

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
MAY 13, 2014

PUBLIC HEARING

The American Fork City Council met in a public hearing on Tuesday, May 13, 2014 in the American Fork City Hall, 31 North Church Street. 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 Attorney Kasey Wright
City Engineer Andy Spencer
City Planner Adam Olsen
City Recorder Richard Colborn
Finance Director Cathy Jensen
Fire Marshal Doug Bateman
IT Specialist George Schade
Library Director Sheena Parker
Planning Commission Chairman John Woffinden
Police Chief Lance Call
Public Works Director Dale Goodman

Also present: Stephannie Cottle, Demar Young, Jeff Mitchell, Strawberry Days Royalty, Barbara Christiansen, and 30 additional persons

7:25 p.m. Receiving of public comment regarding the declaring of real property at 542 West 700 North to be surplus and to be disposed of - Staff

Mayor Hadfield asked if there were any comments regarding the proposal to declare 375 square feet of real property at 542 West 700 North to be surplus and to be disposed of. There were no comments.

The hearing concluded at 7:27 p.m.

REGULAR SESSION

The American Fork City Council met in a regular session on Tuesday, May 13, 2014 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 Attorney Kasey Wright
City Engineer Andy Spencer

City Planner Adam Olsen
City Recorder Richard Colborn
Finance Director Cathy Jensen
Fire Marshal Doug Bateman
IT Specialist George Schade
Library Director Sheena Parker
Parks and Recreation Director Derric Rykert
Planning Commission Chairman John Woffinden
Police Chief Lance Call
Public Works Director Dale Goodman

Also present: Stephannie Cottle, Demar Young, Jeff Mitchell, Strawberry Days Royalty, Barbara Christiansen, Bruce Frandsen, Max Meyer, Ken Sumsion, DeMar Young, Ray Nixon, Steve Smoot, and 30 additional persons

Mayor Hadfield led the audience in the Pledge of Allegiance and Richard Colborn offered a prayer.

PRESENTATION BY THE STRAWBERRY DAYS ROYALTY

Mayor Hadfield invited the Pleasant Grove Strawberry Days Royalty to come forward. Included were

Miss Pleasant Grove	Stephanie Acerson
First Attendant	Tate Steward Chester
Second Attendant	McKinzie Taylor
Third Attendant	Kaylie McGee
Fourth Attendant	Rachel Cannon

Rodeo Queen	Savanna Steed
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Stephanie Acerson invited all to Strawberry Days June 17 – 21 noting there were many activities. Strawberry Cheesecake was presented to the Mayor and Council. There was general applause.

PRESENTATION OF A COMMUNITY SERVICE AWARD TO ROGER GRIFFIN

Mayor Hadfield along with Library Director Sheena Parker presented a Community Service Award to Roger Griffin for his service as Library Board Chair from April 2008 to April 2014. There was general applause.

Mr. Griffin stated that he enjoyed serving. He thanked the Mayor and Council for their support. The Library brought a lot of benefit to the City. He shook hands with the Council.

There were no Scouts in attendance at this time to come forward. There was one who signed in later.

<u>Troop 1123</u>	Ben Cottle
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TWENTY-MINUTE PUBLIC COMMENT PERIOD – LIMITED TO TWO MINUTES PER PERSON

Mayor Hadfield had City Attorney Kasey Wright come forward to explain the budget process.

Mr. Wright explained that the budget process in American Fork was the same as it was in every City across the State. The statute dictated certain time periods as to when the Tentative Budget had to be adopted, which was not the final budget. There were statistics and numbers required in the Tentative Budget as well as projections for next year. After the adoption of a Tentative Budget then there would be a hearing where the public could give their input and have an opportunity to speak as to the budget. Once the public hearing was completed the Council may choose to address it again in a work session and then bring it back to a City Council meeting for adoption of a final budget by June 22nd unless there was some type of a tax increase, which he did not believe was in the works this year.

Mr. Wright continued that tonight's action was to get something on the record.

Mayor Hadfield asked Mr. Whitehead to review the tentative dates for actions on the budget.

Mr. Whitehead explained that the tentative schedule had a work session on May 22nd. The Council could choose to meet as often as they wanted. It was currently scheduled that there would be a public hearing and final adoption on June 10. If desired a special meeting could be held any time prior to June 22nd.

Councilman Bowen reported that he had talked with Mr. Whitehead and the public hearing being held on the same day as the adoption. He did not think that would allow adequate time for the Council to make any changes based on the input from the hearing. There was wisdom in having more time to make any changes and to have them printed in the final budget.

Councilman Shelton did not disagree. He noted, however that in the hearings he had been to in the past, there hadn't been anyone there to address the Council. If there was public comment and the Council wished to make changes they could adopt a final budget at a special meeting on June 17th.

Mayor Hadfield noted that Mr. Max Meyer wished to speak.

Max Meyer stated that he was a resident of American Fork and a member of the AF Citizen's Group. They were concerned about the Tentative Budget that was discussed publicly last Thursday in a work session. It did not reflect an increase in the road budget. The AF Citizen's Group respectively asked the Mayor, Council, and City Administrator to significantly increase the road budget and to form a Citizen Budget Committee so citizens could learn more about the budget and participate directly in the process.

Mr. Meyer continued that last fall 71 percent of voters said no to borrowing and tax increases. At that time City officials identified years of inadequate funding, failure to make maintenance a priority, and cuts in nearly every street, as the root problems. The problem was inherited. They were disappointed that an increase this year in the road maintenance was not in the Tentative Budget in this Administration. They respectfully asked this Mayor and Council to work with the

Administration to correct that omission before it was adopted. The road problem persisted and borrowed money could not be used to address it but that did not mean that it could not be addressed. He asked that the following be considered

- The City's cash balances were strong and constant
- Liabilities were decreasing without more borrowing
- Total assets were increasing
- Fund balance increased to its highest level in five years
- There were significant increases for water, storm drain, secondary irrigation, and broadband, but not roads
- Employee count was down by a few employees yet payroll and benefits were significantly higher and in fact up 18 percent compared to the current year
- That 18 percent represented over \$2 million that could be immediately reallocated to roads

Mr. Meyer added that the recaptured dollars could be used to fund a permanent increase in road budgets to meet the greatest priority in the City had been identified. They request that the City correct the payroll allocations before the budget was formally adopted and transfer every dollar to the road budget and begin repairing the roads starting this July. Furthermore, they request that the City allocate available budget surplus to the road accrual fund each year until the roads were adequately maintained. The most successful budget was a reflection of the deepest held priorities. Roads right now were the greatest physical asset priority. They hoped that the Council would give this request serious consideration. A review of the City's historical financial statement and a drop in the employee count support the argument that these dollars were presently available for use elsewhere in the budget. Through the budget they could match priorities with resources and fix the roads without more borrowing or tax increases.

Mr. Meyer expressed that they were glad that according to the schedule as outlined, they were early in the process because they hoped that the Council would listen to the comments. He apologized that he was not here last year for the budget meetings.

Mayor Hadfield thanked Mr. Meyer for his comments.

