

AMERICAN FORK CITY COUNCIL
NOVEMBER 28, 2023
REGULAR SESSION MINUTES

Members Present:

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

Members Absent:

Ryan Hunter	Council Member
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Staff Present:

David Bunker	City Administrator
Terilyn Lurker	City Recorder
Patrick O'Brien	Development Services Director
Anna Montoya	Finance Officer
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Cameron Paul	Police Chief
Loralee Miller	Executive Assistant

Also present: Ernie John, Tim Holley, Elizabeth Phelon, Greg & Jessica Cook, Roger Dudley, George Bills, Payton Freeman, Kobe Freeman, Tom Freeman, Gavin Winkel, and 3 additional citizens.

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, November 28, 2023, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

PUBLIC HEARING

- Receiving public comment on the declaration of vehicles to be surplus and disposed of. There were no public comments.

REGULAR SESSION

1. Pledge of Allegiance; Invocation by Council Member Shelton; roll call.
Mayor Frost welcomed everyone to the meeting. Those present recited the Pledge of Allegiance and the invocation was offered by Council Member Shelton. Roll Call was taken. Council Member Hunter was excused.

2. Presentation of the GFOA Distinguished Achievement of Excellent in Financial Reporting Award.

Brandon Nelson explained he was the Orem City Finance Director and board member on the Utah Government Finance Officers Association Board associated with the National Government Finance Officers Association. Yearly, cities have the opportunity to submit their financial report for review to see if they meet the criteria for this achievement. American Fork City has submitted for and received the award. Mr. Nelson read the news release announcing the achievement for American Fork City, noting this is the highest form of recognition in government financial reporting. He presented the certificate to Anna Montoya and the city.

David Bunker stated that Ms. Montoya does a wonderful job and works hard to make sure they were doing what needed to be done to be financially stable and keeping finances in order. Mr. Bunker expressed his appreciation for Ms. Montoya for her hard work with the budget process and audit process.

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

Elizabeth Phelon. Ms. Phelon noted she was present for action items 2, 3, and 4b and would be available to answer any questions they may have.

Jessica Cook. Ms. Cook stated she lives on 200 South, which is currently undergoing construction. She explained they have an “L” shaped lot with a separate access on 200 South. With the construction on 200 South, the road is rising about three feet, and they are losing their second access to their lot. She noted the city was not going to give them an access to that portion of their lot, and they are asking for the city to review it and help them get access to that driveway.

4. City Administrator's Report

Mr. Bunker congratulated Clark Taylor, Tim Holley, and Ernie John for their successful election to council.

Mr. Bunker reported Santa Claus came to town the previous evening, where the citizens were able to enjoy a wonderful event put on by the Chamber of Commerce. He expressed his appreciation for their hard work, as well as public safety personnel and park department personnel for making the park look fantastic.

Mr. Bunker stated he and the mayor met with Alpine School District Superintendent, where they received a report on the data for American Fork Schools. He pointed out American Fork High School had over 90% graduation rate, which shows the wonderful teachers and leadership in American Fork. The school district informed the city they are doing a study on the school district and what to do for the future, which one option would be a split. The report will be given to the district in February or March of 2024.

5. Council Reports

Council Member Shelton congratulated Ms. Montoya on the well-deserved award. He noted the Veterans Day celebration was a wonderful event. Council Member Shelton attended the North Point Solid Waste District, who are moving forward with the

interlocal agreement to become a special service district. He expected that to come before the city the start of the year; this would make sure the city has a seat at the table. The district adopted their budget and they came away with an addition \$900,000 in one-time revenue which they plan to use toward improvements.

Council Member Barnes noted he didn't have anything to report on his committees, but he wanted to recognize Ms. Montoya and staff for the award. This has been received for many years, which shows the city has great staff. Council Member Barnes thanked the dedicated employees for their work.

Council Member Carroll attended the Chamber of Commerce yearly strategic planning retreat. She reported they increased their membership fees; their membership and the level of services offered have both increased. They looked at the budget and the financials for the chamber and she noted they are in a good financial position. They have great events planned, and the chamber members are very involved. Council Member Carroll congratulated Ms. Montoya and her staff for her hard work; the budget is a huge part of the city, and Ms. Montoya does a great job, and she was very appreciative of her.

Council Member Taylor stated that Ms. Montoya is a prize employee, one of the best with managing the fiduciary responsibility for the city. He congratulated Tim Holley and Ernie John and expressed his gratitude for the support of the community. Council Member Taylor reported that Fox Hollow Golf Course is in its 3rd record year; they have made some great updates and have the most used driving range in the county. The Fox Hollow team have done an incredible job, and the course is in a great position.

