

AMERICAN FORK CITY  
COUNCIL MEETING  
AUGUST 25, 2015

PUBLIC HEARINGS

The American Fork City Council met in two public hearings on Tuesday, August 25, 2015, in the American Fork City Hall, 31 North Church Street. Those present included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Rob Shelton, Jeff Shorter, and Clark Taylor. Councilman Brad Frost was excused.

Staff present: Associate Planner Wendelin Knobloch  
City Administrator Craig Whitehead  
City Engineer Andy Spencer  
City Planner Adam Olsen  
City Recorder Richard Colborn  
Finance Director Cathy Jensen  
Fire Chief Kriss Garcia  
Legal Counsel Cherylin Egner  
Parks & Recreation Director Derric Rykert  
Police Chief Lance Call  
Public Works Director Dale Goodman  
Technology Director George Schade

Also present: Barbara Christiansen, Dan Richards, and 8 additional persons

7:15 p.m.      RECEIVING OF PUBLIC COMMENT REGARDING VACATION OF  
EASEMENTS AT 164/176 NORTH 150 WEST CIRCLE; 841 WEST PACIFIC  
DRIVE; 864 EAST 120 NORTH; AND 1158 NORTH 1150 EAST - *Staff*

Mayor Hadfield explained that this item was removed from this agenda and would be held on September 8, 2015

7:20 p.m.      RECEIVING OF PUBLIC COMMENT REGARDING THE RICHARDS  
ANNEXATION CONSISTING OF 11.74 ACRES AT 980 NORTH 900 WEST –  
*Dan Richards*

Mayor Hadfield asked the City Recorder if any protests had been received. He reported that there had been no protests.

Mayor Hadfield invited anyone that had a comment on this annexation to come forward. There were none. The hearing concluded at 7:22 p.m

REGULAR SESSION

The American Fork City Council met in a regular session on Tuesday, August 25, 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 Engineer Andy Spencer  
City Planner Adam Olsen  
City Recorder Richard Colborn  
Finance Director Cathy Jensen  
Fire Chief Kriss Garcia  
Legal Counsel Cherylin Egner  
Library Director Colleen Eggett  
Parks & Recreation Director Derric Rykert  
Police Chief Lance Call  
Public Works Director Dale Goodman  
Technology Director George Schade

Also present: Kristin Page, Dan Richards, Barbara Christiansen, Allen Simpson, Kevin Barnes, Kyle Barratt, Sam Bushman, Brady Nixon, Sam Penrod, Adam Kent, James Doolin, Victor Hansen, Jason Newitt, Jeremy Searle, and 15 additional persons.

Mayor Hadfield recognized Allen Simpson and Kevin Barnes who were running for City Council who were in the audience and also incumbents Councilman Brad Frost and Councilman Rob Shelton who were on the stand.

Mayor Hadfield led the audience in the Pledge of Allegiance and Pastor Sam Gonzales of the Mountain View Calvary Church offered a prayer.

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

Troop 1106                      Spencer Bushman

Mayor Hadfield wished him well and noted that when it came time for an Eagle Scout project that there were many things that could be done to benefit the City.

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

Sam Bushman expressed concern regarding government at all levels. Government had a role to protect life, liberty, and property. Government continued to grow at an alarming rate. As an example they were told that the Secondary Water System would be tremendous and save a lot of money but the cost kept going up. He guessed they were \$30 million in debt. He did not think it was very well thought out. He had lived in American Fork for 13 years and that was just one teeny example that every time he turned around the Council wanted more money for everything under the sun. He asked the City Council and Mayor to please have respect for the sacred monies they had been entrusted with and take the time to ask internal questions, engage your heart and say, “Is this really necessary or was this going to help me politically?” “Is this really a



valuable, wise, careful, responsible decision that I was making or might we preserve money for the fundamental unit of society, the family?” It would be wise to conserve and live with less and do less and be more frugal. He encouraged the Council to become the citizen’s advocate.

Brady Nixon, a resident on the west side of American Fork expressed concern of the IFA Development behind his and other homes. They have talked as neighbors and they all felt it was a good idea to come before the City Council to seek some answers and reassurances regarding the development that was approved. Their concerns included:

- 1) The elevation that seemed to be developing on the south end of the project especially after sewer lines had been installed. The height of the grade seemed to be about 5 feet on their 8-foot fence. Emails had gone unanswered.
- 2) Communication with IFA seemed to have stopped as well.
- 3) They were worried and skeptical that all of the conditions of the original plan that was adopted would be met.
  - a. It was clearly addressed in their talks and negotiations that the fence height would be 8 feet on both sides.
  - b. Lights and surveillance cameras had to be below the fence in order to assure the residents privacy in their backyards. If the elevation was raised that left only a 3-foot fence and those requirements could not be met.
- 4) Mr. Nixon was concerned about water runoff. He had never had water in his basement in the five years he had lived here but since the development started he has had water in his basement twice. It should remain on the IFA property.

Mr. Nixon did not want to feel that he had to come to the Council every few months to get more reassurances that what was actually agreed upon and approved was what would be built. He did not want development and construction to go so far along that it became a “there was nothing we could do now” situation. The decisions made by the Council affected peoples’ lives. He asked the City Council to insure without excuse or adjustment the plan which was originally approved be followed and if minor adjustments were needed that the residents be part of those discussions.

Adam Kent explained that his was the lowest house on 780 West Street. He was also concerned about the elevation behind the wall. He found it confusing the other day to walk right into the construction project with only a piece of yellow caution tape to stop him. With the sewer project going on there as well he had safety concerns. Two of the kids came up with a 6-foot cable that had been broken that had some sharp ends. He expressed support for what Mr. Nixon had said.

