AMERICAN FORK CITY COUNCIL
APRIL 8, 2025
CITY COUNCIL AGENDA

Notice of Electronic Meeting
One or more City Council members may be physically absent from this meeting but may participate electronically.

The American Fork City Council will meet in a regular session on Tuesday, April 8, 2025, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m. The agenda shall be as follows:

REBULAR SESSION

1. Pledge of Allegiance; Invocation by Council Member John; roll call.
2. Twenty-minute public comment period - limited to two minutes per person.
3. City Administrator's Report
4. Council Reports
5. Mayor's Report

COMMON CONSENT AGENDA

(*Common Consent* is that class of Council action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda.)

1. Approval of the May 25, 2025, city council minutes.
2. Ratification of city payments (March 19, 2025, to April 1, 2025) and approval of purchase requests over $50,000.

ACTION ITEMS

1. Review and action on an ordinance approving a zone change for property located at approximately 375 South 570 West. On approximately 4.94 acres, the property proposes to change from the Residential Agricultural (RA-1) zone to the Transit Oriented Development (TOD) Zone.
2. Review and action on approval of a reimbursement agreement for Roderick Enterprises for Roderick Catalyst - Phase 3.
3. Review and action on an ordinance approving a code text amendment for Section 13.94.040, known as Storm Water System Design and Management Standards of the American Fork City Municipal Code.
4. Review and action on a resolution approving an interlocal agreement with Utah County for the administration of the 2025 Municipal Elections.
5. Adjournment.

Dated this 3rd day of April 2025.

/s/Terilyn Lurker, City Recorder

- In accordance with the Americans with Disabilities Act, the City of American Fork will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-763-3000 at least 48 hours in advance of the meeting.
- The order of agenda items may be changed to accommodate the needs of the City Council, staff, and the public.

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
APRIL 8, 2025

Department Planning **Director Approval** *Patrick O'Brien*

AGENDA ITEM Review and action on an ordinance approving a zone change for property located at approximately 375 S 570 W, American Fork City. On approximately 4.94 acres, the property proposes to change from the Residential Agricultural (RA-1) zone to the Transit Oriented Development (TOD) Zone.

SUMMARY RECOMMENDATION Planning Commission Recommended Approval

BACKGROUND The applicant has applied for a proposed Zone Change. The property is located within the Transit-Oriented Development Overlay prompting the zone change to be consistent with the area. As this property is located within the Transit-Oriented Development Overlay, the character district the property is in is called the East Neighborhood Edge District.

The East Neighborhood Edge District is located at the end of the TOD area, incorporating a more single-family and smaller townhome environment rather than large multi-family. Although there may be single-family homes and a small townhome environment, the applicant is proposing to have a church located on the site, which would be an allowed use within the East Neighborhood Edge District.

BUDGET IMPACT N/A

SUGGESTED MOTION I move to adopt the ordinance approving the zone change located at approximately 375 S 570 W, American Fork City, from the Residential Agricultural (RA-1) Zone to the Transit Oriented Development (TOD) Zone.

SUPPORTING DOCUMENTS

COMMENTS (2025.03.05) Pacific Drive 1 - Compatibility Statement (PDF)
COMMENTS (2025.03.05) Pacific Drive 1 - Legal Description (PDF)
(2025.03.05) Pacific Drive 1 - General Plan Map (PDF)
(2025.03.05) Pacific Drive 1 - Vicinity Map (PDF)
375 S 500 W - Zone Change Ordinance (DOCX)
375 S 570 W ZC_03.19.2025 UNAPPROVED PC Meeting Minutes (PDF)

ea architecture

COMPATIBILITY STATEMENT

DATE:	February 19, 2025
PROJECT NAME:	Pacific Drive 1

To Whom it May Concern,

It is proposed that the property located at 375 South 570 West, parcel number 13:043:0246, be re-zoned from the RA-1 zone to the TOD zone per the land use map from American Fork City. This is a requirement from American Fork City Planning Department to continue with the approvals for this project.

Thanks!

American Fork City Development Review Committee
Planning and Zoning Reviewed tvanekelenburg 03/06/2025
Engineering Division Reviewed rburkhill 03/06/2025

No comments

Next Step:

Proceed to Planning Commission
03/19/2025

11576 south state street suite 103b • draper, utah 84020 • ph 801.553.8272 • fax 801.553.8273

ea architecture

LEGAL DESCRIPTION

DATE:	February 19, 2025
PROJECT NAME:	Pacific Drive 1

BEGINNING AT THE SOUTHWEST CORNER OF MOUNTAIN MEADOWS SUBDIVISION PLAT "F", SAID POINT BEING LOCATED SOUTH 0°03'28" WEST ALONG SECTION LINE 193.55 FEET AND WEST 165.00 FEET FROM THE EAST QUARTER CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE NORTH 89°59'45" EAST 4.00 FEET; THENCE SOUTH 15°35'39" WEST 93.26 FEET; THENCE SOUTH 89°41'13" WEST 482.76 FEET; THENCE NORTH 0°56'47" EAST 434.52 FEET; THENCE SOUTH 89°47'45" EAST 497.02 FEET; THENCE SOUTH 0°03'40" WEST ALONG THE WESTERLY BOUNDARY OF MOUNTAIN MEADOWS SUBDIVISION PLAT "F" A DISTANCE OF 340.23 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS = 4.947 ACRES MORE OR LESS
NUMBER OF LOTS = 1

4.944393 per Utah County Parcel Map

BASIS OF BEARING: NAD83 STATE PLANE COORDINATE SYSTEM

Note:

As a condition of the zone change is approval, the necessary right-of-way for 570 West, 330 South, and 500 West shall be dedicated to the City with an application of a plat within 90 days of the zone change approval.

American Fork City
Development Review Committee

Planning and Zoning
Reviewed
tvanekelenburg 03/06/2025

Engineering Division
Reviewed
rburkhill 03/06/2025

Address comments

Next Step:

Proceed to Planning Commission 03/19/2025

Re-Submittal Acknowledgment Statement
The Applicant is responsible for reviewing all documents to ensure all comments have been addressed.

_____ [Applicant Initial] I understand that a Review Cycle is not complete unless and until the applicant replies to all of the required modifications and requests for additional information noted on the previous submittal.

_____ [Applicant Initial] I hereby acknowledge that this re-submittal addresses all required modifications and requests for additional information noted on the previous submittal.

_____ [Applicant Initial] This is the _____ [Ex: 1st] complete re-submittal of the subdivision constituting the start of the _____ [Same Number] Review Cycle.