Ken Sumsion, former Representative of part of American Fork and out through Eagle Mountain for six years, stated that with regard to budgets he learned that the 'devil was always in the details.' It was very difficult for citizens to see the detail underneath the numbers even with 110 pages of the proposed budget. As a CPA he was willing to sit down and look at the details, and they had that offer from Councilman Shelton. Last year he, along with the AF Citizens Group, of which he was a founding member talked with thousands American Fork residents and their number one issue was water and sewer rates. They pulled bills from ten years ago, from the widow, the small family and the large family and found that the sewer and water rates had gone up from 180 percent to over 240 percent. That represented an increase of \$1,000.

Mr. Sumsion continued that he understood that the Council was stuck between a rock and a hard spot with regard to the secondary water system. The City raised property taxes a few years ago and in this budget was an increase of the base water rate of nine percent. His counsel was to find another way and stop increasing taxes and utility rates. If he was buying a home today he would not buy one in American Fork. He added that according to the Deseret News, and they

confirmed the numbers, American Fork was No. 2 in debt per resident in the State of Utah in cities with a population over 10,000. That was not a good sign. He asked that the Council take some more time and include some more citizens. He said that in fairness, looking at total revenues, if he wanted to just shoot bullets, he would say that in 2011 there were revenues of \$43 million. This proposed budget was \$50 million. He did not think that was a fair bullet to fire. They were prepared to sit down and understand the increases. There were also some anomalies that were very significant. He could not tell what happened. They had to stop raising utility rates and our taxes and they were leading that crowd in Utah County.

Mayor Hadfield responded that there were many cities with higher utility rates than American Fork.

Mr. Sumsion expressed that he was welcome to look at their analysis.

Mayor Hadfield stated that he would be happy to. However, when TSSD raised their rates. . .

Mr. Sumsion understood that and they needed to look at the whole picture.

Mayor Hadfield added that the City needed to pay what they were being charged and not take it out of fund balance.

Councilman Shelton appreciated Max Meyer and Ken Sumsion for coming forward and he wanted to make sure they got a couple of things clear. He appreciated the wisdom in saying there was detail behind the budget. He cautioned any resident that took a look at the budget not to make quick assumptions. He was happy to sit down with any resident to look over the budget in detail. A lot of people say that they should run the City like a business. He did not disagree with that to a certain extent. However, a business had all the options to go generate revenue through developing a new product for instance. Cities were very limited on how to generate revenues. Also, cities were very limited in how they expend funds. He did not believe that the City had turned away anyone that has wanted to be involved in the process. There was nothing going on behind closed doors. There was nothing being passed quickly. He felt it was unfair to look at fund balance as that was the City's rainy day fund. The City uses fund balance when needed and it needs to be replenished from time to time and this time it was to 18 percent. The City still had Tier One issues that had to be addressed and those were significant. The City had no option to get out of that pension. It was an unfunded mandate from the State. Saying that the City was an 18 percent pay raise to the employees was misleading the public and giving a discolor to the truth. He was willing to sit down and go over the numbers.

Councilman Shelton commented that anyone that wanted to talk about the high debt in the City to go back and they would find out that 80 percent of the debt came from the secondary water system that was passed by the residents themselves. The City was going to have to live with its past decisions. He thought it was great to make roads a priority. In looking at priorities they also needed to look at drugs in the City and lack of fire hydrants in certain areas. Yes, roads were a priority but one needed to make sure they were not robbing Peter from one area to pay Paul in another area. Good fiscal planning was looking out to the future and planning for those future needs and to adequately fund those needs. He looked forward to sitting down and going through that with staff. He had an open look policy. They want people to be involved in the process and to understand where their tax dollar was spent.

Mr. Sumsion thanked the Council for their time.

Councilman Bowen expressed appreciation for the comments tonight. It was very noteworthy the number of citizens that were involved and it was a very positive thing and he guessed unique. He applauded the citizens that were in attendance tonight and that they cared what was going on.

Mayor Hadfield asked if there were any other comments.

Councilman Taylor asked how much the road budget had increased this year. He recalled increasing it almost a million dollars.

Mr. Whitehead responded that in the capital improvement budget for streets there was \$2.23 million. Last year it was just over a million dollars. They had looked at every source they could find, short of a property tax increase, to use toward streets. One of the biggest projects was over \$1 million itself in reconstruction.

Councilman Bowen was not sure that was comparing apples to apples though because the B & C road budget and the other half million dollars that went along with that was unchanged at \$1 million. Where we thought that increase was in the Capital Projects budget but it was not likely that they did any capital budget projects last year for roads. He would like to look at this some more to see exactly what the increase or decrease in road funding was.

Councilman Taylor asked Councilman Bowen if there was something that had prevented him from looking at that to this point because it was important to know that when they were having these open discussions about the City not increasing this or the City taking care of that. Everyone was very well aware of what Obama Care has done to all of us and that cost our budget over \$400,000 for employees and different things that contributed to that 18 percent. They also talked about the difference in roads. They could see that \$2.3 million this year toward that. But, in groups it was said that the City was not doing this and the City was not doing that, was just not accurate. Anyone was welcome to be involved in these meetings to see where those line items were going. It was not like preparing a home budget. It was much different. Again, everyone was welcome to come out and participate.

Mayor Hadfield asked if anyone else had comments to make.

There were none.

CITY ADMINISTRATOR'S REPORT

Mr. Whitehead read a letter from a citizen noting appreciation for the actions of American Fork Police Officers Adamson, Paul, and Doyl in a difficult situation.

Mr. Whitehead felt that it spoke to the caliber of American Fork Police Officers.

COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Shorter had nothing to report at this time.

Councilman Shelton reported that the American Fork Chamber had a successful golf tournament to raise money for a K-9 unit. Monies for the K-9 were being raised through private donations. A number of groups including the Bank of American Fork, Rotary Club, and the Chamber were involved.

Councilman Shelton thanked Roger Griffin for serving on the Library Board. During the campaign last election cycle those volunteers serving in American Fork were brought up. As he had different committee assignments he was continually grateful for those selfless individuals who gave a lot of their time. There were many who served on various committees. He saw the wisdom that Mr. Griffin had as that Chairperson.

Councilman Taylor reported some good news. When they talked tonight about American Fork being second in debt, he reminded everyone and maybe draw their attention to a letter that was recently in the paper from a company called Movoto, a real estate company in California, in which it ranked the top 53 communities in Utah over 10,000 residents and American Fork was the most affordable place to live in Utah. He thought that really said something. He appreciated the job that staff was doing. It was not an easy task. Some people were able to look at that objectively and say this was what was going on.

Councilman Frost had nothing to report at this time.

Councilman Bowen commented that we did live in a great City and as they were going through this budget process he was reminded that the City's debt service was the highest category. The City paid more to fund its debt including a half million dollars more than it cost to fund the entire police department for a year. To keep American Fork City great it was important that they discuss these issues. He was glad that the citizenry was engaged and involved so they would continue to have a great community.

MAYOR'S REPORT

Mayor Hadfield reported that on Friday evening at 5:30 p.m. there would be a ribbon cutting at the OBGYN Clinic, the new building south of the American Fork Hospital. They had seven physicians and a staff of 47. He invited everyone to attend.

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 April 17, 2014 city council work session minutes.
2. Approval of the April 22, 2014 city council minutes.
3. Approval of the May 1, 2014 special work session minutes
4. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$25,000. – *Cathy Jensen*
5. Approval of the authorization for the release of the Improvements Durability Retainer for the project known and/or subdivision recorded as River Rock Estates at 530 North 500 East. – *Andy Spencer*

6. Review and action on declaring the Hal Holmstead/JH of Utah project located at approximately 400 South 740 East dormant and release a portion of the Performance Guarantee. – *Andy Spencer*

Mayor Hadfield asked if there were any requested changes to any of those minutes.

