by the State. These changes had been incorporated in this amendment. It also added some teeth into enforcement and would make the developers want to conform. It had been reviewed by the City’s legal counsel.

Councilman Shelton move to adopt Ordinance No. 2015-05-32 approving the Storm Water Pollution Prevention Ordinance amendments.

Councilman Shelton noted that Nestor Gallo had been key in this area and thanked him for his hard work and his attendance tonight.

Councilman Taylor seconded the motion.

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

Voting by voice roll call was as follows:

Councilman Bowen Abstain

Mayor Hadfield asked if did not have any storm water in his part of town.

Councilman Bowen stated that he did not agree with all the regulations before and after the amendment.

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

REVIEW AND ACTION TO ENTER INTO A CONTRACT FOR THE 2015 CONCRETE REPLACEMENT SERVICES WITH QUICKSILVER CONCRETE, INC – Dale Goodman

Mr. Goodman reported that each year or two they settle on a contractor to do concrete work in the City at a fixed price on an as needed basis. Quicksilver Concrete was the successful bidder.

Councilman Shelton asked about a warranty.

Mr. Spencer answered that the standard contract award provided for a one year warranty.

Councilman Taylor moved to approve the contract between American Fork City and Quicksilver Concrete, Inc. for concrete services for a term of two years and authorize staff to proceed with executing the agreement document. Councilman Shorter seconded the motion.

Councilman Bowen asked if this was an exclusive contract.

Mr. Goodman answered that it was not.

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 A RESOLUTION APPROVING AN INTERLOCAL
COOPERATION AGREEMENT WITH UTAH COUNTY FOR ELECTION SERVICES –
Richard Colborn

Richard Colborn explained that this contract included all of the electronic voting devices, early voting, processing of absentee voters, and other things necessary to conduct an election. The price was \$10,593.26 which was about \$3,000 less than in 2013. The County Elections Office has served the City well.

Councilman Shelton felt it was great to have the County provide the City’s election services as they were an independent third party

Councilman Shelton moved to adopt Resolution No. 2015-05-12R for the purpose of Utah County to provide certain Election Services for the American Fork Municipal Primary Election to be held on August 11, 2015 and the American Fork Municipal General Election to be held on November 3, 2015. Councilman Taylor seconded the motion.

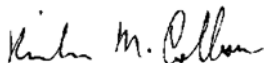
Mayor Hadfield asked if there were questions on the motion. There were none.

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

ADJOURNMENT

Councilman Shorter moved adjournment at 8:57 p.m. Councilman Bowen seconded the motion. All were in favor.



Richard M. Colborn
City Recorder