Sam Penrod commented that they were concerned about the elevation and they had tried to get some answers from the City Engineering Office this summer including this past week. They had also heard that IFA was trying to expand the footprint of the building. They were trying to be patient with the construction but at the nice looking BioLife building they were doing work as early as 4:30 in the morning. Dust was out of control. He would like to see some grass planted if they were not going to build soon. It was brought to his attention last night that a new sewer manhole lid was off for some reason and it was an 18-foot drop. The hazard was right now. He asked that the City provide more oversight on the project and that the promises and assurances that the neighbors received when it was originally approved were kept and that they were involved in any changes.



Mayor Hadfield asked Dale Goodman to take action on the comments expressed this evening. Mr. Goodman acknowledged that he would.

Mayor Hadfield asked if there were differences in the site plan for the IFA Store.

Adam Olsen responded that there had been no new submittals. Any new submission would have to go back to the Planning Commission.

Mayor Hadfield asked about the manholes.

Andy Spencer stated that some of the manholes were set a little bit above grade. They did meet with IFA representatives and they would be lowered. He would notify the contractor of the dust.

Councilman Taylor asked if the City could do a site inspection to determine why Mr. Nixon was getting water in his basement.

Mr. Spencer answered that they would investigate.

Councilman Frost asked if they knew where the footings and foundations on the south would be relative to the fence height. Was this an oversight that was not seen? It looked to him as if the grade had gone up four to five feet on that side. He asked if it was going to be different than what they had thought.

Mr. Spencer explained that relative to where the building was seen, was a site that had pretty good grade north to south. When a larger store was constructed, unless that was a step placed in the floor, the building would have to be cut in on the top end and fill in on the bottom end in order to have a flat floor.

Mr. Spencer continued that relative to the promises regarding the camera and lighting it posed a problem at this point. Back in May they met with IFA representatives to see if there were some adjustments that could be made to lessen the grade problem. Many of the discussions were under the assumption that everything matched the existing grades.

Councilman Bowen asked if any retaining walls were put in. Did they have a four or five foot grade pushing against the fence?

Mr. Spencer responded that it was sloping away from the fence and not pushing against it.

Mayor Hadfield commented that Mr. Nixon was exactly right that the storm water from the IFA site must remain on the IFA site.

Councilman Frost stated that the plan was the governing document, no matter what had been said. What was approved was it. He hoped that IFA would hold to that and follow the plan by the letter of the law.



Scott Roudabush, Chairperson of Parks and Recreation Committee, reported that they had not heard anything from the PARC Tax Citizen Committee regarding applying for funds.

Mayor Hadfield explained there was a lot of discussion, a lot of talk, and a lot of hearsay. A citizen committee has been appointed. They met and appointed Brian Thompson as the Chair. They had been asked to come up with standards and Bylaws and forms. There were agencies, such as the Arts Council, that could not wait until for the fourth quarter for their money. He would meet with Mr. Thompson and get some information back to Mr. Roudabush.

Councilman Taylor suggested that they have a work session with the PARC Tax Committee to clearly identify their responsibilities.

Councilman Shelton recommended that it might be helpful to assign a liaison from the Council to that Committee.

Mayor Hadfield would put this on a future work session agenda.

#### CITY ADMINISTRATOR'S REPORT

Craig Whitehead asked Fire Chief Kriss Garcia to give an update on American Fork Firefighters working in the State of Washington.

Chief Garcia reported that four of the Department's firefighters and an engine had been deployed to Washington at the request of the US Forest Service. They were protecting a town with the Bureau of Indian Affairs, Nespelem, outside of Spokane. He talked with them every morning. It was hard work but they were enjoying themselves. The Federal Government reimbursed for the expense of the manpower and the apparatus plus the backfill at our station. They were getting a world of experience that the City could draw from for the next several years. Their deployment was for 14 days. Others may go up and replace them.

Mayor Hadfield commented that it was of interest to him that Santaquin also had four firefighters and an apparatus in Washington and they had a fire going in their own town.

#### COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Bowen reported on our firefighters in Washington and that he looked that up. The fire was zero percent contained and there were 2000 civilian structures threatened and about 150 commercial structures.

Councilman Bowen reported that the Beautification Committee was alive and well. They met this month and continued with the Yard of Month Program and caring for the pots on Main Street. They talked about having a Scarecrow Festival.

Councilman Frost reported that when he heard that some of our Firefighters were going to Washington he thought it was good to give service. He hoped the City never needed to be on the other end. There was a brotherhood in the Fire Service and he knew the City would be covered if help was ever needed.



Councilman Frost reported that he went to the Carnival site at 6:30 Sunday morning and he could not find one wrapper. City of Fun came back and honored their contract. An additional 15,000 tickets were sold. There has been a lot of good positive feedback. They even cleaned up the LDS Tabernacle parking lot. Steel Days was now officially concluded.

Councilman Shelton reported that he attended last week's Library Board Meeting. There was a lot going on at the Library and a lot of great improvements were taking place. With the e-Rate Grant the wireless access has increased 266 percent and was able to reach every corner in the Library. With another Grant they were able to get more audio books as well as a new television and a projector and screen. They were looking forward to an LSTA (Library Services and Technology Act) Grant to allow for self-checkout. Four Eagle Scout Projects were recently completed at the Library.

Councilman Shelton reported that in 2013 the Learning Center served 3,988 students. In 2014 6,748 students were served which represented a 70 percent increase in one year. In 2013 there were 79 tutors and last year there were 337.

Councilman Shelton turned time to the Chamber of Commerce for a short presentation.

President of the Chamber of Commerce Dannette Klein presented a revenue sharing check from the rent of the billboard to the City.

A short video regarding some of the things going on in the Chamber of Commerce was presented. She thanked the Board members that were here, Ryan Hunter, Josh Walker, Joe Phelon, and Kristin Page. She thanked Josh Walker for his work on this presentation.