Richard Colborn responded that there were not.

Mayor Hadfield asked if there were any questions on the common consent agenda.

Councilman Bowen asked that items 5 and 6 be removed from the common consent agenda as he felt that separate motions were needed and that he had some questions.

After some discussion Mayor Hadfield asked legal counsel if a motion was necessary to remove an item from the common consent agenda.

Mr. Wright stated that it was appropriate that one councilmember could ask for an item to be removed from the Common Consent agenda.

Mayor Hadfield stated that at Councilman Bowen's request, Common Consent agenda items 5 and 6 are removed from the Common Consent agenda and placed in the Action Items.

Councilman Taylor moved approval of items 1-4 on the Common Consent agenda as presented. Councilman Shorter seconded the motion. All were in favor.

ACTION ITEMS

APPROVAL OF THE AUTHORIZATION FOR THE RELEASE OF THE IMPROVEMENTS DURABILITY RETAINER FOR THE PROJECT KNOWN AND/OR SUBDIVISION RECORDED AS RIVER ROCK ESTATES AT 530 NORTH 500 EAST – *Andy Spencer*

Andy Spencer explained that River Rock Estates was approved about a year ago. He recommended that the durability retainer be released.

Mayor Hadfield noted that the release of the bond was in the amount of \$2,562.50.

Councilman Shelton moved to approve the release of the durability retainer. Councilman Bowen seconded the motion. All were in favor.

REVIEW AND ACTION ON DECLARING THE HAL HOLMSTEAD/JH OF UTAH PROJECT LOCATED AT APPROXIMATELY 400 SOUTH 740 EAST DORMANT AND RELEASE A PORTION OF THE PERFORMANCE GUARANTEE – *Andy Spencer*

Mayor Hadfield reported that he had some knowledge of this as it happened while he was an employee of the City. At that time office buildings were the rage and Mr. Holmstead had some property south and east of Gold's Gym and he subdivided it into four lots and put in some water and sewer and dedicated some roads to the City. Because he did not know where the buildings would be built he chose not to put in curb, gutter, sidewalk, or asphalt at that time. The City has

held onto the bond of about \$182,000. It has not sat well with Mr. Holmstead. The property has now been picked up by a developer and it has been approved as part of the Vintaro Project. With the re platting the City Engineer is requesting a release of all but \$20,000 of the bond.

Mr. Spencer noted that each of the property owners has signed an acknowledgement that would be recorded at the county saying that they had no entitlements with the City. The City in turn would file a Notice of Interest against each property that said before any development the associated improvements would need to be installed. There was one parcel closest to the existing improvements that would not comply and that was why the \$20,000 was being retained.

The development for this parcel was on next week's Planning Commission agenda.

Councilman Bowen commented that each party had signed a release except for Sandra Hansen. He asked what the legal impact was without her signature.

Mr. Spencer reported that the Hansen property was essentially a pass by project to get to Mr. Holmstead's property.

Kasey Wright stated that the City was protected and that any liability was very low.

Councilman Bowen asked the now that the project was defunct, was there any legal obligation to do the improvements.

Mayor Hadfield responded that there was a project coming forward as part of Vintaro and that responsibility would be changed to the current developer.

Councilman Bowen asked if the City had a legal right to hold the \$20,000.

Mr. Spencer answered that they were still obligated to do certain things until the City said differently.

Councilman Shelton moved to declare the Hal Holmstead/JH of Utah Project as commenced in September 1998, dormant per 17.9.700 of the City Code and approve the release of the Performance Guarantee for the project located at approximately 400 South 740 East retaining \$20,000.00 for road and storm drain improvements along 740 East fronting the Hansen property, instructing the City Recorder to record a Notice of Interest against the property per City Code 17.9.700.C.2 along with the owner's liability waivers, subject to final legal review prior to recording of all documents. Councilman Frost seconded the motion.

Mayor Hadfield asked for questions on the motion.

Councilman Bowen stated that he never heard from legal counsel on whether this party really had a legal obligation.

Mr. Wright noted that Mr. Spencer's response was exactly right.

Councilman Bowen asked if keeping the \$20,000 created any type of legal liability for the City.

Mr. Wright answered that it did not.

Councilman Bowen asked if JH of Utah had anything to do with Mayor Hadfield.

Mayor Hadfield responded that he was sure that many had the initials J.H.

Councilman Bowen asked if Sandra Hansen was involved with the City in any way

Mayor Hadfield stated that she was not. She was the landowner of many parcels in the City.

Mayor Hadfield called for a vote on the motion.

All were in favor.

REVIEW AND ACTION ON THE APPOINTMENT OF HEIDI RODEBACK TO THE LIBRARY BOARD – *Mayor Hadfield*

Mayor Hadfield appointed Heidi Rodeback to the Library Board.

Councilman Taylor moved to confirm the appointment of Heidi Rodeback to the Library Board. Councilman Shelton seconded the motion. All were in favor.

REVIEW AND ACTION ON THE APPOINTMENT OF AN INTERIM CITY TREASURER – *Mayor Hadfield*

Mayor Hadfield appointed Ms. Amanda Durrant Interim City Treasurer.

Mr. Whitehead noted that the City lost its Treasurer and this was an Interim Appointment until there was a permanent replacement.

Councilman Shorter moved to appoint Amanda Durrant Interim City Treasurer. Councilman Taylor seconded the motion. All were in favor.

Councilman Bowen thought it would be useful to discuss Ms. Durrant's qualifications. He understood that she did have some experience with the City for several years.

Mayor Hadfield explained that Ms. Durrant handled the City payroll and employee benefits and did many of the accounts receivable.

REVIEW AND ACTION ON THE ADOPTION OF THE TENTATIVE BUDGET FOR FYE JUNE 30, 2015 – *Cathy Jensen*

Mayor Hadfield explained that the Council discussed the Tentative Budget at their May 8 work session. After adoption of the Tentative Budget it could then be worked on and massaged. He asked if there was any discussion on the proposed Tentative Budget.

Councilman Bowen stated that the budget was one of the most important things that was done in the City. As a City Council they were a policy setting board. They had a strategic session in January and some follow up meetings. With the road issue he thought it was a question of priority and political will. His suggestion back in January, before staff had prepared this Tentative Budget, was that the Council provide guidance to them.

Councilman Bowen continued that unfortunately as a Council they did not choose to do that. He hoped in future years that they would because he felt that the City staff really needed a target to shoot for. Another thing he suggested was that because the City's revenue fluctuated from year to year, that the City set aside \$4 million off the top of the budget for roads and then budget toward that number. He wished they had provided that guidance.

Councilman Bowen moved to amend the current Tentative Budget and set aside \$4 million total for roads, an addition of \$3 million. The way they would fund that would be to take an across the board cut in all departments the percent necessary to make up that amount.

Councilman Shelton disagreed with Councilman Bowen noting that the Council did give guidance. They had a full day discussion and Councilman Bowen was very much involved in that discussion. Councilman Bowen was then invited by the Council to make a presentation in a work session of the specific cuts he wanted to see. There was very little specific detail provided.

Councilman Shelton asked Councilman Bowen that with that \$4 million what services would be cut. He would like to see where that \$4 million was coming from so that in transparency to the residents they would know what services would be expected not to continue.

