



AMERICAN FORK CITY COUNCIL
DECEMBER 3, 2024
WORK SESSION AGENDA

Members Present:

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

Staff Present:

David Bunker	City Administrator
Camden Bird	Assistant City Administrator
Christina Tuiaki	Executive Assistant
Anna Montoya	Finance Director
Stephanie Finau	Deputy Recorder
Patrick O'Brien	Development Services Director
Sam Kelly	Public Works Director
Al Scott	Assistant Public Works Director
Derek Rykert	Community Services Director
Cherylyn Egner	Legal Counsel
Cameron Paul	Police Chief
Aaron Brems	Fire Chief

Also present: Craig Peterson (PCG Utah), Kay J. Christopherson (House District Representative), Senator Brady Brammer (Senate District Representative), Ryan Peterson (PCG Utah), Cory Maloy (House District Representative 52), Josh Christensen (Chamber of Commerce), Kyrene Gibb (Y2 Analytics), Kimberlie Paulson (PARC Committee), and Kimberly Martin (PARC Committee),

The American Fork City Council held a work session on Tuesday, December 3, 2024, in the American Fork City Administration Conference Room, located at 51 E. Main Street, commencing at 4:00 p.m.

WORK SESSION

1. Discussion with the city's state legislative representatives.

SCHOOL DISTRICT SPLIT – *New Legislation*

Mayor Frost commented that the results of the votes are in favor of splitting the school

district to the new “Central School District” which is temporary for now. The mayor voiced his concern that he felt that the municipalities do not need to micromanage the school district and with a new board he trusts that they can handle the district on its own. Some of the council members agreed with the mayor and voiced their opinion on the matter.

A discussion ensued between Senator Brammer and the Council about Senator Grover’s SB221 bill and the organization of the new school district. Specifically, regarding the use of money and funding sources. Council Member Carroll asked what the purpose of SB221 is. Representative Brammer replied that he wants to create a process whereby the new school district can be efficiently formed and then be launched into their own district. Senator Grover is open to receiving feedback. He is still going to need details and help to clean up the process.

Mayor Frost asked that while the new district is being set up can and Alpine School District (ASD) essentially dissolves by name at least, can it still be called ASD until then. Mr. R. Peterson replied that currently there is something that doesn’t allow it, which is SB221 from last year that happened with an existing school district that didn’t pull out. He stated there was opposition to a name being kept or having that be an option. You have to be very careful about the one that retains the name, which may maintain certain liabilities or certain assets in an inequitable way.

Council Member John voiced concerns over the bill that deletes school fees, he felt the idea was laudable and asked if there’s a way to do it without putting the entire burden on the schools and where does the money come from to cover the fees. He was also concerned about extracurricular programs and how they would affect them i.e.: band, football, sports, and special programs for small classes etc.

Mr. R. Peterson stated that the bill was funded for about \$13,000,000 each year for 3 years to allow for a lot of the old system to wash out over that three-year period so they can go back and make changes. He wasn’t sure how they were going to solve it. He discussed fees and how they’re being handled by the school districts when it comes to budgeting and how they pass on fees to the students. This way the school district doesn’t have to fund it.

Representative Christopherson suggested giving Representative Mark Strong a call or emailing him about school fee concerns. Representative Peterson mentioned that school security issues are going to be discussed at the state. There will be some coordination between the public safety access points and public safety workers. He stated that it will affect the new school district and the challenges they’ll face with infrastructure and how they manage school safety issues.

LAND USE

Station Area Plan - Housing Affordability – High Density Housing – Bonding – Plan Review Process - Parking

Mr. O'Brien commented that one of the state's requirements relates to moderate income housing. The city has until the end of 2025 to submit a station area plan and should have something for certification and adoption in early 2025. He explained that there are a lot of challenges with it that have some major barriers. He stated that the city was given a radius of planning for high density development and connectivity within a ½ mile radius. But given our front runner station promoting connectivity and high density it is extremely difficult when I-15 bisects a good 1/3 of that area. He added that the city is doing their best to try to meet the intent of the legislation and doing the best they can to ensure that the city meets the requirements that lead to housing affordability. He commented that the TOD is a main focus point for high-density housing in the city but are running into challenges. Mainly because of the limited access and having a large volume of people that live in that area with only 2-entry/exit points.

