



AMERICAN FORK CITY COUNCIL
JANUARY 9, 2024
CITY COUNCIL MINUTES

Members Present:

Bradley J. Frost	Mayor
Staci Carroll	Council Member
Ryan Hunter	Council Member
Tim Holley	Council Member
Ernie John	Council Member

Members Absent:

Clark Taylor	Council Member
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Staff Present:

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

Also present: Tim and Tori Bahoravitch, Terry S. Mills, Kline Bradford, Cody Powell, Jon Haderlie, Ryan Davis, Jack Young, Josh Walker, David Kasperson, Lynsi Davis, Jim Hansen, Jordan Johnston, and two additional people.

The American Fork City Council met in a regular session on Tuesday, January 9, 2024, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

REGULAR SESSION

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

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

Tim Bahoravitch. Mr. Bahoravitch stated his comment was directed to the THN Annexation. He noted that no one wants vacant lots, but no one wants a three-story building in their back yard. He commented that the residents still have the same concerns as they did the last time this property came before the council for annexation, such as traffic, safety, privacy, and views. He appreciated receiving communications from Melissa White regarding this item.

Kline Bradford. Mr. Bradford explained he was present regarding the THN Annexation as well. When he moved in a year ago, he was at the council meeting talking about the annexation of this property. They love this city and are not opposed to development; however, they are concerned with what has been proposed. When they purchased their home, the vacant land was zoned for residential, although he did understand it may change but thought what was built would be like what was on that side of the road. He was okay with development like the east side of North County but not something that was three story. He was concerned with the safety of the children and his family and their privacy.

3. City Administrator's Report

David Bunker stated the Annual Fitness Center Pass Sale is going on until tomorrow, where families can receive \$100 off a family pass. Mr. Bunker commented that they have recently had a couple of snowstorms, and staff members have been busy clearing the streets. Citizens are reminded not to park on the streets and to be cautious while driving. He appreciated staff for all their efforts.

4. Council Reports

Council Member Hunter had nothing to report.

Council Member Holley announced his son, Roark Cosme Holley, was born yesterday morning; mom and son are doing okay and hope to come home tomorrow.

Council Member John reported he attended a meeting of the North Pointe Solid Waste Special Service district where they discussed whether to stay in a special service district or to become an interlocal. They realized there are more steps they will need to take, but they are working on this and will bring it forward in the future after questions are answered.

Council Member Carroll commented she was looking forward to the new year and working with the new council members and new committees.

5. Mayor's Report

Mayor Frost was also looking forward to a wonderful year. As he has reflected on the few weeks, it was wonderful to be able to spend time with family. There is a deep sense of community in American Fork, and the holidays magnify that feeling. He handed out food at Tabitha's Way, and there was a spirit of giving.

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 December 12, 2023, city council minutes.
2. Approval of the January 3, 2024, special session minutes.
3. Approval of the authorization to release the Improvements Durability Retainer of \$242,673.06 for Roderick Catalyst Phase 2, located at approximately 400 East 1600 South.
4. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$18,285.80 and issue a Notice of Acceptance for the Rockwell Ranch Block 4 Landscaping construction of public improvements located at 975 West 520 South.
5. ~~Approval of an Escrow Agreement with Bank of Utah & Gold Crest Homes for the Beck Hillside subdivision.~~
6. Ratification of city payments (December 6, 2023, to January 2, 2024) and approval of purchase requests over \$50,000.

Mayor Frost noted that item number 5 is pulled from the common consent agenda.

Council Member Carroll moved to approve the common consent agenda items 1, 2, 3, 4, and 6. Council Member John seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Ernie John, Council Member
YES:	Staci Carroll, Ryan Hunter, Tim Holley, Ernie John
ABSENT:	Clark Taylor

ACTION ITEMS

1. Presentation and acceptance of audited financial statements for Fiscal Year Ending June 30, 2023.

Anna Montoya explained they have completed the annual audit and corresponding financial statements for fiscal year ending June 30, 2023. The financial reports were presented to the city's audit committee last month and were available on the city's website.

Cody Powell, the audit manager with Larsen and Company, thanked Ms. Montoya and staff. He noted they met with the audit committee, where they went into detail. He stated this has been published and they can reach out if there are any questions, and he encouraged everyone to read it. The independent audit report states in their opinion that it is an unmodified (or clean) opinion. The report also mentions supplementary information; they look over some supplementary information, such as the federal awards, and give an unmodified opinion.