Councilman Bowen responded that unfortunately he did not know what would be impacted. Upfront, his suggestion was that they let staff make those decisions because they were into the detail and the best qualified to do that. He asked what road fund target the Council gave staff.

Councilman Shelton responded that unfortunately Councilman Bowen took two hours debating City staff during that time frame and it wasn't quality time to do that. He wished they would have had more time. He added that you "could not take a chainsaw to do a pruning job, you had to use pruning shears otherwise you kill the tree."

Councilman Shelton continued if you did not know what you were cutting more problems would be created down the road. That was not being fiscally prudent and wise.

Mayor Hadfield called for a second to Councilman Bowen's motion. There being no second he declared the motion dead.

Councilman Shelton moved to approve the Tentative Budget as presented for the fiscal year 2015 and to encourage residents to take a look at it.

Councilman Shelton stated that they would be open and transparent and take a look and make sure that they would not hurt the City further by making quick, knee-jerk, rash reactions.

Councilman Frost seconded the motion.

Councilman Frost commented that he thought that they had a very unique opportunity in that the chambers were full and he hoped that most were in attendance for the budget. He was very satisfied in the fact that there was an engaged public and that they would harness that and give everybody an opportunity. He was not comfortable in making a big move, but to just say this was unique. In years past there had been crickets in the room and you could hear them. They had been outnumbered with the Scouts. They would do everything they could to make the public a part.

Mayor Hadfield asked if there was further discussion on the motion.

Councilman Bowen noted that with his amended budget, it was stated that he was taking a chainsaw to the budget. This was a Tentative Budget whether you did this proposed budget or his proposed amended budget. He tried to put forth an amendment that was tentative and gave them the time to go back and make those changes and simply state what the Council's priorities were.

Councilman Bowen stated that the Tentative Budget included a utility rate increase of nine percent. He asked if there was any comment on that and was it accurate.

Councilman Shelton responded that was approved in years' past and it was stated that it was going to continue for four or five more years which was an inaccurate comment. The rate study that was done was to be able to pay the bond on secondary water, which all the residents had a chance to vote on. They were set in that obligation. They could decide to default on that debt if they wanted to but he did not think anyone wanted to go in that direction. What he was leading to was that they did not have enough money to pay for that bond. They either had to find that money somewhere or increase rates. They could have done a property tax increase. Any 501c 3 entity did not pay property tax including schools, churches, hospitals, and other non-profit organizations. They did pay for their utilities.

Councilman Bowen noted the referenced study by Bowen and Collins, and added that there was no relation that he knew of, that called for a rate increase but his recollection in their briefing to the Council a couple of months ago was that a rate increase was not necessary this year to continue to meet the bond obligation.

Councilman Shelton thought that to be an inaccurate statement. Yes, they could be able to take and pay for those bonds but the City would be robbing future needs. There were 70-year old pipelines that needed to be replaced. There were filters in the secondary system that had gone bad and needed to be replaced. There were costs to maintain the system.

Councilman Bowen stated that that account already had a large balance based on previous rate increases.

Cathy Jensen explained that it was actually two studies. The one two months ago was for the sewer and the storm sewer rate increase. The water study was done two years ago.

Mayor Hadfield thought that Councilman Shelton hit on something that was unique in American Fork and that was that 42 percent of the property was owned by an entity that did not pay property taxes and that included those previously mentioned and also the State of Utah.

Mayor Hadfield called for vote on the motion. Voting was as follows: Aye, Councilmembers, Shelton, Frost, Taylor, and Shorter. Nay, Councilman Bowen. The motion carried.

REVIEW AND ACTION REGARDING A SECURITY INTEREST AGREEMENT WITH THE BANK OF AMERICAN FORK AND VERACITY NETWORKS, LLC, AND A FIRST AMENDMENT TO THE IRU AGREEMENT FOR DARK FIBER WITH VERACITY NETWORKS, LLC – *George Schade*

Mayor Hadfield commented that Mr. Schade had been working on this for a number of years and he was glad to see this come to this point.

Councilman Shelton thought this was a great opportunity to increase revenue. Mr. Schade did a great job.

Councilman Shelton moved approval of the Security Interest Agreement with the Bank of American Fork and Veracity Networks LLC, and the First Amendment to the IRU Agreement for Dark Fiber with Veracity Networks, LLC. Councilman Frost seconded the motion.

Councilman Bowen asked if this was fiber that the City already owned and they would just be leasing it out.

Mr. Schade responded that this was an IRU (Indefeasible Rights of Use) that was already in place. This was so that they would be able to use it as collateral.

Councilman Bowen asked if they were allowing a City asset to be used as collateral what happened if there was a default.

Kasey Wright answered that the City was protected on that. The City was not giving something that was not already granted previously.

Mayor Hadfield called for a vote on the motion. All were in favor.

Mayor Hadfield invited Mr. Wright to have a seat up front.

REVIEW AND ACTION ON A RESOLUTION DECLARING A PARCEL AS “SURPLUS” TO ALLOW IT TO BE INCORPORATED INTO A SINGLE-FAMILY LOT. THE PARCEL IS LOCATED AT THE WEST LOT LINE OF 542 WEST 700 NORTH AND CONSISTS OF APPROXIMATELY 375 SQUARE FEET – *Andy Spencer*

Mayor Hadfield asked if there were any questions.

Councilman Bowen asked who would be receiving the property.

Andy Spencer answered that it would be Ivan Warner. The City bought the entire parcel a number of years for the 700 North road improvements. When it was sold, a small sliver of property was left out. This would clean up the problem.

Councilman Bowen asked Mr. Warner how much he was willing to pay if the City declared the property surplus.

Mr. Warner explained that as they tried to clean it up, on the east side he would be giving some property.

Councilman Shorter moved to adopt Resolution No. 2014-05-18R declaring a parcel located at the west lot line of 542 West 700 North as “surplus,” and to award the parcel to Afton Development LLC to be incorporated into a single-family lot in exchange for additional frontage along 540 West, subject to: 1) The City Recorder withholding the deed of transfer until a Boundary Line Agreement and the deed incorporating all the properties into one property is received; and 2) Sequential recording of all parcels to ensure only one parcel exists of private ownership following the transfers of property. Councilman Taylor seconded the motion.

Mayor Hadfield asked if there was discussion on the motion.

Councilman Bowen asked about the exchange of property.

Richard Colborn reported that the exchange was that they would be deeding 358 square feet to the City and the City would be deeding back 375 square feet.

All were in favor of the motion.

REVIEW AND ACTION ON A RESOLUTION DESIGNATING 270 EAST NORTH OF 500 NORTH TO BE “BAKER LANE” – Gary Gough

Mayor Hadfield asked if there were any questions on this item.

Councilman Shelton noted this had been discussed at a work session.

Councilman Shelton moved to approve Resolution No. 2014-05-19R naming 270 East, north of 500 North, “Baker Lane.” Councilman Taylor seconded the motion. All were in favor.

