

AMERICAN FORK CITY COUNCIL
SEPTEMBER 26, 2023
REGULAR SESSION MINUTES

Members Present:

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| Bradley J. Frost | Mayor |
| Kevin Barnes | Council Member |
| Staci Carroll | Council Member |
| Ryan Hunter | Council Member |
| Rob Shelton | Council Member |
| Clark Taylor | Council Member |

Staff Present:

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| David Bunker | City Administrator |
| Terilyn Lurker | City Recorder |
| Patrick O'Brien | Development Services Director |
| Aaron Brems | Fire Chief |
| George Schade | IT Director |
| Cherylyn Egner | Legal Counsel |
| Cameron Paul | Police Chief |

Also present: Tim Holley, Ernie John, John Woffinden, Ken Berg, and 6 additional citizens.

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, September 26, 2023, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

PUBLIC HEARING

- Receiving public comment on the proposed vacation of the public utility easement between Lot 18 Quail Hollow North Plat A (63 East 1340 North) and Lot 47 Hillcrest Acres East Plat B (59 East 1340 North) subdivisions.

There were no public comments.

- Receiving public comment on the proposed vacation of the public utility easement between lots 42 and 43 of Autumn Crest Phase 1 Place C subdivision.

There were no public comments.

- Receiving public comment on the AF Utah LLC Addition consisting of 14.9 acres and located at approximately 1000 West 200 South.

There were no public comments.

REGULAR SESSION

1. Pledge of Allegiance; Invocation by Council Member Hunter; roll call.

Mayor Frost welcomed everyone to the meeting. Those present recited the Pledge of Allegiance and the invocation was offered by Council Member Hunter. Roll call was taken.

2. Twenty-minute public comment period - limited to two minutes per person.

Nick Merrill. Mr. Merrill commented that he and his family have been enjoying Rotary Park, noting there are beautiful trees in the park. He explained trees naturally get to a point where they stop growing, and he compared that to American Fork City. The council has been great with thinking ahead with things such as the bike and pedestrian plan. He would do everything he could to support the city and hoped to work with the city, staff, and others on putting bike lanes where they matter most. He appreciated the council and staff for their service.

3. City Administrator's Report

David Bunker reported the bubble at the Fitness Center was now up, and he expressed his appreciation for staff for their hours of help in getting that done. With staff completing this task, they save the city a lot of money. He noted the Pett-a-palooza and dedication of the Doug Smith Subaru Dog Park will be on October 14th. A ribbon cutting for Fire Station 52 will be on October 26th, which will be held during Safety Week. They are excited for the completion of this station.

4. Council Reports

Council Member Hunter had nothing to report.

Council Member Shelton reported North Point Solid Waste district is getting closer to changing from a special service district to an interlocal agency, and more information will be forthcoming on the change and site improvements. In the spring, they are hoping to schedule a field trip for the council to the Bayview landfill.

Council Member Barnes reported on the Veterans' Day Program, which will be held on November 10, 2023, at 11 a.m. at the Tabernacle; they have a great program lined up. Council Member Barnes stated they found the remains of James Chipman, who was shot down in 1972; there will be a special tribute to him during the Veterans Day Program. This program will be held on November 10th to allow the 5th graders to attend.

Council Member Carroll had nothing to report.

Council Member Taylor had nothing to report.

5. Mayor's Report

Mayor Frost stated on Veterans Day there will be a graveside service for James Chipman at 1 p.m., which is a historic event for the community. The city will honor Mr. Chipman and expected there to be top military honors for this man who has been missing for 50 years. It was humbling to listen to James Chipman's son talk.

Mayor Frost also reported stated that LVT, based in American Fork, has announced a partnership with the Utah Jazz.

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.)

1. Approval of the September 12, 2023, city council minutes.
2. (Common Consent Agenda) - Consideration regarding authorization to release the Improvements Construction Guarantee in the amount of \$412,289.80 and issue a Notice of Acceptance for the Timp Hollow Plat E construction of public improvements located at 1150 East 1070 North.
3. Consideration regarding authorization to release the Improvements Durability Retainer of \$93,942.31 for Hansen Ranch Phase 4, located at 1100 East 400 North.
4. Consideration regarding authorization to release the Improvements Durability Retainer of \$127,810.16 for Greenwood Creek, located at 640 West 900 North.
5. Ratification of city payments (September 6, 2023, to September 19, 2023) and approval of purchase requests over \$50,000.