A Short Video was presented.

Executive Director of the Chamber of Commerce Kristin Page introduced the Meet the Candidate event that would take place at the American Fork Hospital on October 9 from 8:30 a.m. to 10:30 a.m. A breakfast would be available to all in attendance. State Auditor John Dougall has agreed to be the MC.

Councilman Shorter reported that the Historic Preservation Commission along with the City Attorney had been working on an Ordinance update.

Councilman Taylor had nothing to report at this time.

## MAYOR'S REPORT

Mayor Hadfield had nothing to report at this time.

**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 August 6, 2015 City Council work session minutes.
2. Approval of the August 11, 2015 City Council minutes.
3. Approval of the City bills for payment and purchase requests over \$25,000. – *Cathy Jensen*

Councilman Bowen asked that Common Consent Agenda Item 3 be moved to the Action Items.

Mayor Hadfield directed that Common Consent Item 3 be placed in the Action Items and called for a motion to approve Common Consent Agenda Items 1 and 2.

**Councilman Shelton moved approval of Common Consent Items 1 and 2. Councilman Taylor seconded the motion.**

**Voting by voice roll call was as follows:**

<b>Councilman Bowen</b>	<b>Abstain</b>	
<b>Councilman Frost</b>	<b>Aye</b>	
<b>Councilman Shelton</b>	<b>Aye</b>	
<b>Councilman Shorter</b>	<b>Aye</b>	
<b>Councilman Taylor</b>	<b>Aye</b>	<b>The motion carried</b>

#### ACTION ITEMS

(From Common Consent No. 3) REVIEW AND ACTION ON THE APPROVAL OF THE CITY BILLS FOR PAYMENT AND PURCHASE REQUESTS OVER \$25,000 – *Cathy Jensen*

**Councilman Shorter moved approval of the City bills for payment and purchase requests over \$25,000. Councilman Frost seconded the motion.**

Mayor Hadfield asked if there were questions on the motion.

Councilman Bowen had questions on the following items. The response is also provided.

From requests over \$25,000 -

Cate Rental and Sales LLC	Asphalt Paver	Streets	\$151,040.00
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Dale Goodman explained that the City would pay for the paver and Lehi City would reimburse the City for half the cost over the next two fiscal years.

Councilman Bowen pointed out that it was important that these questions and answers were discussed in this public forum. As a Councilman they had an oversight role.

From City bills –

Black & McDonald (page 2)



76-595077	maintenance Invoice 08/10/2015	4,226.70
76-595675	maintenance Invoice 08/15/2015	4,226.70

Councilman Bowen asked why there were two payments in the same amount in this month.

Cathy Jensen responded that was how they were invoiced this month.

Dale Goodman explained that was the standard monthly amount.

Cache Valley Electric (page 2)

22-164420	striping - Pacific Dr. US 8 Invoice 06/02/2015	16,473.56
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Councilman Bowen asked if Cache Valley was the general contractor.

Andy Spencer stated that Cache Valley Electric was the contractor for UDOT in providing a double left turn. There was substantial restriping to the City's roadway.

GE Capital Corporation/VFS (page 6)

83189903	Toro Rough Mower Invoice 08/09/2015	1,484.41
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Councilman Bowen noted that it looked like a payment for a mower. He hoped that the City did not borrow for a mower.

Cathy Jensen answered that this was a lease-purchase payment for a large mower.

Gold Cross Ambulance Services (page 6)

943	Billing services Invoice 07/31/2015	7,541.16
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Councilman Bowen asked if these were the same people that shared space in our fire station.

Chief Garcia answered that they were and this company did the ambulance billing for the City and they received 5.5 percent of that revenue.

Councilman Bowen asked about Ambulance Overpayment Refunds.

Chief Garcia explained that the insurance would pay the bill, the auto insurance would pay the same bill, and sometimes the patient would pay the same bill. Reimbursements were in order. It was pretty routine.

Govconnection Inc. (page 6)

52902989	Cloud managed access point Cisc Invoice 07/31/2015	6,311.00
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Councilman Bowen asked what this was for.

Mr. Whitehead believed this was for the Open Gov and it was an annual payment.

\*Councilman Frost left the meeting at 8:17 p.m.

Judkins, Matthew (page 7)

8-2015	video production Invoice 08/11/2015	2,400.00
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Councilman Bowen asked what video Mr. Judkins made for the City. He would like to see it.

Cathy Jensen believed that it had to do with Economic Development.

Councilman Shelton thought it was good to do this in a public forum, he did not disagree at all, but if the questions could be given to staff ahead of time the directors of each department could be in attendance to answer those questions.

Councilman Bowen appreciated that. A lot of times they only have a few days to review the bills.

Lewis, Young, Robertson (page 7)

2015-0063B	Consulting services Invoice 08/14/2015	4,375.00
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Councilman Bowen asked what the consulting was for.

Cathy Jensen answered that it was for an analysis for the RDA.

One Beacon Insurance Company (page 8)

0AB031036	J.Cowfrey accident Invoice 08/07/2015	554.30
7-2015	Liability issues Invoice 06/29/2015	7,463.87

Councilman Bowen asked about the Liability Issues. It was kind of generic.

Cathy Jensen explained that this was separate accident payments that were combined.

RMT (page 10)

202	IT services Invoice 08/01/2015	4,200.00
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Councilman Bowen asked about RMT services.



Cathy Jensen responded that this was the City's contract IT provider, Jeremy Roos. He billed on a monthly basis.

Utah County Clerk/ Auditor (page 13)

29602-2	Work performed on No. Ut. County Invoice 07/27/2015	38,542.70
29602-2	Water capital improvements Invoice 07/27/2015	14,420.33
29602-2	Sewer capital improvements Invoice 07/27/2015	23,575.80

Councilman Bowen commented that this looked like work that had been done on North County Boulevard but he was not sure what was done.