Mr. Power brought up the independent audit report of internal control, or financial report, and compliance and other matters based on the audit. They look over everything to make sure it is running smoothly. The independent audit report for compliance for each major federal program shows the city complied with each of the programs; it was also an

unmodified opinion. Mr. Powell stated there were six reports; they did the standard tests and did not find any issues and gave a clean opinion. He reported there were no findings with the audit.

Council Member Carroll stated one of their biggest duties is the fiscal health of the city, so having the outside source to help them accomplish the goal is a relief. She appreciates their work and the work of the audit committee.

Council Member Hunter expressed his appreciation for being on the committee, noting the level of expertise is impressive. He gave kudos to them for their work.

Jon Haderlie stated the city has one of the best audit committees of the state.

Council Member Hunter moved to accept the fiscal year ended June 30, 2023, audited annual financial statements. Council Member Holley seconded the motion.

Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ryan Hunter, Council Member
SECONDER:	Tim Holley, Council Member
YES:	Staci Carroll, Ryan Hunter, Tim Holley, Ernie John
ABSENT:	Clark Taylor

2. Review and action on an ordinance approving the vacation of a portion of the public utility easement for property at 348 North 1160 East, located within Lot 3 of Quail Run Estates Plat A.

This item was pulled from the agenda.

3. Review and action on the acceptance of an encroachment agreement with David and Audrey Kasperson located at 348 North 1160 East.

Patrick O'Brien explained the information regarding this item is included in the staff report, which was for encroachment into the easement for a pool-related facility and other items. He noted there was one item they needed to address in the motion. The exhibit in the packet included the reduced PUE Vacation, which needed to be updated to reflect the correct easement as they were no longer granting a PUE vacation.

Council Member Carroll clarified they would still be able to build everything without the PUE vacation, to which Mr. O'Brien stated that was correct. Cherylyn Egner further explained that by not vacating the five feet of an easement, it was less likely the property owners would need to move anything in the future; it allowed them more flexibility.

Ms. Egner stated that along the east side of the property there was an irrigation pipe that had been an irrigation ditch, which had other properties draining into that pipe. It was a prescriptive easement now, and it was recommended that in exchange for the encroachment agreement the owners give a twenty-foot PUE on the east side. This would give the city access to the pipe.

When asked if the property owners were aware of the easement, David Kasperson stated he was just given notice of that now. After a quick discussion on the irrigation ditch, Mr. Kasperson stated they were okay with giving that easement, so the city had access to the pipe.

Council Member John moved to authorize the city to approve the easement encroachment for 348 North 1160 East and authorize the mayor to sign the document, with condition to update the exhibit to eliminate the vacation of 5-feet of the PUE along the north of the property and with the condition of receiving a public utility easement of 20 feet on the east side. Council Member Hunter seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ernie John, Council Member
SECONDER:	Ryan Hunter, Council Member
YES:	Staci Carroll, Ryan Hunter, Tim Holley, Ernie John
ABSENT:	Clark Taylor

Council Member Hunter liked the encroachment agreement rather than the vacation of the easement.

4. Review and action on a resolution approving a Land Use Map Amendment known as Learning Blocks Daycare, located at 355 East 200 South. The Land Use Map Amendment will be on approximately 0.61 acres and is in the General Commercial land use and will change to the Residential Medium Density land use.
Mr. O'Brien reported this property had been before the council for a change from residential to commercial back in 2022. Tonight, the proposal is to reverse that and take it back to residential designation. Mr. O'Brien stated staff had no issues with this request.

Council Member Holley asked if there was a reason to need to go back to residential. Mr. O'Brien stated the applicant was looking to maintain the use of a home day care facility, which cannot be done in a commercial zone. Initially, they wanted to go to commercial to explore the possibility of changing to a commercial facility.

Jordan Johnston, applicant, stated they had hoped to open a commercial day care center, but that has not happened as expected. They would like to be able to keep their home day care center open.

Council Member Hunter moved to adopt Resolution No. 2024-01-02R approving the land use map amendment located at 355 East 200 South, from the General Commercial land use to the Residential Medium Density land use, subject to any conditions found in the staff report. Council Member Holley seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ryan Hunter, Council Member
SECONDER:	Tim Holley, Council Member
YES:	Staci Carroll, Ryan Hunter, Tim Holley, Ernie John
ABSENT:	Clark Taylor

Council Member Hunter stated he was not a fan of taking commercial property, however, this had been residential before and he did not have an issue with changing that back to residential. Council Member Carroll agreed.

5. Review and action on a proposed Zoning Map Amendment known as Learning Blocks Daycare, located at 355 East 200 South, American Fork City, UT 84003. The Land Use Map Amendment will be on approximately 0.61 acres and is in the GC-1 zone and will change to the R2-7500 zone.

