

AMERICAN FORK CITY COUNCIL
SEPTEMBER 22, 2015
REGULAR SESSION MINUTES

ATTACHMENT

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, September 22, 2015 in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m.

Members Present:

JH Hadfield	Mayor
Carlton Bowen	Councilman
Brad Frost	Councilman
Jeff Shorter	Councilman
Clark Taylor	Councilman

Members Absent:

Rob Shelton	Councilman
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Staff Present:

Craig Whitehead	City Administrator
Andy Spencer	City Engineer
Cathy Jensen	Finance Officer
George Schade	IT Director
Kasey Wright	Legal Counsel
Dale Goodman	Public Works Director
Adam Olsen	Senior Planner
Terilyn Lurker	Deputy Recorder
Doug Bateman	Fire Marshal/Battalion Chief

City Council candidates present: Kevin Barnes, Monica Howard, Allen Simpson

Others present: John Woffinden, David Blume, Amy Hone, Andrew Meacham, Stacia Rorke, Nauman Brooks, John Jacob, 15 scouts, and approximately 15 additional citizens.

1. Pledge of Allegiance; prayer by Kasey Wright; roll call.
Mayor Hadfield welcomed everyone and excused Councilman Shelton from the meeting. Those in attendance repeated the Pledge of Allegiance and Kasey Wright offered the prayer.
2. Presentation of a Community Service Award to Amy Hone for her service on the Steel Days Committee.
Mayor Hadfield invited Amy Hone to the front. He stated that Ms. Hone has helped on the Steel Days Committee for several years. Mayor Hadfield expressed his appreciation for her sincere service and presented her with the Community Service Award. There was general applause.
3. Twenty-minute public comment period - limited to two minutes per person.

Mayor Hadfield asked the scouts to introduce themselves. He thanked them for coming to the meeting and encouraged them to approach American Fork City when it came time to work on their Eagle Project.

Troop 1090 Ashton Miller, Colby Cordner, Ethan Herzog, Isaac Arnson, McKay Walker, Adam Arnson, Joshua Weaver

Troop 1059 Dallin Priday, Nathan Cloward, Cade Clayton, Andrew Woolf, Christian Harmon, Jacob Anderegg, Gavyn Duvall, Luke Birkeland

Mayor Hadfield recognized the candidates for City Council that were present: Monica Howard, Kevin Barnes, Allen Simpson and Brad Frost. He announced that on October 8 and October 24 there would be opportunities to meet the candidates at the American Fork Hospital.

Nauman Brooks, 407 East 300 North, stated that he has a noise problem in the area of his home. There was a vehicle that has a loud exhaust and makes quite a bit of noise as it starts up and drives past his home. Mayor Hadfield stated he would pass this message along to the police department.

Stacia Rorke, owner of Beyond Glaze Gourmet Donuts, stated she was there representing several small business owners on Meadow Lane where there is road construction going on. She was there to ask the City for some consideration. Ms. Rorke stated that the construction taking place in front of their businesses was affecting their sales totals. Each day that construction continued, they were down 60-70% in sales. It was a struggle for the small businesses. Ms. Rorke commented that they have received several different stories about the construction going on and they have been told that the road in front of their businesses could be closed anywhere from 48 hours to 3 weeks at a time. Currently, customers cannot get to their stores. While they do appreciate the improvements, they do ask for some understanding for the small businesses owners. They were hoping that the process could be expedited and to get some answers. If the roads were to close, they were hoping that the closures could take place Saturday night through Sunday while the stores were closed. They were also wondering if the city could give them some kind of compensation to help them through the process.

Mayor Hadfield stated that he had asked for a representative from TSSD to be present to address the complaint, but they were not here. He explained that the TSSD was responsible for the work and was given a permit by American Fork City to do the work in the right-of-way.

Andy Spencer stated that with regards to the arrangements of the project, the city was approached by TSSD to allow for the closure to connect the sewer lines to larger pipe lines. This does require a lot of space to dig up those lines. Mr. Spencer stated that they

have made TSSD aware of the concerns and he would make contact with them again tomorrow.

Mayor Hadfield instructed Mr. Spencer to contact TSSD and inform them that they needed to complete the project as soon as possible, going to a 24-hour work schedule if necessary.

Councilman Bowen was surprised that the construction was still taking place. Mayor Hadfield explained that they were boring under the railroad tracks, as well as bringing pressurized irrigation lines in for the city.

Councilman Taylor asked if there were any projections for the completion of the project. Mr. Spencer did not know of the projection, but they would get with TSSD because of this issue. Councilman Taylor asked if they had digital signs they could use indication that the businesses were open; Mr. Spencer stated that they could do that.