REVIEW AND ACTION ON AN ORDINANCE ADOPTING AN AMENDMENT TO SECTION 17.6.108.B.1.D OF THE AMERICAN FORK CITY DEVELOPMENT CODE REGARDING SPACING REQUIREMENTS FOR LIMITED CAPACITY OR ASSISTED LIVING – LEVEL I FACILITIES OF THE AMERICAN FORK CITY DEVELOPMENT CODE – Candalight Properties

Adam Olsen explained that the amendment was requested by Candalight Properties as it related to the ¾ mile distance requirement for assisted living facilities. The proposal was to eliminate the wording, “Youth Group Housing Facility” from the list of eligible facilities that make up the

spacing requirement for limited capacity or assisted living level I facilities. He reported that the Planning Commission recommended denial of the proposed change.

Mr. Curtis Payne representing Candalight Properties asked specifically if the Mayor or Council knew a reason as to why a code for a Youth Group Home would be lumped in here.

Mayor Hadfield stated that he was on the Planning Commission when this Ordinance came about when the first group home came to American Fork. There was concern expressed to City Hall that if there were not a spacing requirement there would be opportunity for multiple types of group homes. One type was not good and another bad. It was there to protect all neighborhoods.

Mr. Payne asked why youth group homes were included with elderly assisted living.

Councilman Shelton suggested that the burden of proof was on Mr. Payne to say why it did not belong there. Why should not Youth Group Homes be there?

Mr. Payne responded that to him it just seemed completely oddball with Youth Group Homes be lumped with the elderly. He could not find any reason for it to be there so he was asking, was there a reason?

Mayor Hadfield responded that group homes were not usually age related.

Councilman Shelton thought that if there might be a weakness there, he would want to strengthen that.

Mr. Olsen added that other types of group homes were purposefully left out the Code and in so doing were not an allowed use in the Code, unless they could show that the use was for a protected class of people.

Mr. Payne believed that the Council was not interested in fixing the Code, but they did not know a good reason why to remove Youth Group Homes.

Councilman Shelton commented that they were saying they were allowing those activities with restrictions; the ¾ mile. They were protecting the integrity of the neighborhoods.

Councilman Shorter moved to deny the Ordinance amendment to Section 17.6.108.B.1.d of the American Fork City Development Code regarding spacing requirements for limited capacity or assisted living – level I facilities of the American Fork City Development Code. Councilman Shelton seconded the motion.

Councilman Shelton expressed kudos to Mr. Payne in looking for ways to get it done.

Mayor Hadfield asked if there were questions on the motion.

Councilman Bowen asked if the ¾ mile rule was ignored with regard to the Developmental Center.

Mayor Hadfield answered it was in the Public Facility zone and not a residential zone. Therein was the difference.

Councilman Bowen commented that he believed there was another facility down the hill from the LDS Temple. Did that meet the ¾ mile?

Mayor Hadfield stated that it did not but it was allowed by the County as Mr. Ault's property was in the County. It did not come through the City.

Councilman Bowen was okay in changing this.

Mayor Hadfield called for a vote on the motion. Voting was as follows: Aye, Councilmembers Shorter, Shelton, Frost, and Taylor. Nay, Councilman Bowen. The motion carried.

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 for IFA American Fork Commercial Subdivision, consisting of four lots, located in the vicinity of 600 North 900 West – *Intermountain Farmers*

Adam Olsen explained this was a 4-lot subdivision plat. Intermountain Farmers would intend to locate on Lot 2. The main access point would be off of 900 West directly across from the Costco entrance. It was proposed that at some time in the future that it would be signalized.

Mayor Hadfield asked if there were questions regarding this subdivision.

Councilman Bowen noted that at one point there were roads going through the back of this property.

Mr. Olsen responded that it had never been proposed that roads go through the back of the property. The plat did provide for access easements in favor of the City.

Councilman Shorter moved to approve the final plat for IFA American Fork Commercial Subdivision, consisting of four lots, located in the vicinity of 600 North 900 West 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:

- **Posting of a performance guarantee to ensure the timely construction of required public improvements.**

- **All findings and conditions as identified in the April 16, 2014 Planning Commission meeting and the City Council actions on April 8, 2014.**
- **All conditions placed on the commercial site plan for IFA-American Fork Planned Commercial Development.**

Councilman Frost seconded the motion.

Mayor Hadfield asked if there were questions on the motion.

Councilman Bowen proposed to amend the motion to remove the City access easements, not the utility easements, that provided access to the neighborhood behind the IFA development which would cut through the buffer.

Councilman Shelton thought it was appropriate to have it not as a road but to be able to maintain utilities. He asked Mr. Spencer if that was the case.

Mr. Spencer recommended that the easements remain on the plat as shown to allow for access in the future. There was no road opening proposed at this time.

Councilman Shelton asked what the restrictions were with a utility easement.

Mr. Spencer explained that they asked that there be no substantial root vegetation and limit improvements to flatwork and fences.

Councilman Frost agreed with Councilman Bowen on this but it could be addressed under the next agenda item.

Mr. Spencer asked that the access easement be left on the plat.

Mayor Hadfield called for a vote on the motion. Voting was as follows: Aye, Councilmembers Shorter, Frost, Shelton, and Taylor. Nay, Councilman Bowen. The motion carried.

- b. Review and action on an Ordinance approving a commercial site plan for IFA-American Fork Planned Commercial Development, located in the vicinity of 600 North 900 West – Intermountain Farmers

Mr. Olsen noted that this site plan was for Phase 1 comprising only Lot 2. Some of the recommendations of the Planning Commission dealt with the mediation session that Councilman Shelton held. He asked if there were questions.

Councilman Frost stated that the CC&R's and the landscaping were more important to him. It was disappointing that there was just not enough buffering. He was not comfortable with the site plan but he felt it could be massaged tonight to bring clarity to him.

Councilman Frost was comfortable in moving the trail to 900 West to provide more area for vegetation to grow. It was an acceptable thing to him, personally. He believed they

needed the easements but he checked with the Fire Chief and he assured him that they were not needed. He was comfortable with sealing that off with a fence.

Councilman Taylor was in agreement in terms of moving the trail. With regard to buffering he thought about several things including leaving the fence where it was and having IFA deed the property that was to be the trail to the residents for them to plant as they saw fit. He felt it could be a win-win.

Councilman Shorter moved to adopt Ordinance No. 2014-05-17 approving a commercial site plan for IFA-American Fork Planned Commercial Development, located in the vicinity of 600 North 900 West with instructions to the City Recorder to withhold publication of the ordinance subject to:

- **Posting of a performance guarantee to ensure the timely construction of required public improvements.**
- **Finding that the approval is relative to Phase 1 only, all other development phase site plans will require subsequent action by the City Council.**
- **All findings and conditions as identified in the April 16, 2014 Planning Commission meeting and the City Council actions on April 8, 2014.**
- **All trail, fencing, and border landscape items to be constructed in Phase 1 of the development.**

Councilman Bowen noted that planting would be allowed on the access easements that would otherwise go into the neighborhoods.

He asked that Councilman Shorter amend his motion to allow the planting by the residents rather than a road stubbed into the neighborhood.

Councilman Shorter amended his motion as follows:

- **That planting would be allowed on the access easements that would otherwise go into the neighborhoods.**

Councilman Bowen seconded the motion as amended.

Councilman Taylor asked how everyone felt about moving the trail out to 900 West with the residents having that extra property and being responsible for it.

Councilman Frost asked if that idea had ever been a discussion in mediation or was it a new idea. Was it an acceptable idea?

Chad Bunker, 755 West 700 North Cecil Hansen's house, explained that he had a trail that ran directly behind his house and directly up the side of his house. He was so thankful that the Council was trying to get it moved to 900 West. He felt that trails were needed but that was better.