6. Mayor's Report

Mayor Frost noted he was absent two weeks ago but wanted to report on the Veterans Day events. In 1972, one community member went off to war and never returned. After 50 years, the remains of Capt. Jim Chipman were returned. Mayor Frost went over the events that took place over the course of a few days, from Capt. Chipman's remains being loaded in Honolulu to his interment at the cemetery. He thanked the residents who lined the streets in support of the family. He noted the tree in Robinson Park that was planted 50 years ago, and the lights the city has placed on the tree. Mayor Frost commented they were hoping to find the remains of Capt. Chipman's co-pilot.

Mayor Frost also expressed his appreciation for Ms. Montoya and all she does for the city.

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 November 7, 2023, work session minutes.
2. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$117,733.48 and issue a Notice of Acceptance for the Roderick Catalyst Building 4 construction of public improvements located at 346 East 1600 South.

3. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$72,574.25 and issue a Notice of Acceptance for the Roderick Catalyst Building 5 construction of public improvements located at 268 East 1600 South.
4. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$31,671.75 and issue a Notice of Acceptance for the Lakeland Industrial Park construction of public improvements located at 1700 South 500 East.
5. Acceptance of an easement from Unique Collision Repair along the property located at 221 South 500 East.
6. Ratification of city payments (November 8, 2023, to November 21, 2023) and approval of purchase requests over \$50,000.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Kevin Barnes, Council Member
YES:	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
ABSENT:	Ryan Hunter

ACTION ITEMS

1. Review and action on an approval of a variance in the cross section of the sidewalk located at 120 South North County Blvd. for Bonneville Vista Townhomes.
Patrick O'Brien explained this was on a private street but was still required to follow the public street cross sections. He indicated that if they install the sidewalk in the standard location, trees will have to be removed. In consulting with staff, the applicants were advised to ask the council for a variance approve a different cross section where they will install the sidewalk.

Council Member Carroll stated she has a hard time visualizing the location, and it was pointed out the park strip would be moved back of the sidewalk. Essentially, it will be curb, gutter, sidewalk, the park strip, and then the front of the property.

There was a discussion among staff and council regarding the location of the sidewalk and the width of the park strip, the easement, and placement of utilities in the road. It was pointed out that there would only be a ten-foot easement behind the sidewalk, and not a eighteen-feet.

Council Member Shelton moved to approve the request for variance in the cross section of the sidewalk to amend the street cross section which serves Plat "D", Bonneville Vista Townhomes at 120 South North County Boulevard and authorize the city to sign the variance. Council Member Taylor seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Clark Taylor, Council Member
YES:	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
ABSENT:	Ryan Hunter

2. Review and action on a resolution approving a Land Use Map Amendment, known as Southam Industrial, located at approximately 300 East 1700 South. The property proposes to change from the Shoreline Protection designation to the Design Industrial land use designation.

Council Member Taylor noted the planning commission minutes were extremely valuable, and to him it makes sense with the delineating line with the trail.

Council Member Carroll commented she did have some heartburn from putting industrial along the shoreline and expressed her concern with potential uses in the future. She asked what the allowed uses were, as she was concerned with what the use would be now as well as in the future. Mr. O'Brien listed the possible uses in that designation, noting there was a chance to have heavier industrial uses similar to what is to the east of this property.

Gavin Winkle, representing the property owner, stated they do not have defined plans, but it would be similar to what was in the area on a smaller scale. It could be an office with yard space for storage. He explained it was a long, narrow property where they would be utilizing the front of the property. Mr. Winkle pointed out what was in the area, one of the owners was a sewer plant which made it difficult on who would want to go in there.

Council Member Carroll's concern was the idea of creating industrial in that area and the potential heavy industrial uses. It was pointed out there was 400 feet buffer to the shoreline, and the trail would be a buffer to the lake as well.

Council Member Shelton brought up the Shoreline Protection, and questioned if it was an overlay zone or a zone itself. Mr. O'Brien stated it was a land use designation and a zone; it was areas that were historically below FEMA floodplain line and a way to preserve the shoreline.

There was a discussion on the shoreline protection zone and land use designation and where those areas are on the city maps. Council and staff looked at the city maps to identify the shoreline protection areas. Council Member Shelton felt they needed to look closer at the land use map and the zoning map to make sure they match, as well as making sure the zone did what they intended it to do.

Mr. Winkle commented that the shoreline protection land use just meant it was a floodplain, that they should not build there unless the elevation was brought up. He stated they were not un-protecting the shoreline by changing the use and zone.