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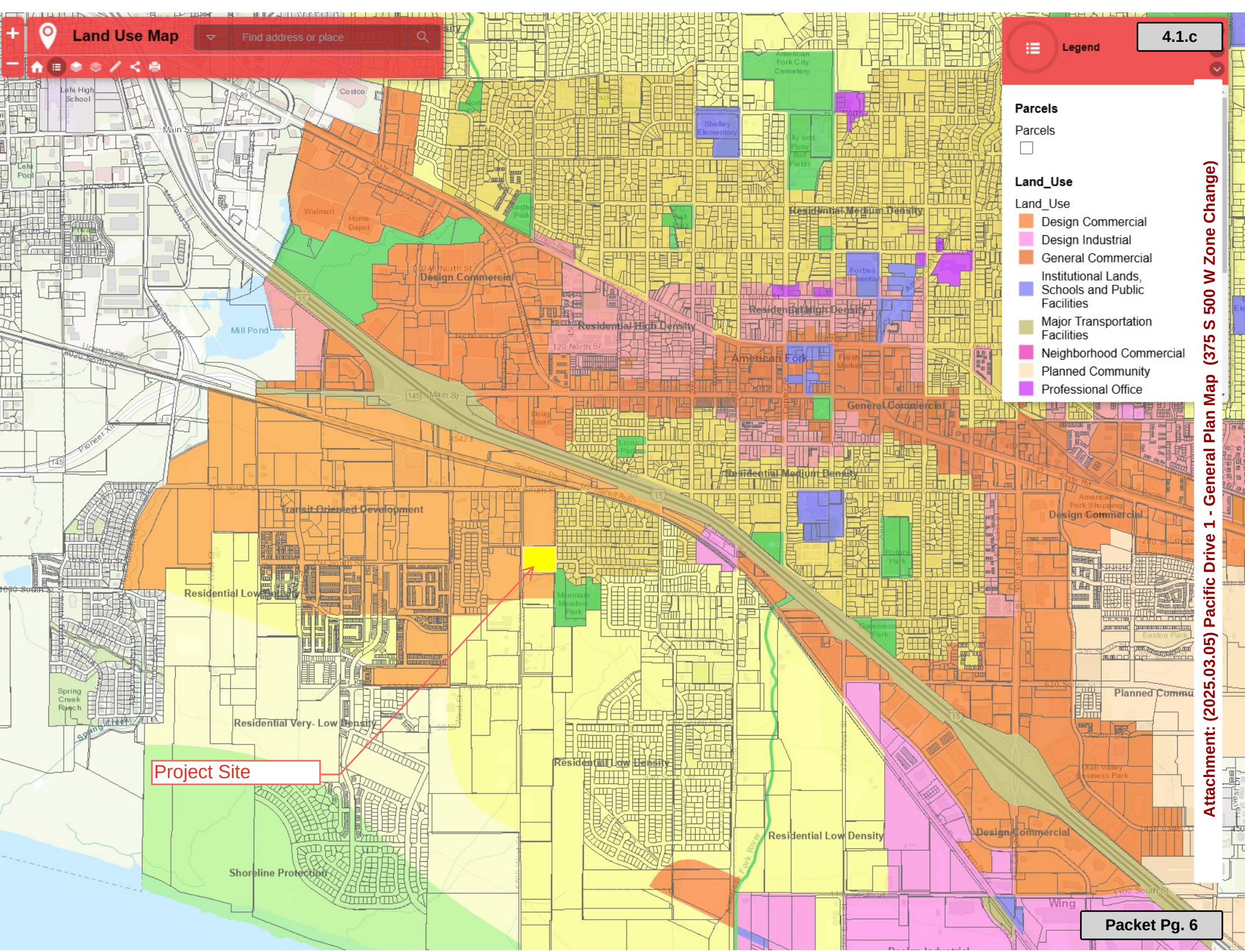
Land Use Map
Find address or place
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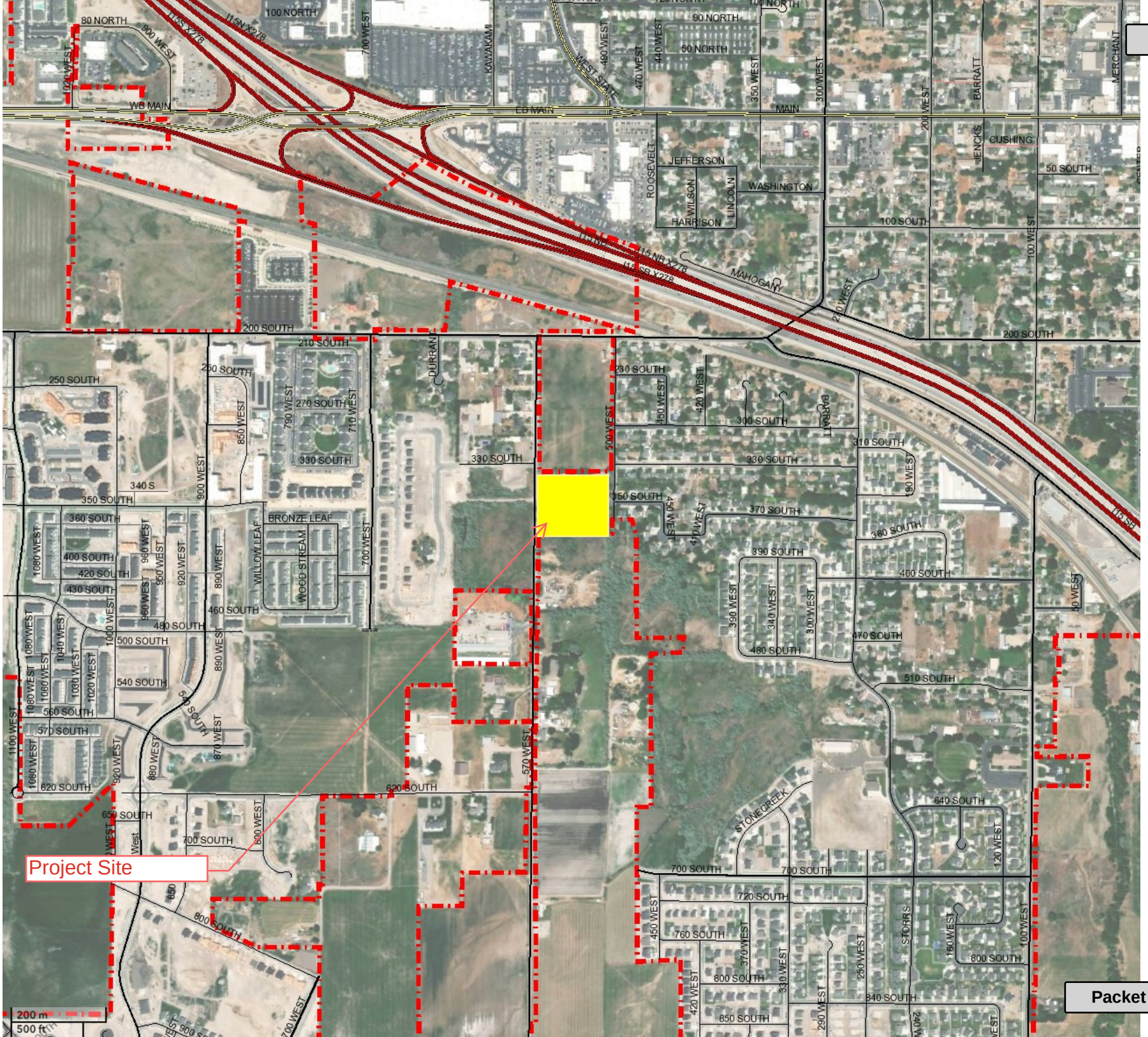
Design Commercial
Design Industrial
General Commercial
Institutional Lands, Schools and Public Facilities
Major Transportation Facilities
Neighborhood Commercial
Planned Community
Professional Office
Project Site
Residential Low Density
Residential Very- Low Density
Transit Oriented Development
Residential High Density
Residential Medium Density
Shoreline Protection
Attachment: (2025.03.05) Pacific Drive 1 - General Plan Map (375 S 500 W Zone Change)
Packet Pg. 6



Attachment: (2025.03.05) Pacific Drive 1 - Vicinity Map (375 S 500 W Zone Change)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF AMERICAN FORK, UTAH AT 375 SOUTH 500 WEST FROM THE RA-1 RESIDENTIAL AGRICULTURAL TO THE TOD TRANSIT ORIENTED DEVELOPMENT ZONE.

WHEREAS, pursuant to Section 10-9a-503, Utah Code Annotated, 1953, as amended, the City is authorized to make and amend the official zoning map which designates property within the city limits into zones that regulate the use of buildings and structures and uses of land (the "Zone Map"); and

WHEREAS, Section 10-9a-503, Utah Code Annotated, 1953, as amended, anticipated that the Zone Map will, from time to time, be amended and updated; and

WHEREAS, the City has received a request from the property owner at 375 South 500 West (the "Property") to amend the Zone Map changing the Property from the RA-1 Residential Agriculture zone to the TOD Transit Oriented Development zone; and

WHEREAS, on March 19th, 2025, the Planning Commission reviewed the proposed amendment to the Zone Map, after required advertising and public hearing thereon, and duly considered the comments received at the hearing; and

WHEREAS, the Planning Commission has recommended approval of the Zone Map amendment; and

WHEREAS, the City Council has reviewed the request further, all in accordance with Utah State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH:

Section 1. That the Official Zone Map of American Fork, Utah, is hereby amended to show the property located in the area of 375 South 500 West be amended from the RA-1 Residential Agricultural zone to the TOD Transit Oriented Development zone at 375 South 500 West as shows in Exhibit "A". Said change in zoning is hereby adopted as an amendment to the official Zone Map of American Fork, Utah.

Section 2. That said territory shall hereafter be subject to all requirements and conditions applicable with said zone.

Section 3. That this Ordinance shall be in force and effect upon its passage and first posting as required by law.

PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH THIS _____ DAY OF _____ 2025.

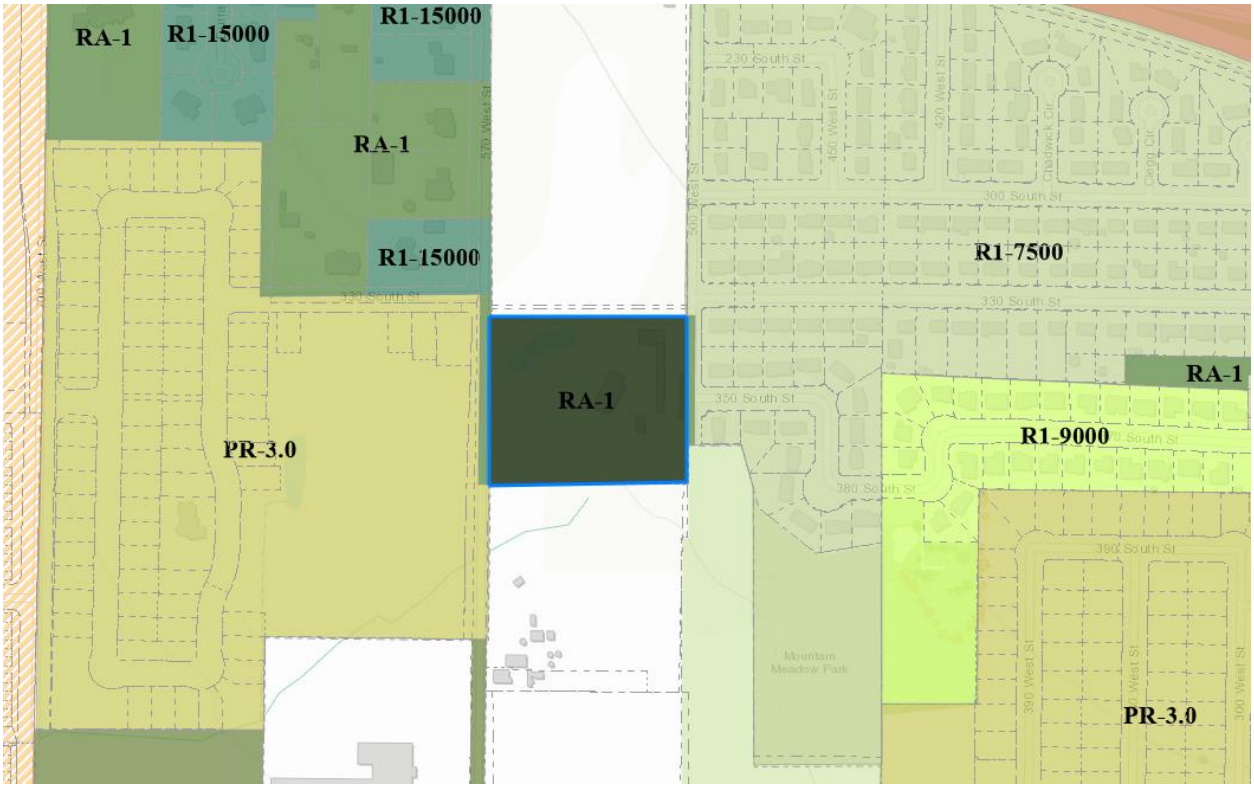
_____
Bradley J. Frost, Mayor

ATTEST:

_____
Terilyn Lurker, City Recorder

EXHIBIT "A"

ZONE MAP



Attachment: 375 S 500 W - Zone Change Ordinance (375 S 500 W Zone Change)

UNAPPROVED MINUTES
03.19.2025

AMERICAN FORK CITY

PLANNING COMMISSION REGULAR SESSION

March 19th, 2025

The American Fork City Planning Commission met in a regular session on March 19th, 2025 at the American Fork City Hall, 31 North Church Street, commencing at 6:00 p.m.