Mr. O'Brien mentioned that the major challenge is ensuring that there are economic drivers down in that area for retail and commercial use. Due to some of the transportation issues in that area everyone is still relying on a car regardless of the front runner station there. The front runner doesn't lead you to a grocery store or retail store. The TOD is intended to be a walkable community.

Representative Christofferson asked what's the plan to improve the road along the frontrunner. Mayor Frost replied that there is a CRA with different taxing entities, but the city is bumping into acquisition of right-of-way. The mayor discussed the MAG transportation plan and the Meadows flyover. It would be beneficial to get people to the Meadows not just for American Fork but for the surrounding cities to also get to the front runner.

Council Member Carroll mentioned that the longer the issue about the flyover is discussed it becomes more of regional problem because it all connects with Pioneer Crossing, and it becomes a gridlock because the only other access through Pioneer Crossing is a little 2-lane road under the freeway that crosses over the train tracks, and it makes it very challenging. Mr. O'Brien commented that when there is an accident it backs up due to only a 2-way out and it becomes a gridlock in the TOD area.

Discussion ensued about the flyover and the challenges with UDOT thinking that it's a local road and therefore a city problem to fix. Representative Peterson stated that it's not on the state list of concerns, it's only on MAG's list. Mr. Bunker added that UTA buses people from the park-n-ride for those who live in Saratoga and Eagle Mountain to the front runner station which causes more traffic and congests 200 South even further. The additional traffic from other cities increases every year, which proves the argument that this area is of regional significance.

**Council Member Hunter arrived at 4:30 pm.*

Representative Brammer asked why MAG hasn't prioritized it or designated it as regionally to which the reply was that it was a different MAG administration at the time and Mayor Frost commented that he's pushed hard to put it on the map "unfunded" to help everyone to see that the biggest problem in Utah County is moving people from the east to the west from Eagle Mountain and Saratoga. Representative C. Peterson commented that part of the problem is the philosophy that you cannot add any piece of roadway to the state system unless something is taken off the state system which is a commission policy.

Mr. Bunker commented on the station area plan that requires 50 units to the acre as a minimum density if you're within 1/3 mile of the platform. Developers are coming to the city stating that their projects aren't penciled out financially. Doing 50 units to the acre you have to provide structured parking, and a structured parking stall is \$20,000 to \$30,000 per stall. So, the projects are not working financially, and developers are walking away. He added that the land surrounding the front runner station is vacant and the city has been pushing the landowners to do a project so the city can get the right-of-way to widen 200 South to get better access to the front runner station. However, the developers tell us it's not going to work and that it does not create affordable housing. He stated that developers want to do stick frame structures, 3-stories tall, surface parking, with about 25 units to an acre. He continued that the Council has been on board with supporting the state with the 50 units per acre requirement, but the developers are not able to make it work and the needle is not moving in the direction of affordable housing.

Discussion about parking stalls, parking problems, and solutions to parking within the TOD area due to multiple people in one condo/townhome. Mr. O'Brien commented that with the moderate housing plan, requirements and strategies from the state to promote density, the density does not equate to affordability, no matter how high it's built.

Discussion ensued about the traffic and problems along 200 South. It is assumed that eventually people will move out of that area because of the traffic issues. Then that leaves empty apartments which leads to no retail coming into that area. Mr. Bunker suggested that having a bus unit that takes people from the front runner station to State Street or to connect to the UVX system in Orem/Provo would help.

Representative Brammer explained that in the legislative process, the legislator that would be over this can only take over it if there is going to be an overload of feedback on that issue. They only filter everything through the league as opposed to going through different legislators. He suggested to the city if they can get it through the league the chances of getting into the bill is higher but unless our city representatives are on the committees that are hearing, the ability to amend it early in the process is limited.

TRANSPORTATION

East/West corridor – 200 S, front runner access

Transit Planning. No connectivity. No Partner to expand system

Transportation Utility Fee

The mayor stated that he's opposed to having everything loaded into Pioneer Crossing and that an option coming from Eagle Mountain and Saratoga would be to build along the Lakeshore (in the lake) as the city of Lehi is recommending. Mr. Bunker stated that another freeway is needed due to the growth of Saratoga and Eagle Mountain, and they will continue to grow. The traffic coming from those cities will greatly impact the city. If there is an accident on I-15, State Street becomes a parking lot.