Councilman Frost thought it was reasonable to expect a contingency to help compensation of some sort for the businesses. He was sympathetic for the small businesses. He thought the City should talk to TSSD and then reply back to the business owners. Mr. Spencer indicated he would convey that to TSSD.

4. City Administrator's Report.

Mr. Whitehead had nothing to report.

5. Council Reports concerning Committee Assignments.

Councilman Bowen reported the Beautification Committee was alive and well and continued to be active. They were planning a scarecrow competition this fall. Businesses can register at afscarecrow@gmail.com. They have been working with Audra Sorensen to get information out to the public. Each business would create a scarecrow reflecting the theme of their business and some awards would be given out.

Councilman Frost reported that the Downtown Vision Committee has met and would soon be coming before the council to present what they have come up with. It was a great committee and was progressing well.

Councilman Taylor stated he had the opportunity to go to the ribbon cutting ceremony for Thermoworks, which was an international company with the headquarters here in American Fork. It was great for American Fork to have them here.

Councilman Taylor reported he represented American Fork City at the American Fork High School Homecoming Game. In the absence of the Mayor, Councilman Taylor was able to bring in the football via helicopter ride.

Councilman Shorter reported that the Youth City Council met today. Any students in 9th to 12th grade were invited to be a part of the group.

Councilman Shorter met with Arts Council and Historic Preservation Commission this past month. The Arts Council was looking for a permanent home and the Historic Preservation Commission was working to preserve the history while not impeding broadly on property rights.

6. Mayor's Report

Mayor Hadfield reported that they welcomed Jamberry and Thermoworks to the community and recognized their contribution to the City.

He reported that he had the privilege of representing the City at the American Fork High School Marching Band family night. They were in competition in Davis County today with another competition in Nebo this weekend.

COMMON CONSENT AGENDA

1. Approval of the September 3, 2015 work session minutes
2. Approval of the September 8, 2015 City Council minutes
3. Approval of the City bills for payment and purchase requests over \$25,000
4. (Common Consent Agenda) - Purchase of real property for right-of-way associated with the 500 East 980 North Art Dye Park Access Project. *(Requested by Dale Goodman, Public Works)*

**Councilman Taylor moved to approve the Common Consent Agenda items.
Councilman Frost seconded the motion.**

RESULT:	ADOPTED [3 TO 1]
MOVER:	Clark Taylor, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Brad Frost, Jeff Shorter, Clark Taylor
NAYS:	Carlton Bowen
ABSENT:	Rob Shelton

ACTION ITEMS

1. Review and action on a Consulting Services Agreement regarding the Meadows Connector to 200 South. *(Requested by Dale Goodman, Public Works)*
Mr. Spencer explained that over the past year, they have spent considerable time and expense on the study of the Meadows Connector project, which was a road that would connect 200 South near the FrontRunner Station to the Meadows Shopping Center near the movie theaters. This was a road of regional significance and would provide relief for the Main Street interchange. This would also help with connectivity for the different modes of transportation. Mr. Spencer explained that this road was critical for the Transit Oriented Development and the ability for that center to be vibrant. There would be a work session on October 22 where the final findings would be presented to them. Mr.

Spencer stated that next step was to pursue funding and they have secured a commitment with Woodbury Corporation that they would pay half the cost on this.

Councilman Bowen asked for clarification on what Woodbury Corporation would pay half the cost on. Mr. Spencer answered that it would be half of the contract that was before them tonight.

Councilman Bowen asked where they expected to get the funding for the project, which was estimated to be \$50 million. Mr. Spencer stated that this was a project that the city could not fund and as this was a regional project they would need to work with regional partners to accomplish this. Mr. Spencer stated that this consultant agreement was critical to get this project to the funding stage.

Councilman Frost stated that when they enter into consulting agreements, they knew what they were getting in the end; there were plans and drawings they could see. He questioned how they gage the success of this agreement or how they would guarantee they got something in return. Mr. Peterson was present to answer that question.

Mr. Peterson explained that the ability to guarantee success was a challenge. They have to look at the experience and track record of the individuals involved in the process. Mr. Peterson stated that he has worked on all the I-15 projects from Ogden to Payson. He worked closely with MAG, Mayors and Councils in moving projects in Utah County from "Not on the list" to being funded. Mr. Peterson stated that with the project he was currently working on, the "Gap" project at the point of the mountain, they have been able to close that 4.5 mile gap with the construction currently taking place. He has worked as a consultant to UDOT for 15 years. Mr. Peterson explained that the need for this project was clearly understood by American Fork. The problem was that the City could not pay for it. His responsibility was to work closely with others to move the project forward. Some groups that he would have to work with are the State Representatives, the Transportation Committee and Transportation Appropriations Committee, leadership in the House and Senate, and others who hold the purse strings. If they ever reached a point of impasse where they were not making progress, it was his responsibility and the city's responsibility to terminate the contract.