Commissioners Present: Chris Christiansen, Rodney Martin, Bruce Frandsen, David Bird, Harold Dudley,

Commissioners Absent: Christine Anderson, Geoff Dupaix

Staff Present:

Patrick O'Brien	Development Services Director
Cody Opperman	Planner II
JJ Hsu	Engineer
Angie McKee	Administrative Assistant I

Others Present: Rex Miner, Chad Spencer, Logan (American Fork Resident)

REGULAR SESSION

Chris Christiansen led the "Pledge of Allegiance"

Roll Call

COMMON CONSENT AGENDA

1. **Minutes of the March 5th, 2025 Planning Commission Regular Session.**

Bruce Frandsen motioned to approve the Common Consent agenda.

David Bird seconded the motion.

Voting was as follows:

Rodney Martin	**AYE**
Chris Christiansen	**AYE**
Bruce Frandsen	**AYE**
David Bird	**AYE**
Harold Dudley	**AYE**

The motion passed

PUBLIC HEARINGS

a. **Public hearing, review, and recommendation on a proposed Zone Change, known as 375 S 570 W Zone Change, located at approximately 375 S 570 W, American Fork City. On approximately 4.94 acres, the property proposes to change from the Residential Agricultural (RA-1) zone to the Transit Oriented Development (TOD) Zone.**

Cody Opperman reviewed the background information for Public Hearing Item letter a: The applicant has applied for a proposed Zone Change. The property is located within the Transit-Oriented Development Overlay prompting the zone change to be consistent with the area. As this property is located within the Transit-Oriented Development Overlay, the character district the property is in is called the East Neighborhood Edge District. The East Neighborhood Edge District is located at the end of the TOD area, incorporating a more single-family and smaller townhome environment rather than large multi-family. Although there may be single-family homes and a small townhome environment, the applicant is proposing to have a church located on the site, which would be an allowed use within the East Neighborhood Edge District. Commissioner Bird asked if the 4.9 acres will be only church property. Cody Opperman informed the commissioners that 4.9 acres would only be the church property.

Public Hearing Open

Logan (American Fork resident) asked if the city was planning to widen 500 West for this project. Ben Hunter informed her that if the development goes through after this zone change, the developer would be required to widen the road in front of their property in order to bring the road up to current city standards. Rex Miner who lives just to the west of the area, asked if 500 west would be widened all the way to 3rd South. Ben Hunter informed that when the property to the North develops, that area of the road would be widened to city standards as well.

Public Hearing Closed

Commissioner Frandsen mentioned that there is a ditch that runs down this road all the way to the lake. The applicant has agreed to fill in that ditch with piping to make sure the people on that road with water rights will still be able to receive their water. Commissioner Frandsen noted that the applicant not only went to every property owner to get permission, but they also got a signature from each of them, and this is something he would love to see done on future developments.

Rodney Martin moved to recommend approval for the proposed Zone Change, located at approximately 375 S 570 W, American Fork City, UT 84003, from the Residential Agricultural (RA-1) Zone to the Transit Oriented Development (TOD) Zone, withdrawing the condition in the staff report relating to necessary right-of-way dedication for the zone change.

Harold Dudley seconded the motion.

Voting was as follows:

Rodney Martin	**AYE**
Chris Christiansen	**AYE**
Bruce Frandsen	**AYE**
David Bird	**AYE**
Harold Dudley	**AYE**

The motion passed

b. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Storm Water System Design and Management Standards of the American Fork City Municipal Code. Amending Section 13.94.040, the Code Text Amendment plans to:

i. Add requirements related to individual lot detention and retention systems
ii. Clarify responsibility of property owners to prevent runoff from their property to neighboring properties
iii. Clarify geotechnical report requirements for infiltration designs.

Ben Hunter reviewed the background information for Public Hearing Item letter b: The staff has initiated a Code Text Amendment to amend Section 13:94:040 of the American Fork City Municipal Code. The proposed amendment looks to:

- Add requirements related to individual lot detention and retention systems
- Clarify responsibility of property owners to prevent runoff from their property to neighboring properties
- Clarify geotechnical report requirements for infiltration designs.

Commissioner Frandsen commented that in code section 13.9.040A.4 it has a requirement that private landowners with water rights should be informed if they might be affected, but commissioner Frandsen noted that a signature should be required as proof that they have been informed, and requested staff include that in the code re-write.

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
APRIL 8, 2025

Department Planning **Director Approval** *Patrick O'Brien*

AGENDA ITEM Review and action on approval of a reimbursement agreement for Roderick Enterprises for Roderick Catalyst - Phase 3.

SUMMARY RECOMMENDATION Roderick Enterprises proposes a Reimbursement Agreement for system improvements for the recently approved Roderick Catalyst - Phase 3 development for Parcel 51:683:0006 which consists of approximately 32.73 acres.

BACKGROUND The City Council approved the Roderick Catalyst - Phase 3 Final Plat development at the August 06, 2024 regular session meeting.

A Reimbursement Agreement was drafted by the developer and reviewed by the City. The agreement outlines the parameters for the construction cost of the Pressurized Irrigation Line, Sidewalk Trail Concrete, Cathodic Protection, Water Line, and Streets.

The total reimbursement amount adds up to $278,451.60.

BUDGET IMPACT

SUGGESTED MOTION Move to approve the Reimbursement Agreement with Roderick Catalyst for system improvements for an amount no greater than $278,451.60 for Roderick Catalyst - Phase 3.

SUPPORTING DOCUMENTS

REIMBURSEMENT_RODERICK PH3_20250326 (PDF)

REIMBURSEMENT AGREEMENT

This Reimbursement Agreement ("*Agreement*") is entered into as of this 25th day of March, 2025, by and between Roderick Enterprises ("*Developer*") with its principal offices located at 1214 E. Vine Street, Salt Lake City, Utah 84121 and American Fork City, a municipal corporation and political subdivision of the State of Utah with its principal offices located at 51 East Main Street, American Fork, Utah 84003 ("*City*").

RECITALS

WHEREAS, Developer owns and/or will develop certain parcels of property located in American Fork, Utah County, Utah, specifically Parcel 51:683:0006 which consists of approximately 32.73 acres and is further described in Exhibit A attached hereto (the "*Property*").

WHEREAS, the parties have learned that there are certain mutually beneficial, cooperative and cost-cutting ways their respective properties can assist in the development of the other;

WHEREAS, pursuant to Section 13.80.030 of the American Fork Code of Ordinances and in compliance with Section 11-36a-402 of the Utah Code Annotated, the parties desire to provide for certain "system improvements," as that term defined in Section 11-36a-102 of the Utah Code Annotated, in conjunction with the development of the Property by Developer;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Developer hereby agree as follows:

AGREEMENT

1. Culinary Water Line. Developer is proposing to install culinary water lines through its project at the required minimum size as required by City codes and standards. The City seeks to have the pipe within development upsized to a 12 inch pipe to accommodate additional off-site uses. Each upsized pipe is a system improvement. The lengths of pipe, associated materials and costs are set forth, and agreed to as shown, in the attached Exhibit B.

2. Pressurized Irrigation Line. Developer is proposing to install pressurized irrigation lines through its project at the required minimum size as required in City codes and standards. The City seeks to have the pipe within development upsized to a 24 inch, 36 inch, and 42 inch pipe to accommodate additional off-site uses. Each upsized pipe is a system improvement. The lengths of pipe, associated materials and costs are set forth, and agreed to as shown, in the attached Exhibit B.

3. Sidewalk/Trail. Developer is proposing to construct a sidewalk at the required minimum size as required in City codes and standards. The City seeks to have some or all of the sidewalk within the development upsized to a 10' wide concrete trail/bike path to accommodate additional off-site uses. Each upsized sidewalk is a system improvement. The additional work, associated materials and costs are set forth, and agreed to as shown, in the attached Exhibit B.

4. Road. Developer is proposing to construct asphalt roads necessary for its development. The City seeks to have 1500 South upsized to a Major Collector as shown in the Master Transportation Plan within Roderick-Catalyst Phase 3 Subdivision constructed wider than is necessary for the development to accommodate additional off-site uses. Each upsized asphalt road is a system improvement. The construction of the road beyond that necessary for the development is reimbursable to the Developer. The additional square footage, associated materials and costs are set forth, and agreed to as shown, in the attached Exhibit B.

5. System Improvements Reimbursement. The public improvements described above are each a System Improvement and collectively the "System Improvements." The City agrees to reimburse Developer for the System Improvements in an amount equal to the actual costs of the System Improvements, not to exceed the amounts set forth in Exhibit B.

6. Time of Reimbursement. The City shall provide to Developer a single reimbursement payment within thirty days of completion of all system improvements for the Project. Completion shall mean completion of construction, inspection and acceptance by the City Council.