Discussion ensued regarding options with UDOT and working with MAG and what can be done with the west/east connection.

WATER

Water reuse of existing water rights to allowable to expand system

Aquifer storage

Mr. Bunker discussed water reuse with the Timpanogos Special Service District (TSSD) to treat discharge flow to use in the irrigation system. He commented that water reuse is a way for cities to sustain their growth and if we can use the treatment and use the treated water from TSSD back into the pressurized irrigation system that would help the city out. One of the issues is that our aquifers are over adjudicated which means there is more "paper" water than there is "physical" water in the ground and the aquifer is dropping every year. He stated that by using reuse water for our pressurized irrigation, the wells wouldn't be turned on and water would not have to be pulled out of the ground for irrigation, it could be kept for culinary purpose and that would help all the cities in the basin.

The mayor commented that when the American Fork River is plentiful, if we are using reuse water then that means some of the water will head to Utah Lake and eventually end up in the Great Salt Lake.

Representative Brammer discussed TSSD negotiating with Representative Snyder as he worked on an anti-reuse bill and what ended up happening with it. He also commented that he knew there were some grandfathering that had occurred and that some communities had already begun building facilities for water reuse and he allowed those to say but the last that he heard was that TSSD was in negotiations to be able to use some water.

Mr. Bunker replied that it has not been determined. There will be a hearing with the Division of Water Rights on December 12, 2024. He added that TSSD was able to turn in the application in advance before the initial bill and is in the process of waiting for a response from the State. We are not sure what's going to happen but asked the

representatives to support the city in getting the water reuse project.

Representative C. Peterson stated that as far as groundwater goes, the state engineer is moving to various bases within the state, mostly in the central part of the state. He commented that what's being done is a complete groundwater reallocation and aquifer analysis and how it will impact the state on the drawdown of the aquifer and how the city water rights will be impacted by that potentially. He added that the city may be unable to draw down additional water because of the reallocation of the groundwater resources and not having reuse water.

Discussion ensued about how to save water, use reuse water and solutions to accomplish that with the state representatives help.

WASTEWATER

Utah Lake – Phosphorus limits

Mr. Bunker stated that there feels like there is a big burden on the public treatment plants for Timpanogos and other plants surrounding the lake. The state rule is that plants have to be under one part per million of phosphorus discharge from the treatment plants into the lake and now the state is talking about moving that 0.1 parts per million. At that level the plants will have to retool every single piece of the plant, which would take a billion dollars to redo everything. Timpanogos is already doing a PCAD System (Primary Clarifier Anaerobic Digestion). It will generate some clean energy through methane gas recovery. He added that to comply with 0.1/ppm will take a lot of money for very little return. Mr. Bunker discussed that there is more phosphorus being produced naturally than the treatment plants do and moving the requirement for treatment won't make a big difference.

Representative Brammer recommended that if it happened to be passed through an Administrative Rule promulgated by the Department of Environmental Quality, or if the city sees it coming forth, to let him know immediately because he is on the Administrative Rule and General Government Oversight Committee and can urge and persuade on it in the rule promulgation process and let them know that it would be overruled legislatively. He also suggested that the city continued to push back against the director on anything that comes out of that.

Representative C. Peterson mentioned a statute in the code that whenever the state wants to go beyond a federal requirement like this, the state has to provide justification and benefit analysis as to why that if they were to go to 0.1, they cannot simply pass that rule. He added that this has been in the books for 38 years. Representative Brammer suggested that Representative Snyder would be a strong ally for this position.

LEGAL

Governmental Immunity for contracted City Attorneys/City Prosecutors

Mayor Frost commented that the city does not have a staff attorney and that legal services are contracted out to a firm. The firm does not have government immunity like staff members do which leads them to be liable by person or by their firm. The mayor asked if there would be harm in providing legal protection or immunity to city attorneys?

Representative Brammer replied that he didn't see a huge issue with it. He wanted to know how many claims the city has gotten that were legitimately over \$700,000 up to \$1,000,000 (or \$800,000 which is the government immunity cap). He mentioned that if the city is sued, we are still taking up the defense. The cost of defense will still fall under the city in a lot of ways.