Mayor Hadfield pointed out that Mr. Peterson has an outstanding track record.

Mr. Peterson stated that with regards to the Lehi Thanksgiving Point project, the original assignment was to get a bridge over Thanksgiving Point. He encouraged the leaders to look at the entire picture to see what they could do now that would alleviate any future problems. The project was now much more than just a bridge.

Councilman Shorter moved to approve the Consulting Services Agreement for Craig A. Peterson Consulting LLC, to acquire funding for the Meadows Connector.

Councilman Taylor seconded the motion.

Councilman Bowen stated the agreement includes lobbying services to try to secure private and public funding for this project and asked if that was accurate. Mr. Peterson stated that it was.

Councilman Bowen stated that he noticed in some documentation that the city planned on bonding to pay for this project. Mayor Hadfield explained that the city may have a small portion of this to pay, but the majority of it would come from federal funds. They would again go to Woodbury Corporation to help pay the cost of the city's portion. Mayor Hadfield explained that with the many projects where federal funding was obtained, the cities ended up paying a portion of the costs that could be as little as 6% or as much as 30%. However, funding does not always come from one entity. Mayor Hadfield stated that when this project came up, a state senator and two representatives were supportive. Mayor Hadfield also stated that if Lehi was looking for \$500 million for a project, they should see what else could be done by extending that project another half a mile and look at all east-west traffic through the valley that would benefit more people.

Mr. Peterson stated that his strategy would be to work with all partnerships in the state. They would work through the traffic numbers and develop numbers that would help them move forward on the appropriate roles of other entities.

Councilman Bowen was not opposed to the connector itself and thought it was great if they could get the County or State to fund the project. However, he was concerned with the city going out to potentially bond for ten, fifteen or twenty million dollars for this project when they already had \$50 million in debt. Mayor Hadfield stated that if they do bond for this project it would first go to the public for a vote.

Councilman Taylor did not think it was an issue right now on whether or not the city bonded for the project. He thought it was better to find out what the situation was.

Councilman Bowen stated that with this moving forward, they were going down a path and he was okay with going down this path if there were assurances that it would not involve city bonding. He was hearing that they would go full steam ahead and it was likely that the city would bond for some amount. He was not willing to go full steam ahead if that were the case.

Councilman Taylor said that he did not hear that the city would be bonding for it. They did not know at this point. To not plan or prepare was where the folly existed. The city needed to find out what path they had to take. It was better to plan and understand what needed to take place than get caught behind and try to play catch-up. Councilman Taylor stated that all they were doing was spending \$35,000 which will be split with Woodbury Corporation and they would find out the best route to go, what entities could help us and

then we could determine how it could be funded or if it even would be funded.

Councilman Bowen stated that he was concerned because he read in city-provided documentation that the city intended to bond.

Councilman Taylor called for a question on the motion.

Mayor Hadfield called for a vote on the motion.

RESULT:	APPROVED [3 TO 1]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Brad Frost, Jeff Shorter, Clark Taylor
NAYS:	Carlton Bowen
ABSENT:	Rob Shelton

2. Review and action on a development agreement with HADCO Construction regarding actual construction in lieu of providing an Improvements Construction Guarantee associated with the Harrington Hollow Subdivision. (Requested by Dale Goodman, Public Works)
Mayor Hadfield explained that HADCO wished to install utilities in lieu of bonding for the Harrington Hollow Subdivision.

Councilman Taylor moved to approve the Development Agreement with HADCO Construction for Harrington Hollow Subdivision and authorize the Mayor to execute the documents. Councilman Frost seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Carlton Bowen, Brad Frost, Jeff Shorter, Clark Taylor
ABSENT:	Rob Shelton

3. Review and action on a Resolution approving Supplemental Watershed Agreement No. 11 for the rehabilitation of the Battle Creek Debris Basin (Requested by Richard Colborn, Recorder)
Mayor Hadfield stated that John Jacob, a representative of the North Utah County Water Conservancy District (NUCWCD), was present to address any questions. Mayor Hadfield explained that the agreements before them involve multiple communities in Utah County. The district has five basins they are responsible to manage, two of which directly impact American Fork. As a member of the North Utah County Water Conservancy District, American Fork City was responsible to sign any agreements. The first two agreements involves basins east of Pleasant Grove and the third agreement involved a basin in Lehi.