Cathy Jensen explained that it was for work done on North County Boulevard. The invoice was being paid out of separate accounts.

Mayor Hadfield added that they had an agreement with Utah County when they did North County Boulevard that there would be certain improvements that they would do for which the City would reimburse in a number of payments.

Mayor Hadfield called for a vote on the payment of City bills.

**Voting by voice roll call was as follows:**

<b>Councilman Bowen</b>	<b>Nay</b>	
<b>Councilman Frost</b>	<b>Absent</b>	
<b>Councilman Shelton</b>	<b>Aye</b>	
<b>Councilman Shorter</b>	<b>Aye</b>	
<b>Councilman Taylor</b>	<b>Aye</b>	<b>The motion carried</b>

REVIEW AND ACTION ON A FEE SCHEDULE REAFFIRMING CURRENT AMERICAN FORK CITY FEES AND ADDRESSING PREVIOUSLY UNIDENTIFIED ITEMS IN THE FEE SCHEDULE – *Cathy Jensen*

Mayor Hadfield explained that this had been an item of discussion at the work session. He asked if there was a motion to approve the fee schedule.

Councilman Shelton had concerns on the last page dealing with Special Events. He thought the fees were high and that \$15 was more appropriate. He did not think the City was in the business to collect money just in case there was an issue. He would rather see a refundable deposit.

Mayor Hadfield commented about damage at Quail Cove of about \$500.

Councilman Shorter hoped that the City received that amount from the offender.

Councilman Bowen thought that the parks were there to use. They were going to have some wear and tear.



\*Councilman Frost returned at 8:25 p.m.

Councilman Shelton proposed that under the Home Business License that the fee be prorated throughout the year by month.

Councilman Frost talked to Derric Rykert this afternoon regarding the Special Events section. Councilman Frost proposed that they pull out the Special Events section altogether. He felt it was wiser to have a refundable deposit. He was fine with everything above that. He liked the recommendation of prorating the business license.

Councilman Shelton asked Mr. Rykert about a policy on liability waiver on bounce houses.

Mr. Rykert answered that they had one.

Councilman Shelton did not feel bad about a \$10 or \$15 fee for staff to process that application.

Councilman Shorter preferred to take the Special Events out and do some more work on it.

**Councilman Shelton moved to adopt Resolution No. 2015-08-22R approving the 2015 Fee Schedule with the removal of the Special Events section and prorate Business Licenses for the first year. Councilman Shorter seconded the motion.**

Mayor Hadfield asked if there was discussion on the motion.

Councilman Bowen stated that the GRAMA fees for staff time would go from \$14.00 to \$25.00 per hour. That was a pretty significant jump. He asked why the City would not copy onto personal thumb drives.

Cathy Jensen explained that was at the direction of the IT Consultant Jeremy Roos to reduce the possibility of infecting City computers.

Councilman Bowen commented that on page 8, Construction Fees increased significantly. He asked about the Residential Accessory Structure fee of \$300 on page 9.

Mayor Hadfield noted that there was no fee for an Residential Accessory Structure under 200 square feet.

Adam Olsen added that if it was over 1,000 square feet the site plan had to go through the Planning Commission.

Councilman Bowen referred to the water rates on pages 9 and 10. This would increase water rates across the board.

Cathy Jensen responded that this was reaffirming the water rates.

Councilman Bowen suggested that Mr. Jensen was referring to the study that was done that recommended that the City should raise rates.



Councilman Shelton stated that the Council voted on it and approved it.

Councilman Bowen understood that the Council accepted the study that was done but he did not agree with raising the rates across the board like that. He thought that history had shown that those fund balances were currently strong and clearly sufficient to pay the bond payments.

Mayor Hadfield responded that the bond payment was one issue, but to replace an aged system and keep it maintained was the other portion for raising the water rate. They had been making bond payments with revenue coming in from usage fees but they still had to replace systems that were aged that continually had leaks. He continued that it was of interest that all of the other communities in Timpanogos Special Service District have raised their TSSD fees and American Fork City has not and that was because it has worked to eliminate infiltration.

Councilman Bowen asked if this was year four or five of the study's recommended water rate increases.

Mayor Hadfield answered that 2015 was year 4 and 2016 was year 5.

Councilman Bowen was in agreement to remove the Special Events Section. He referred to the Parks Field Rentals fees on the last page that were all new. The City had sports programs and he believed that the Parks were public and were there for everyone in the City.

Mayor Hadfield expressed that he believed that this came about as a result of several things. In years past the City used to be able to use gymnasiums in high schools and other public buildings and the City did not have to pay a large fee. That was not the case anymore. Jr. Jazz took every floor around playing organized basketball. The school district charged the City by the hour for the facility, for the utilities, and for the people that were there to turn on the lights and open the doors.

Mayor Hadfield continued that it was found that the City had three softball teams from three high schools utilizing the Art Dye Complex for their practices and for their games. The City prepped those fields that included employee time to rake, lay the chalk on the field, and other things. If it was an organized league paid for by Recreation funds the money for the field prep was included. This would allow the City to level the playing field with the School District.

Councilman Bowen stated that this would affect more than just school districts. This was the City charging a fee for people who used the City's facilities.

Mayor Hadfield noted that it would apply to Baseball, Softball, Lacrosse, Soccer, and Football fields.

Councilman Bowen stated, for example, that he had a 13-year old son that played organized soccer. They started practice in July and then they had organized games. They currently paid a fee to the City. It was not a City league. It was not a super league. Most, if not all of the players, were from American Fork. They moved their practice locations from Art Dye. The City Administration put a sign up at Art Dye saying they could no longer practice there without



paying a fee which he believed was potentially illegal since this Resolution had not yet been adopted. Basically they were booted off the field with no notice. They then started practicing at Evergreen Park and they had to pay fees there. They were kind of hopping around from park to park. In the park across from his house he saw other teams practicing all the time. He thought this would have much more of an impact than one realized. There were lots of organized sports that were not big and rich. There were lots of parent organized and locally organized people that were utilizing the purpose of the parks which was for public recreation. He was opposed to this section of the fees. City teams needed to pay the same fees directly.