Councilman Shelton asked if IFA would be open to that kind of a proposal.

IFA answered that they would be.

Ben Hodges, 772 West 600 North, directly behind Chad Bunker, also applauded the idea of moving that trail out to 900 West and not in the back of IFA. He was completely supportive.

Lonnie Layton, 819 West 700 North, agreed with the trail being moved and having it placed in a more appropriate location. The devil was in the details. He had issues with the site plan. He would like to have a detail clarification on what was going to happen with landscaping and the height of fencing. A lot of things discussed in mediation were never agreed upon.

Councilman Shelton commented that there were some stark differences that it was hard to come to a conclusion on.

Mr. Layton brought up the following

1. On the site plan the opening on the loading docks on Phase 4 were south facing. He did not see any loading docks on the IFA building.
2. A request from the neighbors on the north, Hunter Ridge Estates, that was made that was shot down quickly by IFA was for a higher fence. They asked for an 8-foot to 10-foot fence for a visual and sound barrier.
3. He did not have a strong feeling one way or the other as far as the trail property being given to the landowners or not. He preferred not to have to worry about it.
4. He would like to see some detail as far as how many trees were going to be put in; how they would be staggered; what kind of trees; and what size of trees. They have asked for around 15-foot trees so they did not have to wait 10 years to have some kind of a buffering growing.
5. Last and most important he asked that the fence be installed before the construction began. He realized that landscaping may have to come later.

Councilman Frost asked about the focus being on Phase 1.

Mr. Olsen explained that the focus was on Phase 1 with IFA but the way the motion was worded was that if the trail was there, the trail and those improvements would go in with Phase 1. He clarified that the IFA loading dock faced north. Additionally, if the trail was eliminated on the north, in order to make up for that along 700 North, the City would need to go in and acquire more property along the frontage of those properties. When the Hansen-Sykes property came in the trail was purposely routed so the trail went along the north of this property. If that came out, they only had a 4-foot sidewalk there now.

Mayor Hadfield asked if there was further discussion on the amended motion.

Councilman Frost was not comfortable. He felt they owed it to everybody to have every detail, every shrub, every width, so they knew exactly what was going on. He agreed with Mr. Layton. They could go over spacing requirements or they could send it back to

the Planning Commission with recommendations from the Council. That would be a delay of another two weeks. He was not ready to vote.

Councilman Shelton asked IFA if there was a willingness to make some of those concessions.

IFA Representative Bryan Coulter appreciated being here this evening and they appreciated the input. He asked if he was hearing that the City needed more space off their frontage.

Mayor Hadfield answered that was along 700 North.

Mr. Coulter explained that with the request for a higher fence, in essence on Phase 4, it was going to be much higher because Phase 4 had to be dropped about 6 feet in elevation. In essence the fence just went up 6 more feet.

Mr. Coulter continued that with this development they had already given a lot of this building to provide the buffers that they had of 20 feet. That equated to five permanent full time jobs. That was what happened when facilities were cut down. They have tried to be good neighbors up front. He added that the dock was fully enclosed. The 30-foot height was the rear height of the building. It was higher in the front. The store manager would be Tyler Stinson from their Vernal store. He would also be heavily involved in the construction process.

Councilman Shelton commented that in mediation they talked more of a hedge than trees and it was felt that a hedge may provide better sight blocking. He asked if that was still the thinking.

Mr. Coulter answered that it was. Hedges could grow 2-feet to 6-feet a year. Greenery above the wall was going to make it much more attractive. They could also add some trees. He liked the idea if they did not have to put the trail there to put in some other hedge and shrubs. They preferred to put the wall up first around the entire project.

Councilman Bowen clarified that the wall would be completely across the access.

Fire Marshal Doug Bateman confirmed that access was not necessary.

Ray Nixon expressed that the sticking point was and had always been proper buffering. In mediation and in Planning and Zoning the issue always had to do with appropriate amount of space and not whether the neighbors wanted them there or not. They could see the writing on the wall. He agreed that they should see in writing what the neighbors were getting. It needed to be shown on the site plan.

Mr. Nixon stated that when the neighbors asked IFA to move the building a little bit, that was when the answer was always, no. They didn't tell them to go away. The problem was that when a site plan was presented they already had it planned out and they had already sold that front parcel. Who was dictating how that parcel would be developed?

Mr. Nixon added that he was also a little shocked at what happened earlier when a private property owner by the LDS Temple wanted to develop his property. The Council then looked at the Carson property and the private property owners, all voted that property rights of the individual should take precedence. With this one, when the property owner wanted to develop his property the way he wanted, there was a lot more discussion. It boggled his mind a little bit.

Councilman Shelton stated that this was the fourth or fifth time that Candalight Properties had been before the Council and it was a completely different issue.

Mr. Nixon stated that he was the one that was going to have IFA in his backyard. He addressed Councilman Taylor and stated that the last thing he had said at their last meeting was that there would be compromise on this site plan. He appreciated Councilman Frost taking time to talk about appropriate buffering. American Fork City did not have any ordinance to insure proper buffering which was ridiculous, in his opinion. They were going to allow a commercial development 14 feet behind his home.

Councilman Shelton explained that it was not 14 feet. Fourteen feet was where the IFA parking lot started. He went around today and measured three other buildings in American Fork that backed single family residential homes. They were 14 feet from the fence to the building and they were taller than 30 feet. One good example was directly south of where he was at. There was a stone wall and no buffering whatsoever, maybe three or four trees, and it was 24 feet from the wall to the building. Mr. Nixon had 40 feet from the wall to the building plus a 30-foot backyard. He felt the City had done a lot. By saying that the City was just allowing IFA to come in was a misrepresentation. The City had never done mediation before.

Mr. Nixon stated that they both knew that when it came to buffering, that was where the sticking point was.

Councilman Shelton responded that what it came down to was that IFA was willing to do fast growing hedges and Mr. Nixon wanted 20-foot trees, and it was discovered that 20-foot trees were not sold in nurseries.

Mr. Nixon asked what they were going to get.

Councilman Shelton answered that was what they were discussing right now. There were a couple of proposals out on the table right now.

1. Do we give property on the east side of the development to property owners versus a trail? He believed that everyone wanted to see the trail moved.

Mr. Nixon stated that in order to do that the City would need to take property off of 700 North.

Councilman Shelton thought that to be a different trail. They were talking about two different trails; one north and south and one east and west. The property for the trail

going north and south would be given to the property owners and he believed IFA was okay with that. Then the buffering became their responsibility.

2. They put the 14-foot trail there but it was not a trail it was a landscaping parcel to plant fast growing shrubs.

Councilman Taylor was happy with the motion as it existed with striking out bullet point number four.

- (• All trail, fencing, and border landscape items to be constructed in Phase 1 of the development.)

They would make it contingent upon a plan for that. It then would go back to the Planning Commission one more time. He did not want to see a hold up but they had to take care of it. They needed to get rid of the trail.

All were okay with removing bullet point number four.

Councilman Shorter amended his motion to eliminate bullet point number four,

- **All trail, fencing, and border landscape items to be constructed in Phase 1 of the development.)**

Councilman Bowen was concerned with putting the trail on 900 West because it was a very busy street.

Councilman Taylor expressed that there was already a trail there.