7. Choice of Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Utah.

8. Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof and supersedes all prior understandings, written or oral, regarding the subject matter hereof.

9. Modification. This Agreement may only be modified or altered by a writing signed by both parties.

10. Attorney Fees. In the event either party seeks to enforce the terms hereof in a lawsuit or other proceeding, the prevailing party shall be entitled to an award of the costs incurred, including reasonable attorney fees.

11. Execution. This Agreement may be executed in multiple original counterparts, each of which shall be deemed to be an original and all of which, taken together, shall constitute one and the same Agreement.

12. Severability. The provisions of this Agreement shall be deemed to be severable, and if any provision of this Agreement is determined to be invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect or limit the validity or unenforceability of the remaining provisions hereof.

13. Third-Party Beneficiary Interests. Nothing contained in this Agreement is intended to benefit any person or entity other than the parties to this Agreement and/or their respective successors and assigns; and no representation or warranty is intended for the benefit of, or to be relied upon by, any person or entity which is not a party to this Agreement and/or their respective successors and assigns.

14. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns.

WHEREFORE, the parties have executed the foregoing to be effective on the date appearing above.

DEVELOPER

Roderick Enterprises

By: _____

Its: General Partner

AMERICAN FORK CITY

_____

Bradley J. Frost
Mayor, American Fork City

ATTEST:

_____

City Recorder

Approved as to form:

_____

City Attorney

Approved as to content:

_____

City Engineer

EXHIBIT A
Parcel Legal Description

EXHIBIT A
Parcel Legal Description

Parcel A, Roderick Catalyst, Phase 2, Amending a Portion of Parcel "A", Roderick Catalyst Phase 1, according to the official plat thereof on file and of record in the office of the **Utah** County Recorder.

Parcel No.: 51-683-0006

EXHIBIT “B”
Description of Improvements and estimated cost (bid schedule)

EXHIBIT B

Catalyst Business Park Phase 3 Approved Construction Drawings				
Description	Quantity	UM	Unit Bid Price	Total Bid Price
Pressurized Irrigation Line				
24" PI in 1500 South	683	LF	$100.00	$ 68,300.00
36" PI in 100 East	1296	LF	$125.00	$ 162,000.00
42" PI in 100 East	35	LF	$150.00	$ 5,250.00
Sidewalk Trail Concrete				
10' wide concrete sidepath in 1600 South and 100 East	2355	LF	$41.22	$ 97,073.10
Cathodic Protection				
M&M Cathodic Protection	1	LS	$15,000.00	$ 15,000.00
Water Line				
12" Pipe in 1600 South	1071	LF	$195.00	$ 208,845.00
Streets				
Asphalt (Additional square footage and thickness on 1500 South, 100 East)	35588	SF	$3.46	$ 123,134.48
Striping 1500 South and auxiliary lanes 100 East (Developer to provide actual cost from contractor to adjust unit price according to actual cost)	1	LS	$6,185.00	$ 6,185.00
			TOTAL	$ 685,787.58

Minimum Standard				
Description	Quantity	UM	Unit Bid Price	Total Bid Price
Pressurized Irrigation Line				
8" PI in 1500 South	1130	LF	$ 78.00	$ 88,140.00
8" PI in 100 East	1296	LF	$ 78.00	$ 101,088.00
Offsite Improvement		LF	$ -	$ -
Sidewalk Trail Concrete				
5' wide concrete sidepath in 1600 South and 100 East	2355	LF	$ 20.61	$ 48,536.55
Water Line				
8" pipe in 1600 South	1071	LF	$ 158.33	$ 169,571.43
Streets				
Asphalt (Additional square footage on 1500 South, 100 East)	0	SF	$0.00	$ -
Striping 1500 South and auxiliary lanes 100 East (Developer to provide actual cost from contractor to adjust unit price according to actual cost)	0	LS	$6,185.00	$ -
			TOTAL	$ 407,335.98
Total Reimburseable Amount	**$**	**278,451.60**		

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
APRIL 8, 2025

Department Planning **Director Approval** *Patrick O'Brien*

AGENDA ITEM Review and action on an ordinance approving a code text amendment for Section 13.94.040, known as Storm Water System Design and Management Standards of the American Fork City Municipal Code.

SUMMARY RECOMMENDATION The staff would recommend approval. The Planning Commission recommended approval of this project at the March 19, 2025 meeting.

BACKGROUND The staff has initiated a Code Text Amendment to amend Section 13.94.040 of the American Fork City Municipal Code. The proposed amendment looks to:

- Add requirements related to individual lot detention and retention systems

- Clarify responsibility of property owners to prevent runoff from their property to neighboring properties

- Clarify geotechnical report requirements for infiltration designs.

BUDGET IMPACT N/A

SUGGESTED MOTION I move to adopt the ordinance approving the Code Text Amendment, amending Section 13.94.040, titled Storm Water System Design and Management Standards, with instructions to the City Recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the March 19th, 2025, Planning Commission meeting have been met.

SUPPORTING DOCUMENTS

13.94.040 Storm Water System Design and Management Standards Revisions 2025-03 - Redlines (PDF)
Section 13.94.040 - Ordinance (DOCX)
13.94.040 Storm Water System Design and Management Standards Revisions 2025-03 - Updated (DOCX)

Sec 13.94.040 Storm Water System Design And Management Standards

A. Irrigation ditches.
   1. All existing irrigation ditches located on the site or straddling a site property boundary shall be piped with a sufficiently-sized pipe and shall be coordinated with the water user and city engineer.
   2. Property owners are responsible for the protection of irrigation ditches per the relevant sections of this ordinance.
   3. Discharges to private ditches require written approval from the ditch owners and design shall comply with the terms of approvals and the storm water design standards and regulations and the land disturbance permit.
   4. Piping of ditches and modification to the diversion boxes require documented coordination with ditch owners or representative(s) but are not required to receive written approval of ditch owners. Design and coordination requirements shall comply with the storm water design standards and regulations and the land disturbance permit documents.

B. Storm water design and BMP manuals.
   1. Adoption. The municipality adopts as its storm water design and best management practices (BMPs) manuals the following publications, which are incorporated by reference in this chapter as if fully set out herein:
      a. American Fork City Storm Water Design Standards and Regulations.
      b. American Fork City Storm Water Master Plan.
      c. Other guidance document for Storm used in the administration of the American Fork City Storm Water Management Program.
      d. American Fork City Storm Water Technical Manual.
      ~~d.~~e. A Guide to Low Impact Development within Utah prepared for Utah Department of Environmental Quality Division of Water Quality and the BMPs included within this document as allowed and approved by the Public Works Department
   2. These manuals include a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each storm water practice. The manuals may be updated and expanded from time to time at the discretion of the governing body of the city, upon the recommendation of the city engineer, based on improvements in engineering, science, monitory and local maintenance experience. Storm water facilities that are designed, constructed, and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

C. General performance criteria for storm water management. Unless granted a waiver or judged by the city engineer to be exempt, the following post construction performance criteria shall be addressed for storm water management at all sites:
   1. Design of storm drain systems in boundaries and discharges into an American Fork City storm drain system required direct supervision of a Utah Registered Professional Engineer, and shall carry the seal of the same supervising professional engineer.

2. All site designs shall control the peak flow rates of storm water discharge associated with design storms specified in this chapter or in the BMP manuals and reduce the generation of post construction storm water runoff to preconstruction levels or one-hundred-year historical runoff flow rates. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
3. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manuals.
4. Storm water discharges to critical areas with sensitive resources (i.e., cold water fisheries, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.
5. Storm water discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices.
6. Prior to or during the site design process, applicants for land disturbance permits shall consult with the city engineer to determine if they are subject to additional storm water design requirements.
7. The calculations for determining peak flows as found in the BMP manuals shall be used for sizing all storm water facilities.

D. Minimum control requirements.

1. Storm water discharge during all construction activities shall comply with the terms of the land disturbance permit, the storm water design standards and regulations, and/or requirements set forth by the International Building Code and the state of Utah UPDES requirements.
2. Storm water designs shall meet the multi-stage storm frequency storage requirements as identified in the BMP manuals unless the city engineer has granted the applicant a full or partial waiver for a particular BMP pursuant to Section 13.94.060 of this chapter.
3. Runoff rates from one lot to another shall not exceed pre-existing conditions, one-hundred-year historical runoff flow rates, or increase in such a manner that may unreasonably and unnecessarily cause greater harm than before.
4. All property owners shall manage and maintain both irrigation and stormwater on their own property to prevent any runoff from flowing onto adjacent parcels and lots.
5. Where individual lot detention or retention basins are proposed, a note shall be placed on the final plat recorded at the Office of the County Recorder, together with any prohibition or limitation to the excavation, removal or modification of the individual lot detention or retention basins without written approval from the City's Public Works Department. Excavation limitations resulting from development shall be attached to the lot as a condition of development approval. Any lot which has excavation limitations shall be identified on each lot on the final plat through the

placement of a symbol consisting of a capital E within a circle with a slash through the circle.

~~4.~~6. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the city engineer may impose any and all additional requirements deemed necessary to control the volume, flow velocity, timing, and rate of runoff.