**Councilman Bowen moved to amend the motion to do away with all fees identified as “New” as presented in the August 6 work session and to implement the 2014 fee schedule rather than the 2015 and 2016 fee schedule for all utilities.**

Mayor Hadfield asked if there was a second to the amended motion.

Councilman Shelton commented that these ball leagues could come in, including Councilman Bowen’s sons, and they were for-profit.

Councilman Bowen stated that it was non-profit. He asked the club director who responded that they were non-profit.

Councilman Shelton continued that last Monday night he was at the same park across the street from Councilman Bowen’s home and there was a super league practicing and his team was not able to use it. Fees had already been paid and there were three other City teams there wanting to utilize it as well. There needed to be a way to be fair to everyone involved. It was important that the wear and tear for those for-profit had a way to come back.

Derric Rykert noted that a group of neighbors coming together to play would not be subject to this fee. That was free play.

Councilman Bowen asked Councilman Shelton’s source for saying most were for-profit.

Councilman Shelton responded that he played soccer his whole life and had friends that ran many of the big leagues. One of his employees right now was a referee for Rocky Mountain Baseball. Councilman Shelton also played on adult softball leagues.

Mayor Hadfield again called for a second to the amended motion.

Councilman Bowen had some additional discussion. He would not say that most were for-profit. He also would not say most were non-profit because he had not done that study.

**Mayor Hadfield called for a second to the amended motion. There was no second. He declared the motion dead for the lack of a second.**

**Voting by voice roll call on the original motion was as follows:**

<b>Councilman Bowen</b>	<b>Nay</b>
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<b>Councilman Frost</b>	<b>Aye</b>	
<b>Councilman Shelton</b>	<b>Aye</b>	
<b>Councilman Shorter</b>	<b>Aye</b>	
<b>Councilman Taylor</b>	<b>Aye</b>	<b>The motion carried</b>

Councilman Frost stated that he had been sitting next to Councilman Bowen for two years and in all that time you would think a person would learn how to understand and what politics were and how to persuade your constituents and to see their point of view. Typically that was done in a manner where you might pull them aside and show them the data, but to go back to 2014 rates of water was to disregard a study that was done thoroughly with math, projections, growth of this City, and then to rescind that was just not very wise.

Councilman Frost added that was just what happened. They got a shotgun approach with little or no meat to it. Maybe they could continue on for a few more months, maybe for another two years, and things continued to be said and then get nothing done.

Councilman Bowen appreciated that but in these discussions there always seemed to be an attempt to make it personal and he pointed out that the purpose of the Council was to discuss policy. This was a policy question and absolutely one that was within the Council's purview.

Mayor Hadfield commented that he noticed when they had work sessions and discussed items many of those items weren't discussed until there was an audience and then there seemed to be a lot of questions asked in front of the audience.

Councilman Bowen stated that he brought up many of the same points in our work session on the fee discussion.

**REVIEW AND ACTION THE RED LEAF ANNEXATION CONSISTING OF 1.88 ACRES AT 825 EAST 50 SOUTH INCLUDING THE ORDINANCE OF ANNEXATION, ANNEXATION AGREEMENT, AND PLACEMENT OF THE PROPERTY IN THE RA-1 RESIDENTIAL AGRICULTURAL ZONE – Reid Shelley**

Mr. Reid Shelley appreciated the actions of the City Council and the Mayor on his annexation. He asked if this was final step.

Mayor Hadfield answered that it was.

**Councilman Shelton moved to adopt Ordinance No. 2015-08-50 approving the Red Leaf Annexation, the annexation agreement and placement of the property in the RA-1 Residential Agricultural zone. Councilman Taylor seconded the motion.**

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

**Voting by voice roll call was as follows:**

<b>Councilman Bowen</b>	<b>Aye</b>
<b>Councilman Frost</b>	<b>Aye</b>



<b>Councilman Shelton</b>	<b>Aye</b>	
<b>Councilman Shorter</b>	<b>Aye</b>	
<b>Councilman Taylor</b>	<b>Aye</b>	<b>The motion carried</b>

REVIEW AND ACTION ON A RESOLUTION INDICATING THE CITY’S INTENT TO ANNEX THE HUMBLE ANNEXATION CONSISTING OF 1.16 ACRES AT 1191 EAST 700 NORTH – Janet Humble

Mayor Hadfield explained that he was approached by Mr. Davis representing the Humble property earlier in the Spring. His surface well had dried up and he did not have water for culinary purposes or for irrigation purposes. He asked permission to hook on to the City’s culinary and secondary water systems. He was told that he could if he would apply for annexation to American Fork City. This property was immediately east of the American Heritage School. He asked if there were any questions on the Humble Annexation. There were none.