Councilman Bowen did not mind not having the trail behind IFA. He asked what would be the alternative.

Councilman Taylor explained that it was contingent upon the fourth bullet being fulfilled by getting rid of the trail and the landscaping being deeded to the property owners.

Councilman Frost felt they needed to clarify the access at 500 North and 600 North that they were going to put the fence all across the accesses. He was okay with it being right on the asphalt. He wanted to see the detail of the landscape buffer. By not requiring a trail it saved an incredible amount of money for IFA. It would require mature, 3-inch caliper trees, tightly-spaced with shrubs in between. He would not vote for it until an improved landscape plan was part of it.

Mr. Olsen understood that in the motion they were essentially approving this subject to increased landscaping instead of the trail. He asked if it was to come back to the City Council or go back to the Planning Commission. He wondered that if they wanted it to come back to them a better motion would be to table it instead of approving it.

Councilman Bowen would like to approve it tonight. His understanding of the motion was that they were not deeding land but they were keeping the buffer zone and that there would be a fence and landscaping that extended through the access easement.

Councilman Shelton included, if IFA was agreeable, a fast growing hedge that had to average 4 to 6 feet of growth each year and 3-inch caliper trees spaced at 20 feet.

Councilman Frost wanted to see it on the plan.

Councilman Shelton asked if that was agreeable to IFA.

Mr. Coulter responded that first off, on the cost of the pathway, he was never sure how much that would be. He never saw anything about paving pathways that he was aware of. They would provide suitable foliage. There could be too much. The idea went back to it was important what grew up and over to help block the view of building. Foliage down low would help block the sound. Buildings were buffers as well. He felt IFA was putting in a triple barrier.

Councilman Shelton amended the motion to adopt Ordinance No. 2014-05-17 approving a commercial site plan for IFA-American Fork Planned Commercial Development, located in the vicinity of 600 North 900 West with instructions to the City Recorder to withhold publication of the ordinance subject to:

- **Posting of a performance guarantee to ensure the timely construction of required public improvements.**
- **Finding that the approval is relative to Phase 1 only, all other development phase site plans will require subsequent action by the City Council.**
- **All findings and conditions as identified in the April 16, 2014 Planning Commission meeting and the City Council actions on April 8, 2014.**

With the addition of

- **Getting rid of the access gate and to have a solid wall and solid landscaping behind that fence.**
- **No back of building would be higher than 30 feet, they were okay with the peaks on the front of the building.**
- **Get rid of the trail on the east side of the project**
- **That they leave the fence going in with a shrub put in that grew 4 to 6 feet per year.**
- **Trees were to be 3-inch caliper spaced every 20 feet.**

Councilman Shelton felt with that they could take care of it tonight and not have to drag it out another month. He asked IFA if they would do a 10-foot fence on the north end.

Mr. Coulter did not think it was needed because of all of the other things they were doing. He could not answer that question.

Mayor Hadfield noted that the sub-structure for a 10-foot fence was much, much greater than for a 6-foot fence.

Councilman Shorter seconded the amended motion.

Councilman Frost wanted to see the landscape plan on paper with the documentation.

Mayor Hadfield suggested that Councilman Frost be able to review the landscape plan prior to the issuance of a building permit.

Councilman Frost was fine with that.

Mayor Hadfield asked if IFA was okay with that.

Mr. Coulter was agreeable and added that they would love his input.

Mayor Hadfield called for a vote on the substitute motion. All were in favor.

- c. Review and action on an Ordinance adopting the final plat and project documentation for Mira Vista PUD Plat C Second Amendment located at approximately 1040 East 500 South in the R3-7500 residential zone – Northern Engineering

Mr. Steve Smoot appreciated being able to move ahead with this quickly. They have adjusted the south road to accommodate Pleasant Grove.

Councilman Shelton moved to:

- 1. Void any previous approvals for Mira Vista PUD Plat C.**
- 2. Approve Ordinance No. 2014-05-18 adopting the final plat and project documentation for Mira Vista PUD Plat C Second Amendment located at approximately 1040 East 500 South in the R3-7500 residential 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 and publication of the Ordinance subject to:**
 - Posting of a performance guarantee to ensure the timely construction of required public improvements.**
 - All conditions as identified in the April 16, 2014 Planning Commission meeting.**

Councilman Taylor seconded the motion. All were in favor.

The street, 620 South, would be extended to the east to connect with North County Boulevard.

REVIEW AND ACTION ON A NOTICE OF APPROVAL OF BOUNDARY LINE AT 625 NORTH 360 EAST - Del Coombs and Ryan K & Tammy A Hoolahan

Mayor Hadfield explained the reason this was before the City was because the City had an easement over a part of the property.

Councilman Shorter moved to approve the Notice of Approval of Boundary Line between Del Coombs and Ryan K and Tammy A Hoolahan, with the finding that no new dwelling lot or housing unit will result, and it does not violate any land use ordinance. Also that the current 10-foot public utility easement be vacated with a new 5-foot public utility easement

being created along the southern property line of lot 10. Councilman Frost seconded the motion.

Councilman Frost asked if there was anything to streamline this kind of request.

Mayor Hadfield responded that this was the first time he had seen something like this since he had been in the Chair. Usually it was just between two property owners.

Mayor Hadfield called for a vote on the motion. All were in favor.

REVIEW AND ACTION ON AN ORDINANCE APPROVING THE HARBOR ROAD PLAT D ANNEXATION CONSISTING OF 106.62 ACRES AT 450 WEST 1200 SOUTH AND PLACEMENT OF THE PROPERTY IN THE PUBLIC FACILITIES, SHORELINE PROTECTION, AND PR-2.0, PLANNED RESIDENTIAL ZONES – *Melvin & Mary Frandsen*

Mayor Hadfield commented that this property had been in the Frandsen Family for a number of years. The annexation of the property started in about 1996.

Councilman Taylor moved to adopt Ordinance No. 2014-05-19 approving the Harbor Road Plat D Annexation consisting of 106.62 acres at 450 West 1200 South and placement of the property in the Public Facilities, Shoreline Protection, and PR-2.0, Planned Residential Zones. Councilman Shelton seconded the motion.

Councilman Bowen asked Bruce Frandsen if he was happy with the zoning.

Mr. Frandsen answered that the City still needed to decide where the PR2.0 and PR3.0 dividing line was. He would prefer that everything north of the Vineyard Connector be PR3.0 and south of that PR2.0. They could also blend those zones so it was more of a PR2.5. That would come later.

Councilman Bowen moved to amend the motion to clarify the zoning.

Mayor Hadfield asked Mr. Olsen explained that the map showed the zoning.

Mr. Frandsen was glad to get this.

Councilman Bowen withdrew his motion to amend.

Mayor Hadfield called for a vote on the motion. All were in favor.

REVIEW AND ACTION ON THE ANNEXATION AGREEMENT FOR THE P&D YOUNG ANNEXATION CONSISTING OF 1.63 ACRES LOCATED AT 795 WEST 200 SOUTH – *Demar & Patricia Young*

DeMar Young was present to answer any questions.

Councilman Shelton moved to approve the agreement for the P&D Young Annexation, consisting of 1.62 acres, located at 795 West 200 South. Councilman Taylor seconded the motion. All were in favor.

REVIEW AND ACTION ON THE PURCHASE OF CITY'S STREET LIGHT SYSTEM –
Craig Whitehead

Mayor Hadfield reported that this was discussed in a work session. Payback was in about three years' time.