E. Storm water management plan (SWMP) requirements. Property owners are responsible to manage storm water runoff and sediment, whether in conduit systems or on the surface, that traverse or originate on their property, unless this responsibility is relinquished through the terms and conditions of an easement. The storm water management plan (SWMP) shall include sufficient information to allow the city engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. To accomplish this goal, the storm water management plan (SWMP) shall include the following:

1. Topographic base map. A one inch = one hundred feet topographic base map of the site which extends a minimum of two hundred fifty feet beyond the limits of the proposed development and indicates:
    a. Existing surface water drainage, including stream, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
    b. Current land use, including all existing structures, locations of utilities, roads, and easements;
    c. All other existing significant natural and artificial features;
    d. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns, locations of utilities, roads, and easements; and the limits of clearing and grading;
    e. Proposed structural BMPs;
    f. A written description of the site plan and justification of proposed changes in natural conditions may also be required;
    g. Tabulations shall be provided for both existing and proposed land use and surface coverage materials, with specific types of permeability characteristics;
    h. When deemed necessary by the city engineer, the topographic base map and survey shall conform to the minimum levels established by the American Land and Title Association (A.L.T.A. Survey).
2. Calculations. Hydrologic and hydraulic design calculations for the pre-development, during construction, and post-development conditions for the design storms specified in the BMP manuals. These calculations must show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the BMP manuals. Such calculations shall include:

a. A description of the design storm frequency, duration, and intensity where applicable;
b. Time of concentration;
c. Soil curve numbers or runoff coefficients, including assumed soil moisture conditions;
d. Peak runoff rates and total runoff volumes for each watershed area;
e. Infiltration rates verified by percolation tests or geotechnical reports, where applicable;
f. Culvert, storm water sewer, ditch, and/or other storm water conveyance capacities;
g. Flow velocities;
h. Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manuals; and
i. Documentation of sources for all computation methods and field test results.

3. Soils information. If a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based upon on-site boring logs or soil pit profiles survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure but shall follow these minimum requirements:
   a. A minimum of two borings for every subdivision or commercial site plan application.
   b. A minimum of one boring near each proposed sump location at least 18' deep.
   c. Sumps shall not be permitted within zones 1 and 2 of well protection zones as determined by the City.
   ~~3.~~d. Provide infiltration tests near the proposed sump locations.
4. Maintenance and repair plan. The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.
5. Landscaping plan. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is

preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in the state of Utah.

F. Maintenance easements. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

G. Maintenance agreement. The owner of the property to be served by an on-site storm water management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement shall:

1. Assign responsibility for the maintenance and repair of the storm water facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
2. Provide for a periodic inspection for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this chapter. The property owner will arrange for this inspection to be conducted by a registered storm water inspector in the state of Utah who will submit a sealed report of the inspection to the city public works department. It shall also grant permission to the city to enter the property at reasonable times and to inspect the storm water facility to ensure that it is being properly maintained.
3. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter, and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other storm water facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manuals.
4. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the city engineer.
5. Provide that, if the property is not maintained or repaired within the prescribed schedule, the city public works department shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the city public works department's cost of performing the maintenance may be filed as a lien against the property.

H. Dedication. The municipality shall have the discretion to accept the dedication of any existing or future storm water management facility, provided such facility meets the requirements of this chapter, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any storm water facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular storm water facility in question.

I. Sediment and erosion control plans. The applicant must prepare a sediment and erosion control plan for all construction activities that complies with Section 13.94.040(9) below.
The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems.

The length and complexity of the plan is to be commensurate with the size of the project, the severity of the site condition, and the potential for off-site drainage. The plan shall be sealed by a registered professional engineer licensed in the state of Utah. The plan shall also conform to the requirements found in the BMP manuals and shall include at least the following:

1. Project description. Briefly describe the intended project and proposed land disturbing activity, including the number of units and structures to be constructed and infrastructures required.
2. A topographic map with contour intervals of two feet or less showing present conditions and proposed contours resulting from land disturbing activity.
3. All existing drainage ways, including intermittent and wet weather. Include any designated floodways or flood plains.
4. A general description of existing land cover. Individual trees and shrubs do not need to be identified.
5. Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed, and proposed planted trees.
   Tree protection measures must be identified and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
6. Approximate limits of proposed clearing, grading, and filling.
7. Approximate flows of existing storm water leaving any portion of the site.
8. A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
9. Location, size, and layout of proposed storm water and sedimentation control improvements.
10. Proposed drainage network.
11. Proposed sizing for storm system piping, dewatering facilities, or other waterways.
12. Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects

on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: When water is concentrated, what is the capacity of waterways, if any, accepting storm water offsite; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

13. The projected sequence of work represented by the grading, drainage, and sedimentation and erosion control plans as related to other major items of construction; beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.
14. Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used. Stabilization measures, including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
15. Specific details for the construction of rock pads, wash-down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city engineer. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom, or shovel to the satisfaction of the city engineer. Failure to remove the sediment, soil, or debris shall be deemed a violation of this chapter.
16. Proposed structures. Location (to the extent possible) and identification of any proposed additional buildings, structures, or development on the site.
17. A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.
18. Future phasing plans and impervious areas if applicable.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 13.94.040 TITLED STORM WATER SYSTEM DESIGN AND MANAGEMENT STANDARDS PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENTS.

WHEREAS, American Fork City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, it is in the best interest and general welfare of residents of American Fork to amend Section 13.94.040 relating to the policy regarding storm water system design and management standards and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK, UT as follows:

PART I

SECTION 1. Section 13.94.040 of the American Fork municipal code is hereby amended to read as follows:

Sec 13.94.040 Storm Water System Design And Management Standards

A. Irrigation ditches.
    1. All existing irrigation ditches located on the site or straddling a site property boundary shall be piped with a sufficiently-sized pipe and shall be coordinated with the water user and city engineer.
    2. Property owners are responsible for the protection of irrigation ditches per the relevant sections of this ordinance.
    3. Discharges to private ditches require written approval from the ditch owners and design shall comply with the terms of approvals and the storm water design standards and regulations and the land disturbance permit.
    4. Piping of ditches and modification to the diversion boxes require documented coordination with ditch owners or representative(s) but are not required to receive written approval of ditch owners. Design and coordination requirements shall comply with the storm water design standards and regulations and the land disturbance permit documents.
B. Storm water design and BMP manuals.
    1. Adoption. The municipality adopts as its storm water design and best management practices (BMPs) manuals the following publications, which are incorporated by reference in this chapter as if fully set out herein:
        a. American Fork City Storm Water Design Standards and Regulations.
        b. American Fork City Storm Water Master Plan.

c. Other guidance document for Storm used in the administration of the American Fork City Storm Water Management Program.
d. American Fork City Storm Water Technical Manual.
e. A Guide to Low Impact Development within Utah prepared for Utah Department of Environmental Quality Division of Water Quality and the BMPs included within this document as allowed and approved by the Public Works Department

2. These manuals include a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each storm water practice. The manuals may be updated and expanded from time to time at the discretion of the governing body of the city, upon the recommendation of the city engineer, based on improvements in engineering, science, monitory and local maintenance experience. Storm water facilities that are designed, constructed, and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

C. General performance criteria for storm water management. Unless granted a waiver or judged by the city engineer to be exempt, the following post construction performance criteria shall be addressed for storm water management at all sites:

1. Design of storm drain systems in boundaries and discharges into an American Fork City storm drain system required direct supervision of a Utah Registered Professional Engineer, and shall carry the seal of the same supervising professional engineer.
2. All site designs shall control the peak flow rates of storm water discharge associated with design storms specified in this chapter or in the BMP manuals and reduce the generation of post construction storm water runoff to preconstruction levels or one-hundred-year historical runoff flow rates. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
3. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manuals.
4. Storm water discharges to critical areas with sensitive resources (i.e., cold water fisheries, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.
5. Storm water discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices.
6. Prior to or during the site design process, applicants for land disturbance permits shall consult with the city engineer to determine if they are subject to additional storm water design requirements.
7. The calculations for determining peak flows as found in the BMP manuals shall be used for sizing all storm water facilities.

D. Minimum control requirements.

1. Storm water discharge during all construction activities shall comply with the terms of the land disturbance permit, the storm water design standards and

regulations, and/or requirements set forth by the International Building Code and the state of Utah UPDES requirements.

2. Storm water designs shall meet the multi-stage storm frequency storage requirements as identified in the BMP manuals unless the city engineer has granted the applicant a full or partial waiver for a particular BMP pursuant to Section 13.94.060 of this chapter.
3. Runoff rates from one lot to another shall not exceed pre-existing conditions, one-hundred-year historical runoff flow rates, or increase in such a manner that may unreasonably and unnecessarily cause greater harm than before.
4. All property owners shall manage and maintain both irrigation and stormwater on their own property to prevent any runoff from flowing onto adjacent parcels and lots.
5. Where individual lot detention or retention basins are proposed, a note shall be placed on the final plat recorded at the Office of the County Recorder, together with any prohibition or limitation to the excavation, removal or modification of the individual lot detention or retention basins without written approval from the City's Public Works Department. Excavation limitations resulting from development shall be attached to the lot as a condition of development approval. Any lot which has excavation limitations shall be identified on each lot on the final plat through the placement of a symbol consisting of a capital E within a circle with a slash through the circle.
6. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the city engineer may impose any and all additional requirements deemed necessary to control the volume, flow velocity, timing, and rate of runoff.

E. Storm water management plan (SWMP) requirements. Property owners are responsible to manage storm water runoff and sediment, whether in conduit systems or on the surface, that traverse or originate on their property, unless this responsibility is relinquished through the terms and conditions of an easement. The storm water management plan (SWMP) shall include sufficient information to allow the city engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. To accomplish this goal, the storm water management plan (SWMP) shall include the following:

1. Topographic base map. A one inch = one hundred feet topographic base map of the site which extends a minimum of two hundred fifty feet beyond the limits of the proposed development and indicates:
    a. Existing surface water drainage, including stream, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
    b. Current land use, including all existing structures, locations of utilities, roads, and easements;
    c. All other existing significant natural and artificial features;

d. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns, locations of utilities, roads, and easements; and the limits of clearing and grading;
e. Proposed structural BMPs;
f. A written description of the site plan and justification of proposed changes in natural conditions may also be required;
g. Tabulations shall be provided for both existing and proposed land use and surface coverage materials, with specific types of permeability characteristics;
h. When deemed necessary by the city engineer, the topographic base map and survey shall conform to the minimum levels established by the American Land and Title Association (A.L.T.A. Survey).