Councilman Shorter moved to approve Resolution No. 2015-09-24R approving Supplement Watershed Agreement No. 11 for the rehabilitation of the Battle Creek Debris Basin. Councilman Frost seconded the motion.

Councilman Bowen asked for an explanation of what a debris basin was. Mr. Jacob stated they were basically a catch basin that was primarily used for flood control.

Councilman Bowen asked why the USDA, which the forest service is a part of, were a part of the agreements. Mr. Jacob explained that the USDA was an original sponsor back in 1950s that started with the project. Councilman Bowen pointed out the basins were not on federal land.

Mayor Hadfield stated that the USDA was happy to give the responsibility of maintenance to someone else. He also explained that American Fork was one-third part owner of the basin at the mouth of American Fork Canyon and the three municipalities maintain the debris basin. Mr. Jacob stated that Pleasant Grove was quite involved in maintaining Grove Creek and Battle Creek.

Mayor Hadfield stated that they do require routine maintenance on the basins.

Mayor Hadfield called for a vote on the motion.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Brad Frost, Jeff Shorter, Clark Taylor
NAYS:	Carlton Bowen
ABSENT:	Rob Shelton

4. Review and action on a Resolution approving Supplemental Watershed Agreement No. 12 for the rehabilitation of the Grove Creek Debris Basin (Requested by Richard Colborn, Recorder)

Mayor Hadfield stated this was the second of the three agreements.

Councilman Frost moved to approve the Resolution No. 2015-09-25R approving Supplement Watershed Agreement No. 12 for the rehabilitation of the Grove Creek Debris Basin. Councilman Taylor seconded the motion.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Brad Frost, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Brad Frost, Jeff Shorter, Clark Taylor
NAYS:	Carlton Bowen
ABSENT:	Rob Shelton

5. Review and action on a Resolution approving Supplemental Watershed Agreement No. 13 for the rehabilitation of the Dry Creek Debris Basin *(Requested by Richard Colborn, Recorder)*

Mayor Hadfield explained that Dry Creek Debris Basin was located near the jog on SR-92 between Lehi and Highland City. Mr. Jacob explained that the property would be annexed into Lehi with plans to make it into a fishery and year-round recreational facility; it would be similar in size to Tibble Fork. They were still working on a design.

Councilman Taylor moved to approve Resolution No. 2015-09-26R approving Supplement Watershed Agreement No. 13 for the rehabilitation of the Dry Creek Debris Basin. Councilman Shorter seconded the motion.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Clark Taylor, Councilman
SECONDER:	Jeff Shorter, Councilman
AYES:	Brad Frost, Jeff Shorter, Clark Taylor
NAYS:	Carlton Bowen
ABSENT:	Rob Shelton

6. Review and action on the Clifton-Jex Annexation consisting of 4.28 acres at 860 East 1100 South including the Ordinance of Annexation, annexation agreement, and placement of the property in the GC-2 General Commercial zone and the PF Public Facilities zone *(Requested by Richard Colborn, Recorder)*

Mayor Hadfield explained that this project was on 1100 South on the eastern edge of the city. The city had the opportunity to buy a portion of the property for our storm drain system. This was a major drainage basin that took storm drainage from the Murdock Canal area on 1100 East down to Bamberger Park basin, where it would then come south to this detention basin. Mayor Hadfield noted that the Vintaro project drainage would also add to the basin. They bought this with the intention to handle the storm water of the community. Pleasant Grove had agreed to become partners with the improvements in this project when they annexed property up to the 860 East road.

Councilman Taylor moved to adopt Ordinance No. 2015-09-60 approving the Clifton-Jex Annexation consisting of 4.28 acres at 860 East 1100 South including the Ordinance of Annexation, annexation agreement, and placement of the property in the GC-2 General Commercial zone and the PF Public Facilities zone. Councilman Frost seconded the motion.

Councilman Bowen stated that he supported this annexation. He understood that there

may be a high water issue but asked if they could design this property to be multi-use, such as a playing field. Mayor Hadfield stated there was water there all the time. Councilman Bowen knew it might not work and may not be ideal for multi-use but in the future it made sense for the basins to be considered for multi-use.

Mayor Hadfield called for a vote on the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Carlton Bowen, Brad Frost, Jeff Shorter, Clark Taylor
ABSENT:	Rob Shelton

7. 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.