Ms. Egner mentioned a lawsuit that the city is facing, and the issue with that lawsuit is the *Notice of Claim*. She stated that a *Notice of Claim* was filed with the city, and she has no protection from that. She stated that theoretically it could go back four years whereas the city after one year can move on, where she does not have that privilege.

Representative Brammer commented that it would not be a hard statutory change to open the Real Immunity Act and adjust it. He added that there won't be time to file a bill draft and that he would be looking for someone else that has already opened a bill file within that vote section and doesn't think it would be hard to add.

Mr. R. Peterson mentioned that he has seen other cities that have hired professional services having a similar problem, where an engineer does not have coverage under the city. Representative Brammer suggested that maybe a cap limit where professionals carry their own malpractice insurance and their own insurance for their work. There could possibly be a cap amount that could be charged against them based on the insurance that the city requires.

Representative Brammer commented that the government contracts are some of the best contracts and they are being factored in and that he doesn't see a lack of applicants for RFP's - for professional services that are done by the city. He mentioned that it is a risk factor for anyone doing work for anything, not just the city.

Mayor Frost asked the state representatives if there is anything as a city that we need to be concerned about or is on the radar that affects the city. Representative Christofferson stated there will be changes with the election process.

The mayor asked the state representatives if they heard or see anything about that to please discuss with him and keep him in the loop.

2. Presentation by Y2 Analytics regarding the PARC Tax survey.

Kyrene Gibb, Vice President at Y2 Analytics of Research went over the survey results.

She stated that 412 residents were randomly sampled from the residential utilities database and were supplemented by the state registered voter file.

Methodology

- 412 AF residents were sampled from residential utilities list supplemented by the Utah state voter file
- Invitations to the web survey were sent via email, postcards and interviews were compiled online.
- Interviews were fielded from October 29th to November 17th, 2024
- Margin of error: ± 4.8 percentage points
- The data were weighted to reflect the demographics of American Fork residents according to population estimates from the US Census, specifically with regards to gender, race, marital status and home ownership.

Key Findings

- 1) Residents are aware of the PARC Program (61%). Among those who are aware of the program, most are able to identify its main features, including naming the four facets of the program, indicating that education surrounding the PARC Program logo at a facility or even in the past year.
- 2) Overall feelings toward the PARC Program are positive, with 71% of residents reporting that they feel somewhat positively toward the program. Feelings toward the program are enough to garner support of the program indicating that a brief explanation of the program generally cite and overall love for parks and recreation and for supporting arts and culture in the city.
- 3) After detailing the allocation of PARC Program funds to survey respondents, overall resident support of the PARC Program is at 71%. Among those that are reported voting for the PARC Program in 2021 support for the program is at 90% while among those who voted against the program, support is at only 10%. This suggests that support for the PARC Program has remained constant since the renewal vote in 2021.
- 4) When asked to allocate a hypothetical \$100 budget to different facets of the PARC Program, residents on average allocate the most money to parks. Recreation also receives a significant amount of hypothetical funds, while arts and culture receive much less.
- 5) When asked where the PARC Program should allocate its next funds, respondents most often report that some sort of recreational facility should receive the next investment. Improving the rec center, pickleball courts, and improving all trail connectivity are top of mind for residents. Residents also want better restroom facilities at parks, playground maintenance, and an all-abilities playground. Residents also report wanting art galleries and cultural activities, but at a lower rate than the parks and recreation requests.

Majority of Residents pleased with American Fork's service

- 48% feel the city is headed in the right direction, if 1/3 of those marking

“unsure” is taken out, then the approval is at 75%.

- 46% feel the service they receive from the city for their tax dollars is excellent or good.
- 11% feel that services for their tax dollars are poor.