Council Member Taylor moved to approve the common consent agenda. Council Member Shelton seconded the motion. Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Clark Taylor, Council Member |
| SECONDER: | Rob Shelton, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

ACTION ITEMS

1. Review and action on the appointment of John Woffinden to the Cemetery Committee, with a term ending 2027.

Council Member Barnes moved to appoint John Woffinden to the Cemetery Committee, with a term ending 2027. Council Member Hunter seconded the motion. Voting was as follows:

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Kevin Barnes, Council Member |
| SECONDER: | Ryan Hunter, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

2. Review and action on an ordinance approving the vacation of the public utility easement between Lot 18 Quail Hollow North Plat A (63 East 1340 North) and Lot 47 Hillcrest Acres East Plat B (59 East 1340 North) subdivisions.

Council Member Shelton moved to adopt Ordinance No. 2023-08-35 approving the vacation of the public utility easement at 63 East 1340 North. Council Member Taylor seconded the motion. Voting was as follows:

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rob Shelton, Council Member |
| SECONDER: | Clark Taylor, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

3. Review and action on an ordinance approving the vacation of the public utility easement between Lot 42 Autumn Crest Phase 1 Plat C (1032 East 1100 North) and Lot 43 Autumn Crest Phase 1 Plat C (1046 East 1100 North) subdivisions.

Council Member Taylor moved to adopt Ordinance No. 2023-09-36 approving the public utility easement vacation at 1032/1046 East 1100 North, subject to recording the Autumn Crest Phase 1 Plat G subdivision. Council Member Carroll seconded the motion.

Council Member Shelton brought up the lack of utility notification forms in the packet. It was explained that the process for this public utility easement was slightly different as it was part of a subdivision approval that had already taken place. The utility companies would have been notified as part of the subdivision process.

Mayor Frost called for a vote on the motion. Voting was as follows:

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Clark Taylor, Council Member |
| SECONDER: | Staci Carroll, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

4. Review and action on an ordinance approving the AF Utah LLC Addition consisting of 14.9 acres and located at approximately 1000 West 200 South, including the ordinance of annexation, annexation agreement, and placement of the property in the TOD zone.

Council Member Carroll moved to adopt Ordinance No. 2023-09-37 approving the AF Utah LLC Addition, consisting of 14.9 acres at approximately 1000 West 200 South, including the ordinance of annexation, annexation agreement, street dedication plat, and placement of the property in the TOD zone, and authorize the

mayor and council to sign the annexation documents, annexation plat, and street dedication plat. Council Member Taylor seconded the motion. Voting was as follows:

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Staci Carroll, Council Member |
| SECONDER: | Clark Taylor, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

5. 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 application for a Final Plat, known as The Flats at Lakeshore Landing Block 1 – Plat B, located at approximately 444 South 920 West. The Final Plat will be for approximately 1.56 acres and will be in the Transit Oriented Development (TOD) Zone.

Council Member Shelton moved to adopt the proposed Final Plat, located at approximately 444 South 920 West, in the Transit Oriented Development (TOD) Zone, with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record of the September 6th, 2023, Planning Commission meeting. Council Member Carroll seconded the motion.

Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Rob Shelton, Council Member |
| SECONDER: | Staci Carroll, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

- b. Review and recommendation of an application for a Final Plat, known as The Flats at Lakeshore Landing – Block 3 Plat F, located at approximately 496 South 920 West. The Final Plat will be on approximately 0.94 acres and will be in the Transit Oriented Development (TOD) Zone.

Council Member Taylor moved to adopt the proposed Final Plat, located at approximately 496 South 920 West, in the Transit Oriented Development (TOD) Zone, with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record of the September 6th, 2023, Planning Commission meeting. Council Member Shelton seconded the motion.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Clark Taylor, Council Member |
| SECONDER: | Rob Shelton, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

c. Review and action on an application for a Final Plat, known as Surg LLC Professional Office Building, located at approximately 1141 E 50 N, American Fork City, UT 84003. The Final Plat will be on approximately 0.60 acres and will be in the PO-1 Zone.

Council Member Taylor moved to recommend approval for the proposed Commercial Final Plat, located at 1141 East 50 North, American Fork City, in the PO-1 zone, subject to any conditions found in the staff report and with instructions to the city recorder to withhold recording of the plat subject to all conditions identified in the public record for the September 6, 2023, Planning Commission meeting. Council Member Carroll seconded the motion.

Council Member Shelton asked how they were addressing the residential/commercial buffer and asked if there was an update on that. Mr. O'Brien stated this structure was significantly below the maximum height, but staff was looking at options to be brought forward that addressed the setbacks, lighting, height that all need to be addressed. This would best be addressed at the overall re-write of the code.

Council Member Barnes brought up the parking requirements and the conflicting numbers in square footage in the staff report. There was a discussion among the council and staff regarding the required parking stalls and the square footage of the building. Mr. O'Brien explained there were two different uses in the building, which had different requirements, but he stated the project did meet parking requirements. With the difference in numbers, it was felt staff needed to verify the calculations based on the building size. It was noted that if there is a change in use when one tenant moves out, it would have to have site plan approval again and the parking needs would be re-evaluated at that time.