Mr. Whitehead noted that the only open question was on weather related damages. Others have bought their systems and have had considerable savings.

Councilman Bowen asked what the budget surplus total was for the City as it was proposed that the funding come from surplus funds. He noted back in the strategic planning sessions it was specifically brought up that one of the ways they could better fund the roads was to allocate a percentage of surplus to roads and he proposed that percentage to be 80 percent. This was a question of priority. He expected that Rocky Mountain Power would raise their rates and the payout may be longer. This was not in the budget and he felt that roads were a higher priority. He hoped that they would be able have some kind of a target of what amount of surplus could be put toward roads.

Councilman Taylor liked that they would be saving over \$100,000 a year with this proposal. This provided long-term dollars. It saved money in the future and gave a valuable asset.

Councilman Bowen asked if he was willing to allocate the savings to roads.

Councilman Taylor responded that he was willing to look over the budget to see where the best place for those savings to go.

Councilman Shelton moved to approve the American Fork City Street Lighting Facilities Purchase and Sale Agreement by and between Pacificorp, dba Rocky Mountain Power and the City of American Fork, subject to any final legal counsel's opinion. Councilman Taylor seconded the motion.

Councilman Bowen moved to amend that motion to allocate the savings to the roads.

Councilman Shelton did not agree with the amendment to his motion and expressed that with that amendment they were painting themselves into a corner. They needed to retain flexibility.

Councilman Frost agreed with Councilman Shelton. Roads were a priority for him as well. He would look heavily but would not paint himself into a corner.

Councilman Bowen commented that everyone says they were for roads but it came to the votes, that was not the case.

Councilman Shorter noted that there was a motion on the floor.

Mayor Hadfield called for a vote on the motion. Voting was as follows: Aye, Councilmembers Shelton, Frost, Shorter, and Talyor. Nay, Councilman Bowen. The motion carried.

REVIEW AND ACTION ON THE 2014 MUNICIPAL RECREATION GRANT – *Craig Whitehead*

Mayor Hadfield explained that the grant was in the amount of \$15,409.34 and Derric Rykert has proposed that it be used in the front office area of the Fitness Center.

Councilman Shorter moved to approve the 2014 Municipal Recreation Grant Application. Councilman Taylor seconded the motion.

Councilman Bowen thought it would be good to set aside money for the locker rooms. He felt they were a higher priority. He would like to start a sinking fund for their repair.

Mayor Hadfield called for a vote on the motion. All were in favor.

REVIEW AND ACTION ON AWARDING OF THE PROPOSAL FOR THE REDESIGN OF THE CITY'S WEBSITE AND APPROVING A SERVICE & LICENSE AGREEMENT WITH CIVICPLUS – *George Schade*

George Schade reported that they had received 10 proposals and the Team whittled that down to CivicPlus in the amount of \$35,548 and if it included new logo development, the amount was \$40,548.

Councilman Frost asked for highlighter version of why CivicPlus.

Mr. Schade responded that it was the ease of use. Departments would have access to update. It would bring the City to a much better place. CivicPlus had done many websites for municipalities. Administration would be able to keep the site up to date. It would facilitate streaming.

Councilman Shelton was excited to see this coming.

Councilman Taylor expressed that his company did a lot of websites and he thought they did a good job. This was all CivicPlus did. They had the experience of being all over the US and Canada. He still liked the Hub for a logo.

Councilman Bowen was happy with the current City logo.

Craig Whitehead commented that the current logo was difficult to reproduce.

Councilman Shorter moved to award CivicPlus the website redesign project and approval of the Option #2, Service & License Agreement with Civic Plus, subject to legal counsel's proposed changes. Councilman Taylor seconded the motion.

Councilman Bowen asked what the scope of work was.

Mr. Schade answered that it was a complete redesign.

Mr. Whitehead liked the fact that CivicPlus would come in and do a pre-survey to get an idea of what we wanted to see on the website.

Mayor Hadfield call for a vote on the motion. Voting was as follows: Aye, Councilmembers Shorter, Taylor, Shelton, and Frost. Nay, Councilman Bowen. The motion carried.

REVIEW AND EXECUTE A LEASE AGREEMENT WITH THE LEGACY INITIATIVE OF UTAH FOR THE DEVELOPMENT OF A COMMUNITY GARDEN ON CITY OWNED PROPERTY LOCATED AT 780 WEST 450 NORTH AND COMMONLY KNOWN AS SOUTH NORTH PARK – *Legacy Initiative of Utah*

President Travis Hysell of the Legacy Initiative of Utah was present to request a lease of City property for the development of a community garden.

Mayor Hadfield welcomed Mr. Hysell and explained that he had two issues, refuse and water usage.

Mr. Hysell asked if the City would consider subsidizing the water. Trash cans would be on site. There were rules that all gardeners had to adhere to. They would also be building a proper compost site. It also may be good if they provided a neighborhood composting program.

Councilman Bowen was not familiar with the Legacy Initiative of Utah and asked for more information.

Mr. Hysell explained that they were based in American Fork and a 501 c 3. They had a lot of different projects of which community gardening was one. They were most known for their homeless outreach program. They put teams of people out in the street face to face with those in need. They also have an Advance Neighborhood Watch Team in Salt Lake.

Councilman Shelton did not have a problem with their program. He was concerned about providing a subsidy for water. There was large cost to pumping water. The City just put on water restrictions. He had a hard time subsidizing one user. He suggested that they make it a one-year renewable contract.

Mr. Hysell responded that he did write the lease as an ‘at-will.’ It was heavily weighted toward the City. It was at no cost and was for two years at will with a 4-month out.

Mr. Wright reported that he had reviewed the lease.

Councilman Bowen thought it to be a productive use of public water. If it was a park they would be watering it and providing the labor to maintain it.

Councilman Frost was okay with a year. With the water, they cannot show any waste. He asked how they would be watering.

Mr. Hysell answered that initially it would be done with a hose for the first trial year program. He was not opposed to the organization paying the water bill. He was just hoping for a little bit of help where they were offsetting some of the costs of maintenance.

Councilman Shelton understood that but he did not see how they could subsidize the water.

Mayor Hadfield asked if a meter could be set up so they could keep track of how much water was used.

Mr. Goodman responded that they could do that.

Mayor Hadfield suggested that they use the first year as a trial period and see what success they had and then look at the contact again.

Mr. Hysell was happy with that.

Councilman Frost could accept that but they needed to have a water policy.

Councilman Taylor thought this was a great idea. He asked how they would prevent vandalism.

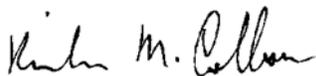
Mr. Hysell expressed that they would rely mainly on the neighbors. It was hoped that the Community Garden would help solidify the neighborhood.

Councilman Frost congratulated his efforts.

Councilman Taylor moved to approve the Lease Agreement between American Fork City and The Legacy Initiative of Utah for the purpose of utilizing property at approximately 780 West 450 North for the development of a community garden. Councilman Bowen seconded the motion. Voting was as follows: Aye, Councilmembers Taylor, Bowen, Frost, and Shorter. Nay, Councilman Shelton. The motion carried.

ADJOURNMENT

Councilman Shelton moved adjournment at 10:22 p.m. Councilman Taylor seconded the motion. All were in favor.



Richard M. Colborn
City Recorder