City Newsletter most common way to hear about city events

- 39% city newsletters
- 17% advertisements around the city
- 15% word of mouth
- 10% social media
- 6% poster or program at the event
- 2% visited the city’s website
- 2% visited the organization that is putting on the activity
- 8% other reasons

Majority of residents are aware of the PARC, and understand it well

- 61% residents are aware
- 28% residents are not aware of them
- 11% residents are unsure

What are the residents’ understandings of the PARC Program

- 78% for Parks
- 49% for Arts
- 55% for Recreation
- 51% for Culture
- PARC (all four) 24%

PARC logos recall high, PARC news recall lower

Seen, read, or heard anything about the PARC Program

- 43% yes
- 40% no
- 16% Unsure

PARC program logo recall

- 74% yes
- 19% no
- 7% unsure

Popular locations where residents have seen the PARC logo:

- Art Dye Park
- Rotary Park
- Hindley Park
- Recreation Center
- Bicentennial Park

Over 70% of residents feel positive about PARC Program

Residents were given a brief explanation of the park program overall, letting them know how it functions and the types of opportunities or programs, amenities that comes from that tax funds. After reading that brief description of the program 71% reported having a positive attitude towards the PARC Tax Program.

Residents generally supportive of efforts to improve city facilities

Residents were asked to give more insight as to what gave them a positive impression of the program or what negative feelings they have toward the program.

Positive

- Anything that helps beautify the town, I am for.
- It enhances the community.
- Better parks and recreation are always good.
- Good use of tax dollars.

Negative

- We need more improvements to roads and sidewalks
- Not clear description of where the money is going to.
- I don't believe the city uses the funds wisely.
- I got zero return on the money I'm forced to contribute to.

Few respondents report voting against a PARC program

Residents were asked whether they remembered if they voted for or against the renewal in 2021. Most residents who recall how they voted report that they supported renewing the park tax program. We also have a large share of residents who didn't vote in American Fork in 2021.

- 38% for it
- 9% against it
- 16% don't recall
- 38% did not vote in the November 2021 elections

Support for PARC remains consistent after more information

Ms. Gibb stated that it was worth looking at the General Park program support after residents were given more information and looking at how that broke out among those who voted for renewal versus those who voted against renewing the program. Again, those who recall or report voting for the continuation of the PARC Tax.

- 90% supported PARC among those who voted for
- 10% supported PARC among those who voted against
- 68% supported PARC among those who don't remember or did not vote

Why do residents oppose the PARC Program's use of funds?

There is some tension between the arts and cultural activities and recreation activities. Art, dance and cultural programs get 40% of the money of the money, some residents feel that's too much. There is a bit of skepticism as to how the money has been distributed or

how it's being accounted for. The mayor commented that the program participants including the city will go through a detailed audit to where the money is being spent.

Parks and Recreation should receive the most hypothetical funds

Average resident allocation of PARC funds (\$100 total)

Support

- Parks \$39.51
- Art \$12.24
- Recreation \$32.93
- Culture \$15.32

Oppose

- \$49.24 Parks
- \$7.81 Art
- \$30.25 Recreation
- \$12.70 Culture

Investment Priorities match current behaviors

Residents were asked to report how frequently they participate in a variety of activities to see how this might map some of their preferences and funding allocation.

- 81% are visiting an outdoor playground
- 86% are hiking, walking or biking on a trail in the city are the things that residents report doing most.
- 60% of residents participate in sporting events or play on outdoor courts.

Recreation and Parks most commonly mentioned category for next investment

Where do respondents want funds to be spent?

- 42% Parks-restroom facilities at parks, maintenance of park/playgrounds
- 16% Arts-art gallery for local artists/students, all-abilities playground
- 48% Recreation-improve rec center, increase pickleball courts, connect parks in the city with hiking/biking trails
- 5% Culture-youth/adult cultural performances, cultural events about American Fork City

Fund allocation examples

Facilities/Activities residents would like to see PARC invest in next:

- Recreation center needs upgrading
- More bike paths and keeping them clear in the winter
- Maybe some kind of museum or cultural experience showing the city's history
- All-abilities playground
- Ensure all parks have toilet facilities
- More dog parks and outdoor activities
- Parks – not for sport use but for use of families and people wishing to enjoy outdoors

Kim Paulson asked if in the survey the specified what constitutes a recreation activity because some of the things that were funded residents may feel that it's "recreation" but it's "culture". She mentioned that different categories can mean something different to different people.

Ms. Gibb responded that they provided some examples of activities or programs within each of those categories with the caveat that was very clearly expressed that these are not exhaustive lists of any of the types of events or programs in each of those buckets and that they wanted to give residents a little bit of a frame of reference.

