



AMERICAN FORK CITY COUNCIL
JULY 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, July 8, 2025, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m. The agenda shall be as follows:

REGULAR SESSION

1. Pledge of Allegiance; Invocation by Council Member Carroll; 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 a beer/alcoholic beverage license for Lela Convenience Store, Inc., DBA 7-Eleven, located at 655 South 500 East.
2. Approval of the June 17, 2025, special session minutes.
3. Approval of the June 24, 2025, city council minutes.

ACTION ITEMS

1. Review and action on a resolution approving a Land Use Map Amendment, known as Boat Harbor Pump Station, located at approximately 1611 South 100 West (Harbor Road). On approximately 31.71 acres, the property proposes to change from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation.
2. Review and action on an ordinance approving a code text amendment, known as Storm Water Management and Discharge Control. Amending Section 13.94, the Code Text Amendment plans to modify subsections 13.94.090 and 13.94.100 to be compliant with updated state regulations. These updates include modifying enforcement measures, clarifying responsibilities of property owners related to runoff, creating a new stormwater inspection process and updating the review process to meet state requirements.
3. Review and action on an ordinance approving a code text amendment, known as Administrative Site Plan Approvals, of the American Fork City Municipal Code.

Amending Section 17.6.101, the Code Text Amendment plans to amend the Site Plan approval process.

4. Review and action on a proposed Code Text Amendment, known as Asphalt Paving General Description, of the American Fork City Municipal Code. Amending Section 15.01.1250, the Code Text Amendment plans to increase the required pavement cross-section on City roads and clarify requirements for determining existing pavement conditions.
5. Review and action on approval of a contract for repairs to Fox Hollow Golf Course.
6. Adjournment.

Dated this 2nd day of July 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
JULY 8, 2025**

Department Recorder Director Approval Terilyn Lurker

AGENDA ITEM Approval of the beer/alcoholic beverage license for Lela Convenience Store, Inc. DBA 7-Eleven located at 655 South 500 East.

SUMMARY RECOMMENDATION
Staff would recommend approval.

BACKGROUND

The ownership has changed for the 7-Eleven located at 655 South 500 East, and the new owners are applying for the beer/alcoholic beverage license.

BUDGET IMPACT

\$300 application fee

SUGGESTED MOTION

Move to approve the beer/alcoholic beverage license for Lela Convenience Store, Inc. (7-Eleven) at 655 South 500 East.

SUPPORTING DOCUMENTS

Lela Convenience Store DBA 7-11 (PDF)

Printed: 07/02/2025

American Fork

Lela Convenience Store, Inc.

06/30/2025 - 12/31/2025

6726872

Beer/Alcoholic Beverage Business
License

19ce7e40-55da-11f0-afbb-95c486e8c06d

General

Active

New

Application Review Status

Pre-Review

Not Reviewed

Final-Review

Not Reviewed

06/30/2025

Fees

New Beer/Alcoholic Beverage
Application Fee

\$300.00

Subtotal**\$300.00****Amount Paid****\$0.00**

Payments

There are no payments

Application Form Data

(Empty fields are not included)

Applicant First Name

Frederico

Applicant Last Name

Lins

Phone Number

Email Address

Date of Birth

Age

Attachment: Lela Convenience Store DBA 7-11 (Beer/Alcoholic Beverage License - 7-11)

Are you a US Citizen?

Yes

Social Security #



Reveal

Home Address (Street)

City

State

Zip

Name of Business to be Licensed

Lela Convenience Store, Inc.

DBA

7-Eleven Store #47162A

Business Address

655 South 500 East

City

American Fork

State

UT

Zip

84003

Business Phone

(801) 763-0721

Type of American Fork City License

Class A Beer

Type of DABC License Applying for

Off-Premises Beer Only

Please upload a copy of County Health Permit

47162A - Utah Co Health App..pdf

Upload Local Consent Form

47162A - Local Consent Form.pdf

Attachment: Lela Convenience Store DBA 7-11 (Beer/Alcoholic Beverage License - 7-11)

Signature

I hereby certify that I have complied with the requirements and possess the qualifications specified in the Alcoholic Beverage Control Act, and that all the information I have provided in this application is true.

I hereby certify that I have never been convicted of a felony, or any misdemeanor involving moral turpitude, or of any violation of any law or ordinance relating to alcoholic beverages, including DUI offenses.

I agree that if a license is issued, it shall be subject to suspension or revocation as provided in Chapter 5.08 of the American Fork City Code. I further agree to post any bonds required by the City pursuant to the terms of Chapter 5.08 of the City Code. No business license shall be transferred from one person to another, nor from one location to another.

Jaymee Bearden on behalf of Frederico and Valeria Lins - 06/30/2025 11:46 am

Attachment: Lela Convenience Store DBA 7-11 (Beer/Alcoholic Beverage License - 7-11)

Attachment: Lela Convenience Store DBA 7-11 (Beer/Alcoholic Beverage License - 7-11)



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 8, 2025**

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

AGENDA ITEM Review and action on a resolution approving a Land Use Map Amendment, known as Boat Harbor Pump Station, located at approximately 1611 S 100 W (Harbor Road), American Fork City. On approximately 31.71 acres, the property proposes to change from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation.