Mayor Frost called for a vote on the motion. Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Clark Taylor, Council Member |
| SECONDER: | Staci Carroll, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

d. Review and action on an application for a Commercial Site Plan, known as Surg LLC Professional Office Building, located at approximately 1141 E 50 N, American Fork City, UT 84003. The Commercial Site Plan will be on approximately 0.60 acres and will be in the PO-1 Zone.

Council Member Barnes moved to recommend approval of Ordinance No. 2023-09-38 for the proposed Commercial Site Plan, located at 1141 East 50 North, American Fork City, UT 84003, in the PO-1 zone, subject to any conditions found in the staff report with instructions to the City Recorder to withhold the ordinance subject to all conditions identified in the public record of the September 6, 2023 planning commission meeting and conditional upon Development Services reviewing the parking requirements to confirm the parking requirements have been met. Council

Member Hunter seconded the motion. Voting was as follows:

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Kevin Barnes, Council Member |
| SECONDER: | Ryan Hunter, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

6. Review and Action on the Award of AF City Alpine Hwy 8" Pipeline Replacement Project (rebid)- to Cody Ekker Construction.

Mr. Bunker explained the city put this project out to bid last year, with one bid coming in at \$3.8 million. The city then re-bid the project this year and received multiple responses. The low bid came from Cody Ekker Construction at \$2.5 million and staff feels comfortable with the low bidder. He clarified this project was funded in FY2023, so those funds will be rolled over to this year's budget which will require a budget adjustment.

Council Member Taylor moved to accept the bid submitted by Cody Ekker Construction for construction of the AF City Alpine Hwy 8" Pipeline Replacement Project in the amount of \$2,518,575 and approve the construction contract as presented. Council Member Carroll seconded the motion.

Council Member Barnes asked for clarification on why they were not doing two blocks in the middle, and Mr. Bunker explained that segment had been completed a few years ago. This was the culinary water as well as replacing a sewer pipe.

Mayor Frost called for a vote on the motion. Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Clark Taylor, Council Member |
| SECONDER: | Staci Carroll, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

11. Review and Action on the Award of the American Fork City 1120 North Culvert Project Contract to Landmark Excavating, Inc.

This project had been planned for as they finished the Art Dye parking lot, making sure they had access over the river to connect to the Bridges at Fox Hollow project. The funding for this project would come out of storm drain, roads, and parks impact fees.

Council Member Carroll moved to accept the bid submitted by Landmark Excavating, Inc. for construction of the American Fork 1120 North Culvert Project in the amount of \$1,233,432.00 and approve the construction contract as presented. Council Member Barnes seconded the motion. Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Staci Carroll, Council Member |
| SECONDER: | Kevin Barnes, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

12. Review and action on an agreement with the Appellate Group to provide legal services for indigent defendants on appeal matters.
Council Member Shelton moved to authorize the mayor to execute the agreement with the Appellate Group to provide legal services for indigent defendants in criminal appeals. Council Member Taylor seconded the motion. Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Rob Shelton, Council Member |
| SECONDER: | Clark Taylor, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

13. Consideration and action to enter into a closed session to discuss items described in Utah State Code 52-4-204 and 52-4-205.
 Mayor Frost explained the purpose of the closed session was to discuss the items described in Utah State Code 52-4-205, the purchase or sale of real property located in the Dixie Farms Subdivision.

Council Member Shelton moved to enter into a closed session at 7:50 p.m. Council Member Barnes seconded the motion. Voting was as follows:

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rob Shelton, Council Member |
| SECONDER: | Kevin Barnes, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

Mayor Frost explained the council would meet in the downstairs workroom for the closed session, after which they would return to the regular session and adjourn from that location.

The City Council entered into a closed session to discuss the purchase or sale of real property located in the Dixie Farms Subdivision at 7:56 p.m. Those present included Mayor Frost, Council Member Barnes, Council Member Carroll, Council Member Hunter, Council Member Shelton, and Council Member Taylor. Also present were City Administrator David Bunker, City Civil Attorney Cherylyn Egner, and City Recorder Terilyn Lurker.

The purchase or sale of real property was discussed, and audio recorded as required by law.

Council Member Taylor moved to return to the regular session at 8:11 p.m. Council Member Hunter seconded the motion. All were in favor.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Clark Taylor, Council Member |
| SECONDER: | Ryan Hunter, Council Member |
| YES: | Barnes, Carroll, Hunter, Shelton, Taylor |

14. Adjournment.

Council Member Hunter moved to adjourn the meeting. Council Member Taylor seconded the motion. All were in favor.

The meeting was adjourned at 8:12 p.m.



Terilyn Lurker, City Recorder