- 7a. Review and action on the Final plat of the American Fork Auto Mall Subdivision Amended, consisting of 2 lots, located in the area of 500 E Auto Mall Dr. in the GC-2 Planned Commercial zone. (Requested by Adam Olsen, Planning)
Councilman Taylor moved to approve the final plat of the American Fork Auto Mall Subdivision Amended, consisting of 2 lots, located in the area of 500 E Auto Mall Dr. in the GC-2 Planned Commercial 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 of the conditions identified in the public record associated with the September 2, 2015 planning commission meeting. Councilman Shorter seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Councilman
SECONDER:	Jeff Shorter, Councilman
AYES:	Carlton Bowen, Brad Frost, Jeff Shorter, Clark Taylor
ABSENT:	Rob Shelton

- 7b. Review and action on an Ordinance approving a commercial site plan for the Ken Garff Auto Body Shop, located in the area of 1100 South Auto Mall Drive, in the GC-2 Planned Commercial zone. (Requested by Adam Olsen, Planning)
Mayor Hadfield stated that this site plan would be on lot #2 of the American Fork Automall Subdivision.

Councilman Shorter moved to adopt Ordinance No. 2015-09-61 approving a commercial site plan for the Ken Garff Auto Body Shop, located in the area of 1100 -South Auto Mall Drive, in the GC-2 Planned Commercial zone with instructions to the city recorder to withhold publication of the ordinance

subject to all of the conditions identified in the public record associated with the September 2, 2015 planning commission meeting. Councilman Taylor seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Carlton Bowen, Brad Frost, Jeff Shorter, Clark Taylor
ABSENT:	Rob Shelton

- 7c. Review and action on an Ordinance approving an amended site plan for the Morinda Parking Lot Addition, located at 737 East 1180 South, in the PI-1 Planned Industrial zone. (Requested by Adam Olsen, Planning)
Mayor Hadfield noted that he has asked staff to verify that the water rights are satisfactory and requested that approval be subject to meeting the water rights requirements.

Councilman Frost moved to adopt Ordinance No. 2015-09-62 approving a commercial site plan for the Morinda Parking Lot Addition, located at 737 East 1180 South, in the PI-1 Planned Industrial zone with instructions to the city recorder to withhold publication of the ordinance subject to all of the conditions identified in the public record associated with the September 2, 2015 planning commission meeting and pending a review of water rights conveyance. Councilman Taylor seconded the motion.

Mayor Hadfield explained to those present that he was on the Planning Commission when Morinda came to town. When the project was initially approved, the city was told that they would only use water to clean up. Mr. Reed Bromley sold the property to Morinda and gave water rights for the building. They now have over ten years of water history that is far more than the three shares of water the city received for the building. He wanted verification that they have met the water rights requirements.

Mr. Jones stated that he understood that they have met the water right requirements and that it had been recently reviewed by the city staff. Mayor Hadfield explained that he has just asked for verification that the city has received the water shares that is needed for this project.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brad Frost, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Carlton Bowen, Brad Frost, Jeff Shorter, Clark Taylor
ABSENT:	Rob Shelton

8. Consideration and action on entering into an Executive Session to discuss the professional character and competence of an individual
Councilman Frost moved to enter into an executive session at 8:35 p.m. to discuss

the professional character and competence of an individual. Councilman Taylor seconded the motion. All were in favor.

The City Council entered into an executive session at 8:40 p.m. (See ATTACHMENT 1)

The executive session concluded at 8:50 p.m.

Councilman Taylor moved to return to regular session at 8:50 p.m. Councilman Shorter seconded the motion. All were in favor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brad Frost, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Carlton Bowen, Brad Frost, Jeff Shorter, Clark Taylor
ABSENT:	Rob Shelton

9. Adjournment

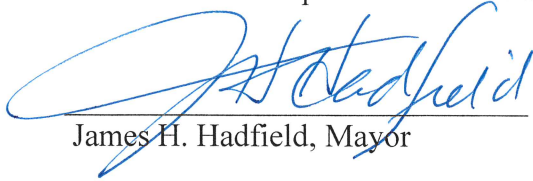
Councilman Frost moved to adjourn the meeting at 8:50 p.m. Councilman Taylor seconded the motion. All were in favor.



Terilyn Lurker
Deputy Recorder

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

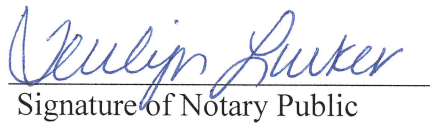
I, Mayor James H. Hadfield, do solemnly swear and affirm that the sole purpose of the executive session of the American Fork City Council on Tuesday, September 22, 2015, was to discuss the professional character and competence of an individual.


James H. Hadfield, Mayor

State of Utah
County of Utah

Subscribed and sworn to before me this 23 day of September, 2015.




Signature of Notary Public

My Commission Expires: 2/4/16