2. Calculations. Hydrologic and hydraulic design calculations for the pre-development, during construction, and post-development conditions for the design storms specified in the BMP manuals. These calculations must show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the BMP manuals. Such calculations shall include:
    a. A description of the design storm frequency, duration, and intensity where applicable;
    b. Time of concentration;
    c. Soil curve numbers or runoff coefficients, including assumed soil moisture conditions;
    d. Peak runoff rates and total runoff volumes for each watershed area;
    e. Infiltration rates verified by percolation tests or geotechnical reports, where applicable;
    f. Culvert, storm water sewer, ditch, and/or other storm water conveyance capacities;
    g. Flow velocities;
    h. Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manuals; and
    i. Documentation of sources for all computation methods and field test results.
3. Soils information. If a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based upon on-site boring logs or soil pit profiles survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure but shall follow these minimum requirements:
    a. A minimum of two borings for every subdivision or commercial site plan application.
    b. A minimum of one boring near each proposed sump location at least 18’ deep.
    c. Sumps shall not be permitted within zones 1 and 2 of well protection zones as determined by the City.

d. Provide infiltration tests near the proposed sump locations.

4. Maintenance and repair plan. The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.
5. Landscaping plan. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in the state of Utah.

F. Maintenance easements. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

G. Maintenance agreement. The owner of the property to be served by an on-site storm water management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement shall:

1. Assign responsibility for the maintenance and repair of the storm water facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
2. Provide for a periodic inspection for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this chapter. The property owner will arrange for this inspection to be conducted by a registered storm water inspector in the state of Utah who will submit a sealed report of the inspection to the city public works department. It shall also grant permission to the city to enter the property at reasonable times and to inspect the storm water facility to ensure that it is being properly maintained.
3. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter, and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other storm water facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manuals.
4. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the city engineer.
5. Provide that, if the property is not maintained or repaired within the prescribed schedule, the city public works department shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance

agreement shall also provide that the city public works department's cost of performing the maintenance may be filed as a lien against the property.

H. Dedication. The municipality shall have the discretion to accept the dedication of any existing or future storm water management facility, provided such facility meets the requirements of this chapter, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any storm water facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular storm water facility in question.

I. Sediment and erosion control plans. The applicant must prepare a sediment and erosion control plan for all construction activities that complies with Section 13.94.040(9) below. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems.

The length and complexity of the plan is to be commensurate with the size of the project, the severity of the site condition, and the potential for off-site drainage. The plan shall be sealed by a registered professional engineer licensed in the state of Utah. The plan shall also conform to the requirements found in the BMP manuals and shall include at least the following:

1. Project description. Briefly describe the intended project and proposed land disturbing activity, including the number of units and structures to be constructed and infrastructures required.
2. A topographic map with contour intervals of two feet or less showing present conditions and proposed contours resulting from land disturbing activity.
3. All existing drainage ways, including intermittent and wet weather. Include any designated floodways or flood plains.
4. A general description of existing land cover. Individual trees and shrubs do not need to be identified.
5. Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed, and proposed planted trees.
   Tree protection measures must be identified and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
6. Approximate limits of proposed clearing, grading, and filling.
7. Approximate flows of existing storm water leaving any portion of the site.
8. A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
9. Location, size, and layout of proposed storm water and sedimentation control improvements.
10. Proposed drainage network.

11. Proposed sizing for storm system piping, dewatering facilities, or other waterways.
12. Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: When water is concentrated, what is the capacity of waterways, if any, accepting storm water offsite; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
13. The projected sequence of work represented by the grading, drainage, and sedimentation and erosion control plans as related to other major items of construction; beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.
14. Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used. Stabilization measures, including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
15. Specific details for the construction of rock pads, wash-down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city engineer. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom, or shovel to the satisfaction of the city engineer. Failure to remove the sediment, soil, or debris shall be deemed a violation of this chapter.
16. Proposed structures. Location (to the extent possible) and identification of any proposed additional buildings, structures, or development on the site.
17. A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.
18. Future phasing plans and impervious areas if applicable.

PART II
PROVISIONS AND ADOPTION

SECTION 1. Severability

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

SECTION 2. Amendments to be added to the City Code.
The City Council hereby directs that the provisions enacted by this ordinance shall be made and placed in the City Code.

SECTION 3. Effective Date
This ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK, STATE OF UTAH, ON THIS _____ DAY OF _____, 2025.

_____
Bradley J. Frost, Mayor

ATTEST:

_____
Terilyn Lurker, City Recorder

Sec 13.94.040 Storm Water System Design And Management Standards

A. Irrigation ditches.
    1. All existing irrigation ditches located on the site or straddling a site property boundary shall be piped with a sufficiently-sized pipe and shall be coordinated with the water user and city engineer.
    2. Property owners are responsible for the protection of irrigation ditches per the relevant sections of this ordinance.
    3. Discharges to private ditches require written approval from the ditch owners and design shall comply with the terms of approvals and the storm water design standards and regulations and the land disturbance permit.
    4. Piping of ditches and modification to the diversion boxes require documented coordination with ditch owners or representative(s) but are not required to receive written approval of ditch owners. Design and coordination requirements shall comply with the storm water design standards and regulations and the land disturbance permit documents.

B. Storm water design and BMP manuals.
    1. Adoption. The municipality adopts as its storm water design and best management practices (BMPs) manuals the following publications, which are incorporated by reference in this chapter as if fully set out herein:
        a. American Fork City Storm Water Design Standards and Regulations.
        b. American Fork City Storm Water Master Plan.
        c. Other guidance document for Storm used in the administration of the American Fork City Storm Water Management Program.
        d. American Fork City Storm Water Technical Manual.
        e. A Guide to Low Impact Development within Utah prepared for Utah Department of Environmental Quality Division of Water Quality and the BMPs included within this document as allowed and approved by the Public Works Department
    2. These manuals include a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each storm water practice. The manuals may be updated and expanded from time to time at the discretion of the governing body of the city, upon the recommendation of the city engineer, based on improvements in engineering, science, monitory and local maintenance experience. Storm water facilities that are designed, constructed, and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

C. General performance criteria for storm water management. Unless granted a waiver or judged by the city engineer to be exempt, the following post construction performance criteria shall be addressed for storm water management at all sites:
    1. Design of storm drain systems in boundaries and discharges into an American Fork City storm drain system required direct supervision of a Utah Registered Professional Engineer, and shall carry the seal of the same supervising professional engineer.

2. All site designs shall control the peak flow rates of storm water discharge associated with design storms specified in this chapter or in the BMP manuals and reduce the generation of post construction storm water runoff to preconstruction levels or one-hundred-year historical runoff flow rates. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
3. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manuals.
4. Storm water discharges to critical areas with sensitive resources (i.e., cold water fisheries, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.
5. Storm water discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices.
6. Prior to or during the site design process, applicants for land disturbance permits shall consult with the city engineer to determine if they are subject to additional storm water design requirements.
7. The calculations for determining peak flows as found in the BMP manuals shall be used for sizing all storm water facilities.

D. Minimum control requirements.

1. Storm water discharge during all construction activities shall comply with the terms of the land disturbance permit, the storm water design standards and regulations, and/or requirements set forth by the International Building Code and the state of Utah UPDES requirements.
2. Storm water designs shall meet the multi-stage storm frequency storage requirements as identified in the BMP manuals unless the city engineer has granted the applicant a full or partial waiver for a particular BMP pursuant to Section 13.94.060 of this chapter.
3. Runoff rates from one lot to another shall not exceed pre-existing conditions, one-hundred-year historical runoff flow rates, or increase in such a manner that may unreasonably and unnecessarily cause greater harm than before.
4. All property owners shall manage and maintain both irrigation and stormwater on their own property to prevent any runoff from flowing onto adjacent parcels and lots.
5. Where individual lot detention or retention basins are proposed, a note shall be placed on the final plat recorded at the Office of the County Recorder, together with any prohibition or limitation to the excavation, removal or modification of the individual lot detention or retention basins without written approval from the City's Public Works Department. Excavation limitations resulting from development shall be attached to the lot as a condition of development approval. Any lot which has excavation limitations

shall be identified on each lot on the final plat through the placement of a symbol consisting of a capital E within a circle with a slash through the circle.

6. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the city engineer may impose any and all additional requirements deemed necessary to control the volume, flow velocity, timing, and rate of runoff.