**Councilman Taylor moved to adopt Resolution No. 2015-08-23R indicating the City’s intent to annex the Humble Annexation consisting of 1.16 acres at 1191 East 700 North. Councilman Shelton seconded the motion.**

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

**Voting by voice roll call was as follows:**

<b>Councilman Bowen</b>	<b>Aye</b>	
<b>Councilman Frost</b>	<b>Aye</b>	
<b>Councilman Shelton</b>	<b>Aye</b>	
<b>Councilman Shorter</b>	<b>Aye</b>	
<b>Councilman Taylor</b>	<b>Aye</b>	<b>The motion carried</b>

REVIEW AND ACTION ON AN IMPROVEMENTS AGREEMENT WITH SOUTH POINT DEVELOPMENT (AKA OAKWOOD HOMES) FOR ROAD AND INFRASTRUCTURE SYSTEM IMPROVEMENTS ASSOCIATED WITH THE SOUTH POINT PHASE I, II, III, IV PROJECT AT APPROXIMATELY 340 SOUTH 740 EAST – Oakwood Homes

Andy Spencer stated that in reviewing the agreement there was one suggested change in No. 4. It currently states that “interest on unpaid balances equivalent to the Public Treasurer’s Investment Fund rate.” It was suggested that they work out a more fixed payment up to 24 months. He added that another item that came to light was that the developer was also seeking reimbursement of \$19,000 for paving on 340 South on the side of the street that was not theirs.

Mr. Spencer noted that there were two suggested motions.

Option 1, was that the portions along the Perry Development section would be finished all at once. Oakwood Homes was petitioning the City for a better road on 740 East generally. The City would pay them back on a regular schedule as permits were drawn.



Mayor Hadfield asked if there was a piece of property there that was owned by the Hansen Family before getting to Oakwood Homes.

Mr. Spencer answered that there was and those improvements were to be installed as part of the original Holmstead property. These portions were only those that were in City ownership.

Mayor Hadfield commented that 740 East Street had been poor for a number of years mostly due to poor drainage.

Mr. Spencer explained that the improvement plan included replacing some of the curb and gutter. The Perry frontage was right where the puddle formed on the west side.

Councilman Shelton asked if there was a timeline on the finishing the road.

Mr. Spencer responded that connecting to the south was probably a long time. The connection in the nearer future would probably be to 400 South in the next few years. He suggested that in any motion to approve that the last sentence in No. 4 be amended to state, "Payment shall also include interest in an agreed upon amount terminating in 24 months in 6 months allotments as per the Public Treasurer's Investment Fund rate."

Councilman Bowen asked if Oakwood Homes was satisfied with this agreement and the changes as suggested on the interest.

Vice President of Land for Oakwood Homes Utah Division James Doolin answered that they were.

Councilman Shelton asked if Option 1 would provide curb and gutter all the way down and help the drainage.

Mr. Spencer answered that it would.

**Councilman Shelton moved to approve the reimbursement agreement with Oakwood Homes for South Point – Phase I as outlined in Option 1, which includes those improvements associated with the parcel of ground currently owned by Perry & Associates and authorize the Mayor to execute the documents and make the change in No. 4 as noted by Mr. Spencer. ("Payment shall also include interest in an agreed upon amount terminating in 24 months in 6 months allotments as per the Public Treasurer's Investment Fund rate.") Councilman Taylor seconded the motion.**

Mayor Hadfield asked if there were questions on the motion.

Councilman Bowen asked if this agreement had been reviewed and if legal counsel was comfortable with the language in this motion.

Legal Counsel Cherylin Egner answered that as long as both parties agreed it was okay.

**Voting by voice roll call was as follows:**



<b>Councilman Bowen</b>	<b>Abstain</b>	
<b>Councilman Frost</b>	<b>Aye</b>	
<b>Councilman Shelton</b>	<b>Aye</b>	
<b>Councilman Shorter</b>	<b>Aye</b>	
<b>Councilman Taylor</b>	<b>Aye</b>	<b>The motion carried</b>

REVIEW AND ACTION ON THE APPROVAL OF THE COOPERATIVE AGREEMENT BETWEEN THE CITY OF AMERICAN FORK AND UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR A PROJECT TO IMPROVE THE INTERSECTION OF US-89 (STATE STREET) AT 200 EAST AND MAIN STREET BY REALIGNMENT – *Staff*

Mayor Hadfield stated that this project had been on the City’s radar for a number of years and it had finally worked its way up to where UDOT will address it. It was started back when Tri-City Ford was on that corner and before Central Bank was built. That intersection has had more than its fair share of accidents.

Mr. Spencer explained that the agreement said that the City was going to agree to changes on its existing roads and if the City requests changes over and above budget the City would have to pay for them.

Mayor Hadfield asked about the property that would no longer be roadway in front of Central Bank and others.

Mr. Spencer responded that it would be additional landscaping. The Main Street Vision Study would be looking at that also.

Mayor Hadfield asked if there were any questions.

Councilman Bowen expressed that this plan was basically putting a traffic light and configuration at 200 East. UDOT would be paying for those improvements unless the City asked for some additional improvements.

Mr. Spencer answered that was correct.

**Councilman Shorter moved to approve the Cooperative Agreement between the City of American Fork and UDOT for the realignment of the intersection on US-89 (State Street) at 200 East and Main Street and authorize the Mayor to execute the document. Councilman Frost seconded the motion.**

Mayor Hadfield asked if there were questions on the motion.

Councilman Bowen expressed his concern that Main Street would not be continuous anymore. He understood that State Street had most of the traffic flow and it made sense from that perspective, but was concerned that they lost the feeling of Main Street to a degree.



Mayor Hadfield added that there would be a benefit of a traffic light for the eastbound traffic to continue.

Councilman Bowen asked if other alternatives or options were looked at.

Councilman Frost thought this to be concept only.

Mr. Spencer explained that this concept may or may not be the final plan. Alternatives were looked at as far back as 2008.

**Voting by voice roll was as follows:**

<b>Councilman Bowen</b>	<b>No</b>	
<b>Councilman Frost</b>	<b>Aye</b>	
<b>Councilman Shelton</b>	<b>Aye</b>	
<b>Councilman Shorter</b>	<b>Aye</b>	
<b>Councilman Taylor</b>	<b>Aye</b>	<b>The motion carried</b>

**REVIEW AND ACTION REGARDING A STATEWIDE UTILITY AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) – Staff**

Mayor Hadfield explained that this had been before the Council previously and the Council wished to have some language altered.