Council Member Hunter moved to adopt Ordinance No. 2023-01-01 approving the zone change, located at 355 East 200 South, from the GC-1 one to the R1-7500 zone, subject to any conditions found in the staff report. Council Member Carroll seconded the motion. All were in favor.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ryan Hunter, Council Member
SECONDER:	Staci Carroll, Council Member
YES:	Staci Carroll, Ryan Hunter, Tim Holley, Ernie John
ABSENT:	Clark Taylor

6. Review and action on a resolution to accept/deny the THN Annexation petition to annex, consisting of 1.121 acres at 1054 East 300 North.

Mr. O'Brien noted this area had been before the council previously for annexation and was denied. Today, staff's recommendation is to deny the petition as this does not bring in all the unincorporated area, leaving a small area of unincorporated land.

Council Member Hunter explained they had a lengthy discussion prior to this regarding leaving islands. He agrees that it was prudent to include all the property. Mr. O'Brien explained that when they initially met with the applicant, they outlined bringing in all the land, but the northern portion was omitted from the annexation petition. Mr. O'Brien stated that had this moved forward as initially discussed leaving no unincorporated islands, they would have recommended annexation. It was explained that the northern property, owned by the Hansens, was not included in the annexation, but staff was unsure why the applicant chose not to include that property in the petition.

Council Member Carroll asked if it would cost them to re-start another petition. Mr. O'Brien stated they could move forward with this quickly, but the noticing by the county would take time.

Mayor Frost agreed that this should be denied as it leaves an island. He would also like to see a robust discussion with the developer and the property owners in the area; they are sensitive to the neighbors. Mr. O'Brien stated the discussion would be different if the property had been included.

Council Member Hunter would love to see this come back. He agreed that the neighbors do not need to be surprised by the development.

Council Member Holley asked if it would have to go back through the process, or could the city do that? Mr. O'Brien stated it would need to start the entire process again which would prolong the approval, but they were willing to collaborate with the applicant.

Ryan Davis, the applicant, stated the property owner to the north, Mr. Hansen, has told him that he does not want to annex as it would raise his property taxes and he would appeal the petition which would take it longer. Time is important to him; if he had known the recommendation was to be denied, he would have included all the property.

Mayor Frost commented that they all remember the parcel and the discussion held regarding this property with the earlier annexation petition. His hope was they could have a good discussion with the neighborhood as this is where two zones meet so there was an acceptable solution. Mayor Frost felt it would be good for the applicant to talk to the residents. He also noted the city wanted the entire unincorporated area included in the annexation, which was the reason they are basing their decision on the process.

Council Member Hunter concurs, but the residents need to be heard. He agrees that there could be a compromise there.

Council Member Hunter moved to deny the petition to annex the THN Annexation consisting of 1.121 acres at 1054 East 300 North due to the lack of including the entire unincorporated land. Council Member John seconded the motion. Voting was as follows:

RESULT:	DENIED [UNANIMOUS]
MOVER:	Ryan Hunter, Council Member
SECONDER:	Ernie John, Council Member
YES:	Staci Carroll, Ryan Hunter, Tim Holley, Ernie John
ABSENT:	Clark Taylor

Council Member Hunter asked that staff do what they can to help facilitate annexing the property.

Mr. Davis asked if the city would do a city-initiated annexation. Mayor Frost indicated he would be willing to talk to him about whether it was prudent for that type of annexation.

7. Review and action on a resolution approving the appointment of a Director and Alternate Director to the Central Utah 911 Dispatch Board.
Council Member Carroll moved to adopt Resolution No. 2024-01-03R approving the appointment of Council Member Ernie John as Director and Camden Bird as Alternate Director on the Central Utah 911 Dispatch Board. Council Member Holley seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Tim Holley, Council Member
YES:	Staci Carroll, Ryan Hunter, Tim Holley, Ernie John
ABSENT:	Clark Taylor

8. Review and action on a resolution approving the appointment of a representative to the North Pointe Solid Waste Special Service District board.
Council Member Hunter moved to adopt Resolution No. 2024-01-04R approving the appointment of Council Member Ernie John to the North Pointe Solid Waste Special Service District board. Council Member Carroll seconded the motion.
Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ryan Hunter, Council Member
SECONDER:	Staci Carroll, Council Member
YES:	Staci Carroll, Ryan Hunter, Tim Holley, Ernie John
ABSENT:	Clark Taylor

9. Adjournment.
Council Member Hunter moved to adjourn the meeting. Council Member John seconded the motion. All were in favor.

The meeting adjourned at 7:54 p.m.



Terilyn Lurker, City Recorder