E. Storm water management plan (SWMP) requirements. Property owners are responsible to manage storm water runoff and sediment, whether in conduit systems or on the surface, that traverse or originate on their property, unless this responsibility is relinquished through the terms and conditions of an easement. The storm water management plan (SWMP) shall include sufficient information to allow the city engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. To accomplish this goal, the storm water management plan (SWMP) shall include the following:

1. Topographic base map. A one inch = one hundred feet topographic base map of the site which extends a minimum of two hundred fifty feet beyond the limits of the proposed development and indicates:
    a. Existing surface water drainage, including stream, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
    b. Current land use, including all existing structures, locations of utilities, roads, and easements;
    c. All other existing significant natural and artificial features;
    d. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns, locations of utilities, roads, and easements; and the limits of clearing and grading;
    e. Proposed structural BMPs;
    f. A written description of the site plan and justification of proposed changes in natural conditions may also be required;
    g. Tabulations shall be provided for both existing and proposed land use and surface coverage materials, with specific types of permeability characteristics;
    h. When deemed necessary by the city engineer, the topographic base map and survey shall conform to the minimum levels established by the American Land and Title Association (A.L.T.A. Survey).
2. Calculations. Hydrologic and hydraulic design calculations for the pre-development, during construction, and post-development conditions for the design storms specified in the BMP manuals. These calculations must show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the BMP manuals. Such calculations shall include:

a. A description of the design storm frequency, duration, and intensity where applicable;
b. Time of concentration;
c. Soil curve numbers or runoff coefficients, including assumed soil moisture conditions;
d. Peak runoff rates and total runoff volumes for each watershed area;
e. Infiltration rates verified by percolation tests or geotechnical reports, where applicable;
f. Culvert, storm water sewer, ditch, and/or other storm water conveyance capacities;
g. Flow velocities;
h. Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manuals; and
i. Documentation of sources for all computation methods and field test results.

3. Soils information. If a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based upon on-site boring logs or soil pit profiles survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure but shall follow these minimum requirements:
    a. A minimum of two borings for every subdivision or commercial site plan application.
    b. A minimum of one boring near each proposed sump location at least 18’ deep.
    c. Sumps shall not be permitted within zones 1 and 2 of well protection zones as determined by the City.
    d. Provide infiltration tests near the proposed sump locations.
4. Maintenance and repair plan. The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.
5. Landscaping plan. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is

preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in the state of Utah.

F. Maintenance easements. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

G. Maintenance agreement. The owner of the property to be served by an on-site storm water management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement shall:

1. Assign responsibility for the maintenance and repair of the storm water facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
2. Provide for a periodic inspection for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this chapter. The property owner will arrange for this inspection to be conducted by a registered storm water inspector in the state of Utah who will submit a sealed report of the inspection to the city public works department. It shall also grant permission to the city to enter the property at reasonable times and to inspect the storm water facility to ensure that it is being properly maintained.
3. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter, and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other storm water facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manuals.
4. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the city engineer.
5. Provide that, if the property is not maintained or repaired within the prescribed schedule, the city public works department shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the city public works department's cost of performing the maintenance may be filed as a lien against the property.

H. Dedication. The municipality shall have the discretion to accept the dedication of any existing or future storm water management facility, provided such facility meets the requirements of this chapter, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any storm water facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular storm water facility in question.

I. Sediment and erosion control plans. The applicant must prepare a sediment and erosion control plan for all construction activities that complies with Section 13.94.040(9) below.
The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems.

The length and complexity of the plan is to be commensurate with the size of the project, the severity of the site condition, and the potential for off-site drainage. The plan shall be sealed by a registered professional engineer licensed in the state of Utah. The plan shall also conform to the requirements found in the BMP manuals and shall include at least the following:

1. Project description. Briefly describe the intended project and proposed land disturbing activity, including the number of units and structures to be constructed and infrastructures required.
2. A topographic map with contour intervals of two feet or less showing present conditions and proposed contours resulting from land disturbing activity.
3. All existing drainage ways, including intermittent and wet weather. Include any designated floodways or flood plains.
4. A general description of existing land cover. Individual trees and shrubs do not need to be identified.
5. Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed, and proposed planted trees.
   Tree protection measures must be identified and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
6. Approximate limits of proposed clearing, grading, and filling.
7. Approximate flows of existing storm water leaving any portion of the site.
8. A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
9. Location, size, and layout of proposed storm water and sedimentation control improvements.
10. Proposed drainage network.
11. Proposed sizing for storm system piping, dewatering facilities, or other waterways.
12. Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects

on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: When water is concentrated, what is the capacity of waterways, if any, accepting storm water offsite; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

13. The projected sequence of work represented by the grading, drainage, and sedimentation and erosion control plans as related to other major items of construction; beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.
14. Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used. Stabilization measures, including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
15. Specific details for the construction of rock pads, wash-down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city engineer. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom, or shovel to the satisfaction of the city engineer. Failure to remove the sediment, soil, or debris shall be deemed a violation of this chapter.
16. Proposed structures. Location (to the extent possible) and identification of any proposed additional buildings, structures, or development on the site.
17. A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.
18. Future phasing plans and impervious areas if applicable.

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
APRIL 8, 2025

Department Recorder **Director Approval** *Terilyn Lurker*

AGENDA ITEM Review and action on a resolution approving an interlocal agreement with Utah County for the administration of the 2025 Municipal Elections.

SUMMARY RECOMMENDATION
Staff would recommend approval.

BACKGROUND
The 2025 municipal elections will be on August 12th (Primary Election, if needed) and November 4th (General Election) to elect a mayor and two council members.

American Fork has been contracting with Utah County for the administration of municipal elections since 2011. With the election being conducted by mail, the best option for the city would be to contract once again with Utah County. With technology the county has available, efficiencies, and discounts they can receive from the vendors, they will be able to administer the elections efficiently while providing continuity to the voters and at a cheaper cost than if the city were to run the elections ourselves. Under this agreement, the county would be in charge of administering the vote by mail election while the city recorder's office would be responsible for candidate requirements.

The cost to the city will be no greater than $2.75 per registered voter per election; for billing purposes, this amount will be determined 11 days before each election day. As of January 1, 2025, there were 21,575 registered voters; however, with the growth the city is seeing there will be more registered voters at the time of election.

BUDGET IMPACT
$118,662.50, estimated cost as of March 17, 2025.

SUGGESTED MOTION
Move to adopt the resolution approving the interlocal agreement with Utah County for administration of the 2025 Municipal Elections.

SUPPORTING DOCUMENTS

03.25.25 - Interlocal Agreement with Utah County for 2025 Elections (DOCX)

American Fork 2025 Municipal Election ILA with Exhibits (DOCX)

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN AMERICAN FORK CITY AND UTAH COUNTY FOR THE ADMINISTRATION OF THE 2025 MUNICIPAL ELECTIONS.

WHEREAS, American Fork City will be holding the municipal elections on August 12, 2025 (if needed) and November 4, 2025;

WHEREAS, Utah State Code allows for ballots to be mailed out to every registered voter;

WHEREAS, American Fork City does not have the equipment necessary to administer a Vote by Mail Election; and

WHEREAS, American Fork City desires to have municipal elections administered in a cost-effective manner by entering into an Interlocal Cooperation Agreement by and between American Fork City and Utah County for the purpose of Utah County providing administration services for the 2025 Municipal Elections.

NOW, THEREFORE, be it resolved by the City Council of American Fork, Utah:

1. The Interlocal Cooperation Agreement for the Administration of the 2025 Municipal Election, attached as Exhibit "A", is hereby approved and the Mayor, or his designee, is authorized to sign said agreement.

ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH, THIS 25TH DAY OF MARCH 2025.

Bradley J. Frost, Mayor

ATTEST:

Terilyn Lurker, City Recorder

Agreement No. 2025 - ___

INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND AMERICAN FORK CITY FOR THE ADMINISTRATION OF THE 2025 MUNICIPAL ELECTIONS

This INTERLOCAL COOPERATION AGREEMENT ("Agreement"), made and entered into by and between Utah County, a political subdivision of the State of Utah, and American Fork City, a municipality and political subdivision of the State of Utah, hereinafter referred to as CITY.

WITNESSETH:

WHEREAS, under Utah Code Title 20A, the Utah County Clerk is charged with many duties pertaining to conducting fair, accurate, and impartial elections in Utah County;

WHEREAS, Utah County, by and through the Utah County Clerk, regularly conducts countywide elections and has the equipment, experience, and applicable vendor contracts in place to efficiently conduct elections;

WHEREAS, municipalities within Utah County, such as CITY, are responsible for conducting municipal elections within their own jurisdictions;

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act ("Act"), Utah Code Title 11, Chapter 13, public agencies, including political subdivisions of the State of Utah, are authorized to enter into written agreements with one another for joint or cooperative action;

WHEREAS, pursuant to the Act, the parties desire to work together through joint and cooperative action that will benefit the residents of both Utah County and CITY;

WHEREAS, the parties to this Agreement are public agencies as defined in the Act;

WHEREAS, Utah County and CITY desire to successfully conduct the 2025 CITY Municipal Primary Election (to be held on August 12, 2025) and Municipal General Election (to be held on November 4, 2025) (collectively "2025 CITY Municipal Elections"); and

WHEREAS, it is to the mutual benefit of both Utah County and CITY to enter into an agreement providing for the parties' joint efforts to administer the 2025 CITY Municipal Elections.

NOW, THEREFORE, the parties do mutually agree, pursuant to the terms and provisions of the Act, as follows:

Section 1. EFFECTIVE DATE; DURATION

Within the meaning of the Act, the effective date of this Agreement occurs when the Agreement is submitted to, approved by, and formally adopted via resolution by the governing bodies of both parties. The term of the Agreement begins upon its effective date and ends on December 31, 2025, or upon joint written termination by both parties, whichever occurs first. The termination date may be extended if mutually agreed upon in writing by both parties.

Prior to becoming effective, the Agreement must be reviewed and approved for legal form and compatibility with the laws of the State of Utah by both the Utah County Attorney and the CITY Attorney, or their designee. Each party shall file a copy of the Agreement with the respective record-keeping official for each party.

Section 2. ADMINISTRATION OF AGREEMENT

This agreement does not create a separate legal entity and does not require or authorize any organizational changes within the parties. Under Utah Code § 11-13-207, Utah County, by and through the Utah County Clerk, shall act as the administrator responsible for overseeing the implementation of this Agreement. Utah County, by and through the Utah County Clerk, shall maintain all books and records in such form and manner as Utah County sees fit and shall make

all books and records available for examination and inspection by CITY at all reasonable times and in accordance with state and federal law. The parties shall not acquire, hold, nor dispose of real or personal property under this Agreement during this joint undertaking.