Elizabeth Phelon noted she owns property to the east, and pointed out the shoreline protection in the city does have houses and the Roderick buildings within that area. Ms. Phelon commented that the trees in the shoreline protection area are full of midge, which

has created a large problem for them and for the Rodericks. The closer you get to the lake, the thicker the Midge are. Ms. Phelon stated they are working on a project that will allow people to fish off the trail area and shoreline, and then have a building and storage on the northern portion. She pointed out that an M-1 zone does allow a gas station, which could be just as damaging. Ms. Phelon stated the city needs industrial to supply concrete, dirt, concrete removal, etc. They are close to the freeway and have easy access to the freeway. They have done a study with their property, and the water has moved in and out over the years and has never been higher than it was right now. They would not build on their property in a negative way; however, the shoreline was not a beautiful shoreline but full of Midge.

Council Member Shelton recommended the staff look into land use and zoning maps to make sure they match.

Council Member Shelton moved to adopt Resolution No. 2023-11-42R approving the land use map amendment, located at approximately 300 East 1700 South, from the Shoreline Protection Land Use designation to the Design Industrial Land Use designation. Council Member Taylor seconded the motion.

Council Member Carroll stated she would support this motion, but she would like the city to look at shoreline protection in general and to see what needs to be done to protect the shoreline.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Clark Taylor, Council Member
YES:	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
ABSENT:	Ryan Hunter

3. Review and action on a proposed Zone Change, known as Southam Industrial, located at approximately 300 E 1700 S, American Fork City, UT 84003. On approximately 4.99 acres, the property proposes to change from the Marina (M-1) zone to the Industrial (I-1) zone.

Council Member Shelton moved to adopt Ordinance No. 2023-11-46 approving the zone map amendment, located at approximately 300 East 1700 South, from the M-1 (Marina) zone to the I-1 (Industrial) zone designation. Council Member Taylor seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Clark Taylor, Council Member
YES:	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
ABSENT:	Ryan Hunter

4. Review and action on subdivisions, commercial projects, condominiums, and PUD's including 1) plat approval; 2) method of satisfaction of water rights requirements; 3) posting of an improvement bond or setting of a time frame for improvement installation;

and 4) authorization to sign the final plat and acceptance of all dedications to the public and to have the plat recorded.

- a. Review and action on an ordinance approving a Commercial Site Plan, known as Freeman Site Plan, located at 19 North 900 West. The Commercial Site Plan will be on approximately 1.23 acres and will be in the Planned Commercial (GC-2) zone.

Council Member Taylor moved to adopt Ordinance No. 2023-11-47 approving the commercial site plan and variance request for 900 West to be 58' wide, located at 19 North 900 West in the Design Commercial (GC-2) zone, with instructions to the city recorder to withhold publishing the ordinance subject to all conditions identified in the public record associated with the November 8, 2023, planning commission meeting. Council Member Shelton seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Rob Shelton, Council Member
YES:	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
ABSENT:	Ryan Hunter

- b. Review and action on an application for a Final Plat, known as Lakeland Industrial Park Plat B, located at approximately 1700 S 400 E. The Final Plat will be for approximately 10.24 acres and will be in the Industrial (I-1) zone.

Council Member Shelton moved to approve the proposed final plat, located at approximately 1700 South 400 East, in the I-1 Industrial zone, with instructions to the city recorder to withhold recording the plat subject to all conditions identified in the public record associated with the November 8, 2023, planning commission meeting. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Kevin Barnes, Council Member
YES:	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
ABSENT:	Ryan Hunter

5. Review and action on a resolution approving the declaration of vehicles to be surplus and disposed of.

Council Member Carroll moved to adopt Resolution No. 2023-11-43R approving the declaration of vehicles to be surplus and disposed of. Council Member Taylor seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Clark Taylor, Council Member
YES:	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
ABSENT:	Ryan Hunter

6. Review and action on a resolution approving an amendment to the interlocal cooperative agreement with Utah County for substance misuse prevention services and Communities that Care prevention model.

Council Member Taylor moved to approve Resolution No. 2023-11-44R authorizing the mayor to sign the interlocal agreement with Utah County for substance misuse

prevention services and the Communities that Care prevention model. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Kevin Barnes, Council Member
YES:	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
ABSENT:	Ryan Hunter

7. Adjournment.

Council Member Shelton moved to adjourn the meeting. Council Member Barnes seconded the motion. All were in favor.

The meeting was adjourned at 8:18 p.m.



Terilyn Lurker, City Recorder