Mr. Schade took it to UDOT and their answer was no.

Mayor Hadfield stated that it was now back before the Council. He asked if there were any questions. There were none.

**Councilman Frost moved approval of the Statewide Utility Agreement with UDOT. Councilman Shelton seconded the motion.**

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

**Voting by voice roll call was as follows:**

<b>Councilman Bowen</b>	<b>Aye</b>	
<b>Councilman Frost</b>	<b>Aye</b>	
<b>Councilman Shelton</b>	<b>Aye</b>	
<b>Councilman Shorter</b>	<b>Aye</b>	
<b>Councilman Taylor</b>	<b>Aye</b>	<b>The motion carried</b>

**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 Rivulet Subdivision, located at 860 East 400 South in the PC Planned Community zone – *The Richie Group*

Mayor Hadfield asked for a report from the Planning Commission.

Adam Olsen reported that this was the subdivision portion of the project. The next item dealt with the site plan. Lot 1 would consist of the apartment project and Parcel 2 was the area to be dedicated to the City for which they were asking to be reimbursed through Park Impact Fees. The park area was always envisioned as being the regional park for this area.

Mayor Hadfield asked if Parcel 2 would be receiving area storm water from Vintaro.

Mr. Olsen responded that it would be.

Mayor Hadfield asked if could be used for park area or if it was mostly wetlands.

Mr. Olsen answered that a small portion was wetlands and even though it was acting as a regional detention basin it still left a useable area.

Mr. Spencer reported that there would be an agreement forthcoming regarding compensation for Parcel 2. He noted that when the developer proposed an alignment for 860 East Street the center line was on the existing asphalt which meant that the Trail had a heavier burden on some properties on the west side.

Mayor Hadfield explained that back in 2002 the City hired Horrocks Engineers to figure the alignment of 860 East Street from State Street to Sam White Lane. He asked if this alignment matched Horrocks alignment that the City Council approved.

Mr. Spencer responded that the City was now dealing with wider road rights-of-way. In this area it was just a little wider on each side. That alignment was provided to the developer's engineers as a baseline starting point. Nothing matched it perfectly but it reasonably matched it.

Councilman Bowen asked if there was a preferred alternative.

Mr. Spencer stated that on the north end it was pretty close but on to the south it was unbalanced to a matter of a few feet.

Councilman Bowen asked that as it went south was it more balanced.

Mr. Spencer explained that they were matching some improvements already in place.



Councilman Frost asked if the landowners to the south been purposely made aware of this.

Mr. Spencer answered that they had not.

**Councilman Frost moved to approve the final plat of Rivulet Subdivision, located at 860 East 400 South in the PC Planned Community 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 public record associated with the August 5, 2015 Planning Commission meeting. Councilman Shelton seconded the motion.**

Mayor Hadfield asked if there were questions on this motion.

**Councilman Bowen moved to amend the motion to table it to give time to involve the parties that would be impacted by this decision.**

**Mayor Hadfield asked if there was a second to the amended motion to table. There being none, the motion died for the lack of a second.**

**Voting by voice roll call on the original motion was as follows:**

<b>Councilman Bowen</b>	<b>Abstain</b>	
<b>Councilman Frost</b>	<b>Aye</b>	
<b>Councilman Shelton</b>	<b>Aye</b>	
<b>Councilman Shorter</b>	<b>Aye</b>	
<b>Councilman Taylor</b>	<b>Aye</b>	<b>The motion carried</b>

- b. Review and action on an Ordinance approving a site plan for the Rivulet Apartments consisting of 252 units, located at 860 East 400 South in the PC Planned Community zone – *The Richie Group*

Mayor Hadfield asked for a report from the Planning Commission.

Adam Olsen reported that the project was short on parking. Two spaces per unit were provided. The code called for 2.25 spaces per unit. The developer hired a consultant who did a parking study that said that a reduction in the parking requirement was justified. The Planning Commission provided a negative recommendation.

Mr. Olsen added that the Planning Commission in the future may address parking spaces based on the number of bedrooms.

Jason Newitt with the Richie Group explained that they had worked with City staff on this for quite a while. They did not want a parking problem. They utilized a property management company, Alliance, who managed over 100,000 units nationwide. They had a lot of data on what kind of product worked for parking in different projects. After looking at that data and what was provided by Hales Engineering they were comfortable



with the proposed parking. He understood that it did not meet the City's code. He believed there should be a little discretion because the product mix was different with three, two, and one-bedroom apartments. He introduced Transportation Engineer Jeremy Searle.

Mayor Hadfield asked what guarantee five-years from now that if the parking was not met that there would not be parking and double parking on the street as was the case with Haymaker in American Fork.

Mr. Newitt responded that he could not guarantee anything but they did have data across multiple projects.

Jeremy Searle from Hales Engineer reported that they did a parking study. He gave a brief overview as to how the survey was conducted. They surveyed eleven similar type apartment complexes throughout the valley.

Mayor Hadfield asked if Haymaker was one of them.

Mr. Searle answered that it was not. All eleven were in Salt Lake County. All were at an average of 2. They collected their data between midnight at 3:00 a.m. Their conclusion was that the rate was between 1.28 up to a high of 1.94. The average was 1.58. This information was presented to the Planning Commission. They then evaluated the View Point Apartments (165 N 1650 W PG) that had 1-, 2-, and 3-bedroom apartments. The parking demand at that complex was 1.58. It was assumed that the garages were occupied.

Mayor Hadfield expressed that he could appreciate the work in the Pleasant Grove project. He did not think it was fair to compare Salt Lake County to Utah County because of public transit in Salt Lake County with the FrontRunner, TRAX, and the bus routes. In Utah County the buses traveled State Street. It was not just home to work, work to home, but the recreational vehicles that impacted the second, third, or fourth parking stall.