Section 3. PURPOSES

This Agreement has been established and entered into between the parties for the purpose of administering the 2025 CITY Municipal Elections in accordance with state and federal laws. This Agreement contemplates basic, traditional primary and general elections for the 2025 CITY Municipal Elections, in accordance with the laws of the State of Utah. All other election-related services, including but not limited to services for special elections, runoff elections, or elections for subsequent years, are not contemplated in this Agreement.

Section 4. RESPONSIBILITIES

The parties agree to fulfill the responsibilities and duties outlined in Exhibit A, which is attached and incorporated by reference, for the 2025 CITY Municipal Elections.

CITY agrees to reimburse Utah County the actual costs incurred in administrating the 2025 CITY Municipal Elections. Utah County shall not bill CITY in excess of the estimated cost per active voter specified in Exhibit B, which is attached and incorporated by reference. CITY shall submit payment to Utah County within 30 days of receiving an invoice.

In accordance with the definitions in Utah Code § 20A-1-102, this Agreement relates to a municipal ballot and election, and the election officer is CITY's municipal clerk or recorder. Notwithstanding these definitions, the parties agree to consolidate all elections administration functions and decisions in the office of the Utah County Clerk to ensure the successful conduct of multiple, simultaneous municipal elections taking place throughout Utah County in 2025. In a consolidated election, decisions made by Utah County regarding resources, procedures, and

policies are based upon providing the same scope and level of service to all the participating jurisdictions, and CITY recognizes that such decisions, made for the benefit of the whole, may not be subject to review by CITY.

Section 5. TERMINATION

This Agreement automatically terminates at the end of its term, pursuant to the provisions of Section 1. Prior to the automatic termination, either party may terminate the Agreement early by providing 60 days' written notice to the other party. If the Agreement is terminated prior to the scheduled end date, CITY shall pay its share of any costs incurred up to that point, including any unavoidable and irreversible future costs outlined in the Agreement.

Prior to termination, the parties shall settle all outstanding financial obligations under this Agreement

Section 6. INDEMNIFICATION

The parties to this Agreement are political subdivisions of the State of Utah. The parties agree to indemnify and hold harmless the other for damages, claims, suits, and actions arising out of a negligent error or omission of its own officials or employees in connection with this Agreement. The parties expressly agree that the obligation to indemnify is limited to the dollar amounts set forth in the Utah Code § 63G-7-604 of the Governmental Immunity Act of Utah. None of the parties waive any defenses otherwise available under the Governmental Immunity Act of Utah.

Section 7. FILING OF INTERLOCAL COOPERATION AGREEMENT

The parties shall place executed copies of this Agreement on file in the office of the Utah County Clerk and with the official keeper of records of CITY and shall maintain the copies for public inspection during the term of this Agreement.

Section 8. ADOPTION REQUIREMENTS

The Agreement takes effect only after the following steps are completed:

(a) Approval by resolution of each party's governing body,

(b) Execution by a duly authorized official of each party,

(c) Review and approval by an authorized attorney of each party, as required by Utah Code § 11-13-202.5, and

(d) Filing of the Agreement and resolutions in the official records of each party.

Section 9. AMENDMENTS

This Agreement may only be amended, changed, modified, or altered by an instrument in writing that meets the following requirements:

(a) Approval by resolution of each party's governing body,

(b) Execution by a duly authorized official of each party,

(c) Review and approval by an authorized attorney of each party, as required by Utah Code § 11-13-202.5, and

(d) Filing of the Agreement and resolutions in the official records of each party.

Section 10. SEVERABILITY

If any provision of this Agreement is found to be invalid or unenforceable, the remaining provisions will remain in effect and be enforced to the extent permitted by law. If possible, the parties shall apply the invalid provision in a way that upholds its intent. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Agreement unenforceable.

Section 11. NO PRESUMPTION

The parties acknowledge that all terms of this Agreement have been negotiated and

prepared jointly. Neither party is presumed to have a disadvantage due to being the drafter of this Agreement. If any provision of this Agreement requires judicial interpretation, the parties request that no presumption be applied against any party for being the drafting party.

Section 12. HEADINGS

Headings in the Agreement are for convenience of reference only and are not to be considered for any interpretation of the Agreement.

Section 13. BINDING AND ENTIRE AGREEMENT

This Agreement is binding upon the heirs, successors, administrators, and assigns of both parties. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter and supersedes all prior and contemporaneous agreements, negotiations, representations, promises, or understandings of the parties, whether oral or written.

Section 14. NOTICES

All notices, demands, and other communications required or permitted to be given under this Agreement must be in writing. A notice will be considered properly given if delivered by hand or sent via certified mail (return receipt requested, with postage paid) to the Utah County Clerk or the CITY Mayor at their respective addresses. Either party may designate a specific address by providing notice as specified in this section.

Section 15. ASSIGNMENT

Neither party may assign this Agreement or any portion of it without the prior written consent of the other party. An approved assignment does not relieve the original parties of their liabilities under this Agreement.

Section 16. GOVERNING LAW

All questions with respect to the construction and interpretation of this Agreement,

including the rights, obligations, and liabilities of the parties, are to be governed by the laws of the State of Utah.

IN WITNESS WHEREOF, the parties have signed and executed this Agreement, after resolutions duly and lawfully passed, on the dates listed below:

UTAH COUNTY

Authorized by Resolution No. 2025 -_____, approved and passed on the _____ day of _____ 2025.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By:_____
Brandon B. Gordon, Commission Chair

ATTEST: Aaron R. Davidson
Utah County Clerk

By:_____
Deputy Clerk

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
Jeffrey S. Gray, Utah County Attorney

By:_____
Deputy County Attorney

CITY

Authorized by Resolution No. _____, approved and passed on the _____ day of _____ 2025.

_____
CITY Mayor

ATTEST:

By:_____
CITY Recorder

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

By:_____
CITY Attorney

Exhibit A

Scope of Work for Services in the 2025 Municipal Elections

Revised February 6, 2025

Services CITY will perform include, but are not limited to:

- Providing the Utah County Clerk with relevant information, decisions, and resolutions and taking appropriate actions required for the conduct of the election in a timely manner.
- Administering all functions related to candidate filings, including conflict of interest disclosures and campaign financial disclosures.
- Publishing public notices as required by law. CITY may work with Utah County to publish notices jointly with other jurisdictions.
- Accepting responsibility for keeping candidates and the public up-to-date and informed on all legal requirements governing candidates, campaigns, deadlines, and recounts.
- Thoroughly examining and proofing all election ballots and providing final approval.
- Hosting on the CITY website a link to or copy of the unofficial reported results as hosted on the Utah County Clerk's elections webpage prior to certification, the official reported results as hosted on the Utah County Clerk's elections webpage after certification, the location of the county-owned ballot drop boxes, the location of vote centers, and a link to the website for voters to opt-in to receive ballot alert texts.
- Submitting annexations or other boundary changes impacting the administration of the 2025 CITY Municipal Elections to the County prior to June 1, 2025. Annexation changes submitted on or after June 1, 2025, will not be incorporated into the 2025 CITY Municipal Elections.
- Canvassing the final election results seven days after Election Day, or on another date in accordance with state law and in coordination with the Utah County Clerk.
- CITY will not change the format or otherwise alter the unofficial or official reported results, only displaying them in the form and format as provided by the Utah County Clerk.

Services Utah County will perform for CITY include, but are not limited to:

- Ballot layout and design.
- Ballot printing.
- Ballot mailings. The outgoing and return by-mail ballot envelope packets sent to each voter will be addressed to the Utah County Clerk.
- Ballot retention and storage.
- Outgoing postage and return postage.
- Ballot processing.
- Signature verification and the curing of ballots returned with inconsistent, mismatched, or missing signatures.
- Printing optical scan ballots.
- Programing and testing voting equipment.

- Maintaining the electronic voter registration database.
- Selection and operation of countywide vote centers.
- Poll worker and ballot center worker recruitment, training, assignment, supervision, and compensation.
- Delivery of supplies and equipment.
- Tabulating and reporting election results on the Utah County website.
- Verifying and processing provisional ballots.
- Updating the voter history database.
- Conducting audits as required by state law and administrative rule.
- Conducting recounts as required by state statute and administrative rule.
- Election Day administrative support.
- Ballot drop box services, including maintaining and securing drop boxes, unlocking and locking drop boxes, collecting ballots, and maintaining security camera footage.
- Providing final canvass report of official election results as required under Utah Code, Title 20A, Chapter 4, Part 3. Upon CITY performing its statutory duties to cavass an election, the final canvass report will constitute the official election results.
- Any other services necessary for the success of the 2025 CITY Municipal Elections.

Exhibit B

Cost Estimate for 2025 Municipal Elections

American Fork

Election	Active voters as of 1/1/2025	Active voters x $2.75 per voter per election
Primary	21,575	$59,331.25
General	21,575	$59,331.25

Total estimated cost as of 3/17/2025 for 2025 CITY Municipal Elections	$118,662.50

This exhibit is a good faith cost estimate for budgeting purposes and is not intended to be the final actual cost billed to CITY.

Election costs depend upon the offices scheduled for election, the volume of voters, and the number of participating jurisdictions.

For billing purposes, active voters will be calculated 11 days before each Election Day. Utah County will not invoice CITY more than $2.75 per active voter per election and will strive to keep costs under that estimated rate.

In the event of a State or County special election being held in conjunction with the 2025 CITY Municipal Elections, the scope of services and associated costs, and the method of calculating those costs, may be altered.