3. Presentation by the Chamber of Commerce on Steel Days 2024.

Josh Walker, Co-President of the American Fork Chamber of Commerce presented an overview of Steel Days (see handout).

He reported that the "Burnout" was brought back at the request of the city.

Other Highlights

- The Drone Show had even more people in attendance than the first year (was not prepared for the number that showed up), next year we need to plan as if it is the last day of Steel Days – the show was moved to Saturday to create more space at the park. The Drone show was longer this time, and the feedback was that it should be longer.
- Sold out of pre-sale carnival tickets 2nd year in a row. Ticket prices will go up to \$1.50/ticket to keep up with costs next year.
- Doubled the participants for the Mario Kart Tournament
- Over 300 entries for the Art Show
- Guns vs Hoses had a bigger crowd with a balloon fight at the end
- Added more bounce houses for the Kids Splash Night
- Maxed out on Food & Vendor participants (food spots sold out in 48 hours)
- Teen Pool Party was cancelled due to lightning

Mr. Walker commented that they'll be meeting with Rachel Moody (Director of Runtastic), to talk about how the passing of David Bell will affect their company being able to manage the Steel Days run events. He reported that they have a bid from another company to manage the race if needed.

Discussion ensued about the number of hours every city department has put into Steel Days. Feedback showed that the total was around 1,300 hours which includes the overtime hours. If equated to a dollar amount, the hours would be about \$10,000. But on top of the \$20,000 that was given for the fireworks, the city paid \$23,000 for other expenses for Steel Days. Staff and the Council discussed other events that bring business to the city and that bring the community together.

Kim Paulson mentioned that the Art Show and Quilt Show had more participation but there wasn't enough room due to the growth of participants and citizens that attended. She asked the Council if they could help with finding a bigger venue to hold those shows. The mayor suggested that there are facilities that can be used such as gymnasiums, school

lunchrooms or venues owned by residents or businesses of the city that aren't being used at the time of Steel Days.

4. Annual Open Meeting training.

Ms. Egner conducted the training for "Open Meetings" for the Council and stated how everything needs to be open and transparent.

What is a meeting? It's a gathering of the public body, a quorum must be present and convened by an individual that has the authority to convene a meeting.

She commented that what has changed is that they took out the *"running into each other by happenstance at a public place"* language and made it simple. She reiterated that if it's not being convened by a person with authority then it IS NOT a meeting.

What is a closed meeting? There's limited purpose for a closed meeting: professional competence, mental health of an individual, strategy sessions, project proposals, and property.

Ms. Egner stated that if the closed meeting is held to discuss property and if it is something you can't discuss in a public meeting because it will impede your ability to purchase or sell, which could include any discussion on property, it falls under the closed meeting.

Ms. Egner mentioned that a closed meeting can be held if discussing a project proposal and the discussion of that project proposal hinders the city's ability to make the best decision if that information was made public. Or if the person putting in the submission does not want all their private information shown to the public, it may also qualify.

She commented that open and closed meeting rules don't just apply to the Council they apply to any committee regulated by the Open Public Meetings Act.

Closed meeting DON'Ts:

- No voting
- Can't interview people to fill an elected position
- No conversations about filling an elected position

Electronic Messages – there's nothing in this chapter that may be construed to restrict a member of the public body from transmitting electronic messages between members.

Ms. Egner explained that a council member can send an email to all council members, however you cannot meet and deliberate outside of a closed meeting to the point where you are making a decision or gathering information to make your decision in a public

meeting. If you send one email and then have an email thread as a back-and-forth conversation with ALL the council members, you will be violating the new statute that specifically states you can't come to a decision in a private email forum and then go into a public meeting and vote.

Discussion ensued about different scenarios of when an electronic message is allowed amongst individual council members as long as it does not include ALL the council (as a quorum).

Ms. Egner mentioned that the “quorum” is considered a minimum of 3 members for approval for any action. Mr. Bunker added that 3 council members are required to vote in the affirmative to approve an action item. Not just a majority who are at the council meeting.

5. Adjourn.

The meeting adjourned at 6:30 p.m.



Stephanie Finau
Deputy Recorder