Shannon Cantrell with Alliance Residential Management Company, noted that she was born and raised in American Fork and was very interested in this project. It was less than a mile from her parents' home. Alliance was known for managing high-end properties. Persons were not allowed to park recreational vehicles, trailers and boats. They do not allow them to use garages for storage space. They inspect the garages. They walk the apartments twice a year. Extra was charged for garages. Extra was charged for storage space.

Mayor Hadfield commented that the rental contracts then provided the how's and why's.

Ms. Cantrell answered that was correct. She would be interested to know what the mix was in the Haymaker gated community.



Mayor Hadfield explained that they were privately owned and an owner could rent their property. What used to be one family with one automobile suddenly could become much more.

Ms. Cantrell noted that they had occupancy limits per apartment and ordinances to where they could not have more than a certain number of unrelated individuals. This project had a very large number of one-bedroom units which was not commonly seen especially in Utah County and that was why Alliance felt that a parking ratio of 2 per unit was sufficient for this project.

Councilman Shelton understood that they had the greatest of intentions but what happened when it sold and the next company came in. He noted riding in a fire truck with Chief Garcia in one apartment complex that people will park where they wanted to park that prevented them from getting through. He would have to see the Ordinance change before he would approve something else.

Councilman Bowen appreciated Ms. Cantrell's presentation. He noted that about half of the units were 2-bedroom and 11 percent were 3-bedroom and the rest were 1-bedroom. He asked what the household income would be needed to rent these units.

Ms. Cantrell reported that they qualified residents at 2½ times the rental amount. Their rent on one-bedroom apartments rented from \$1,000 to \$1,200 per month. They have a high amount of single professionals that rent these types of units. What they will charge for a 3-bedroom unit, \$2,100 a month, someone could buy a house.

Councilman Taylor appreciated everything that was being said. He happened to live by Haymaker Retreat. They had certainly solved the problem on 900 East and seen it shift to 50 South. He was with Councilman Shelton and believed that the decision could not be arbitrary or an exception. It had to be backed by Ordinance.

Councilman Frost had similar thoughts. Our code was 2.25 right now and this plan did not meet code. He felt the City needed to do some work.

**Councilman Bowen moved to approve the Ordinance approving the site plan for Rivulet Apartments at 860 East 400 South in the PC Planned Community zone.**

**Mayor Hadfield called for a second to the motion. Hearing none, he declared the motion dead due to the lack of a second.**

**Councilman Shelton moved to deny the Ordinance approving a site plan for Rivulet Apartments, located at 860 East 400 South in the PC Planned Community zone.**

Councilman Shelton commented that they could not play favorites. He would be happy to look at an Ordinance change.

**Councilman Taylor seconded the motion.**



Mayor Hadfield asked if there was discussion on this motion.

Councilman Shorter commented that he did not understand how they could build giant complexes like this not be able to figure out parking. He felt the need was just to put the parking spaces in.

**Voting by voice roll call to deny was as follows:**

<b>Councilman Bowen</b>	<b>No</b>	
<b>Councilman Frost</b>	<b>Aye</b>	
<b>Councilman Shelton</b>	<b>Aye</b>	
<b>Councilman Shorter</b>	<b>Aye</b>	
<b>Councilman Taylor</b>	<b>Aye</b>	<b>The motion carried</b>

REVIEW AND ACTION ON AN ORDINANCE APPROVING THE VACATION OF AN EASEMENT AT 164/176 NORTH 150 WEST CIRCLE – Staff

This item was removed from the agenda and would be on the September 8, 2015 City Council Agenda.

REVIEW AND ACTION ON AN ORDINANCE APPROVING THE VACATION OF AN EASEMENT AT 841 WEST PACIFIC DRIVE – Staff

This item was removed from the agenda and would be on the September 8, 2015 City Council Agenda.

REVIEW AND ACTION ON AN ORDINANCE APPROVING THE VACATION OF AN EASEMENT AT 864 EAST 120 NORTH – Staff

This item was removed from the agenda and would be on the September 8, 2015 City Council Agenda.

REVIEW AND ACTION ON AN ORDINANCE APPROVING THE VACATION OF AN EASEMENT AT 1158 NORTH 1150 EAST – Staff

This item was removed from the agenda and would be on the September 8, 2015 City Council Agenda.

CONSIDERATION AND ACTION ON ENTERING INTO A ONE YEAR SERVICE CONTRACT WITH ALL PRO SECURITY (APS) FOR THE TRANSPORTATION OF AFPD ARRESTEES FROM THE UTAH COUNTY JAIL TO THE 4TH DISTRICT COURT (LOCATED IN AMERICAN FORK) FOR LEGAL PROCEEDINGS, AND BACK TO THE COUNTY JAIL – Lance Call

Councilman Shorter noted that this was talked about at the work session.



**Councilman Shorter moved to authorize the Mayor to enter into a one year service contract with All Pro Security for the transporting of AFPD arrestees/prisoners from the Utah County Jail to 4th District Court and back for mandatory court appearances. Councilman Taylor seconded the motion.**

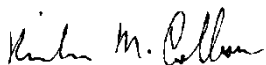
Mayor Hadfield asked if there were questions on this motion. There were none.

**Voting by voice roll call was as follows:**

<b>Councilman Bowen</b>	<b>Aye</b>	
<b>Councilman Frost</b>	<b>Aye</b>	
<b>Councilman Shelton</b>	<b>Aye</b>	
<b>Councilman Shorter</b>	<b>Aye</b>	
<b>Councilman Taylor</b>	<b>Aye</b>	<b>The motion carried</b>

#### ADJOURNMENT

**Councilman Bowen moved adjournment at 9:42 p.m. Councilman Shelton seconded the motion. All were in favor.**



Richard M. Colborn  
City Recorder