SUMMARY RECOMMENDATION Planning Commission recommended approval

BACKGROUND The applicant has applied for a Land Use Map Amendment for the property located in the area of 1611 S 100 W. The proposal looks to change the property from the Resort land use designation to Institutional Lands, Schools, and Public Facilities land use and to provide a pump station for the property. This Land Use Map Amendment is going forward to the Planning Commission for its recommendation prior to annexation of the overall property.

BUDGET IMPACT N/A

SUGGESTED MOTION I move to adopt the resolution approving the Land Use Map Amendment, located at approximately 1611 S 100 W, American Fork City, from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation.

I move to deny the resolution for the Land Use Map Amendment, located at approximately 1611 S 100 W, American Fork City, from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation

I move to table the resolution for the Land Use Map Amendment, located at approximately 1611 S 100 W, American Fork City, from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation and instruct staff/developer to.....

SUPPORTING DOCUMENTS

COMMENTS (2025.05.07) Boat Harbor Pump Station Compatibility Statement (PDF)
 COMMENTS (2025.05.07) Boat Harbor Pump Station Existing Conditions Map (PDF)
 COMMENTS (2025.05.07) Boat Harbor Pump Station General Plan Map (PDF)
 COMMENTS (2025.05.07) Boat Harbor Pump Station Site Location Map (PDF)
 COMMENTS (2025.05.07) Boat Harbor Pump Station Vicinity Map (PDF)
 COMMENTS 2025.05.07) Boat Harbor Pump Station Legal Description (PDF)
 Boat Harbor Pump Station (TSSD) - LUMA - Resolution (DOCX)
 3. Boat Harbor Pump Station LUMA - Staff Report (PDF)
 06.18.2025 UNAPPROVED PC Meeting Minutes_Boat Harbor LUMA (PDF)



American Fork City – General Plan Amendment

Parcel: 13:076:0052

Applicant: Timpanogos Special Service District

Compatibility Statement

Land Use Change Justification – Supporting Sewer Infrastructure and Community Growth

To accommodate anticipated community growth and address long-term sewer treatment needs, additional pumping capacity is required. The selected location is essential due to the limited availability of land near existing sewer main lines and the strategic importance of proximity to both current infrastructure and future development areas.

The existing pump station located at 1500 South and 100 West is currently being replaced but cannot be expanded further to meet future capacity needs. Therefore, this site presents the only feasible alternative based on the following factors:

1. **Strategic Location:** The site is located near existing sewer mains that run along the shoreline, ensuring efficient connectivity.
2. **Proximity to Treatment Facilities:** Close access to the treatment plant supports operational efficiency and reduces infrastructure costs.
3. **Alignment with Future Development:** The area is well positioned to serve the planned future growth within the American Fork service area. The current sewer design anticipates flows to the existing, undersized pump station, which cannot accommodate additional demand beyond its current design capacity.
4. **Land Use Compatibility:** Public facility use serves as an effective land use transition between nearby industrial and resort zones.
5. **Environmental Integration:** Approximately five acres will be developed for the pump station and two acres for roadway. The remaining acreage will be used for wetland mitigation and restoration, aligning with shoreline protection goals and compatible with adjacent resort zoning.
6. **Transportation Connectivity:** The project will facilitate the completion of the roadway connection between 6000 West and 1700 South, supporting future access and circulation.

General Description of Proposed Changes:

This application requests a land use designation change for the parcel outlined in red, from Resort to Institutional Lands, Schools, and Public Facilities. The subject site is currently undeveloped and was historically used for agriculture. Sections closer to Utah Lake exhibit some wetland habitats. No structures currently exist on the property.

The proposed future use of the site includes the development of a public sewer pumping facility to support planned growth and development within American Fork City. The project will include approximately 2 acres of new roadway to connect 6000 West to 1700 South, and 5 acres dedicated to the public facility and associated parking. Additionally, a 0.50-acre area is planned for a trail connection to support community access and connectivity.

The remaining 24.14 acres of the total 31.64-acre site will remain undeveloped, and be converted to a wetland mitigation project under Army Corps of Engineers permitting for this and other District projects.

Next Step:

Proceed to Planning Commission
06/18/2025

 American Fork City Development Review Committee
Planning and Zoning Reviewed copperman 05/06/2025
Engineering Division Reviewed rburkhill 05/07/2025

154 E. 14075 S.

Draper, Utah 84020

801-495-2224

No comments

No comments

4.1.a



American Fork City
Development Review Committee

Planning and Zoning
Reviewed
copperman 05/06/2025

Engineering Division
Reviewed
rburkhill 05/07/2025

No comments

No comments

LEGEND

Project Parcel (13:076:0052)

Fault Lines

National Wetland Inventory (NWI):

Potential Freshwater Emergent Wetland

Potential Freshwater Pond

Utah Lake

Potential Waterways

Soils:

CHIPMAN SILTY CLAY LOAM

CHIPMAN SILTY CLAY LOAM, MODERATELY DEEP WATER TABLE

CHIPMAN SILTY CLAY LOAM, MODERATELY SALINE

LOGAN SILTY CLAY LOAM

MCBETH SILT LOAM

MCBETH SILT LOAM,MODERATELY SALINE

STEED GRAVELLY SANDY LOAM

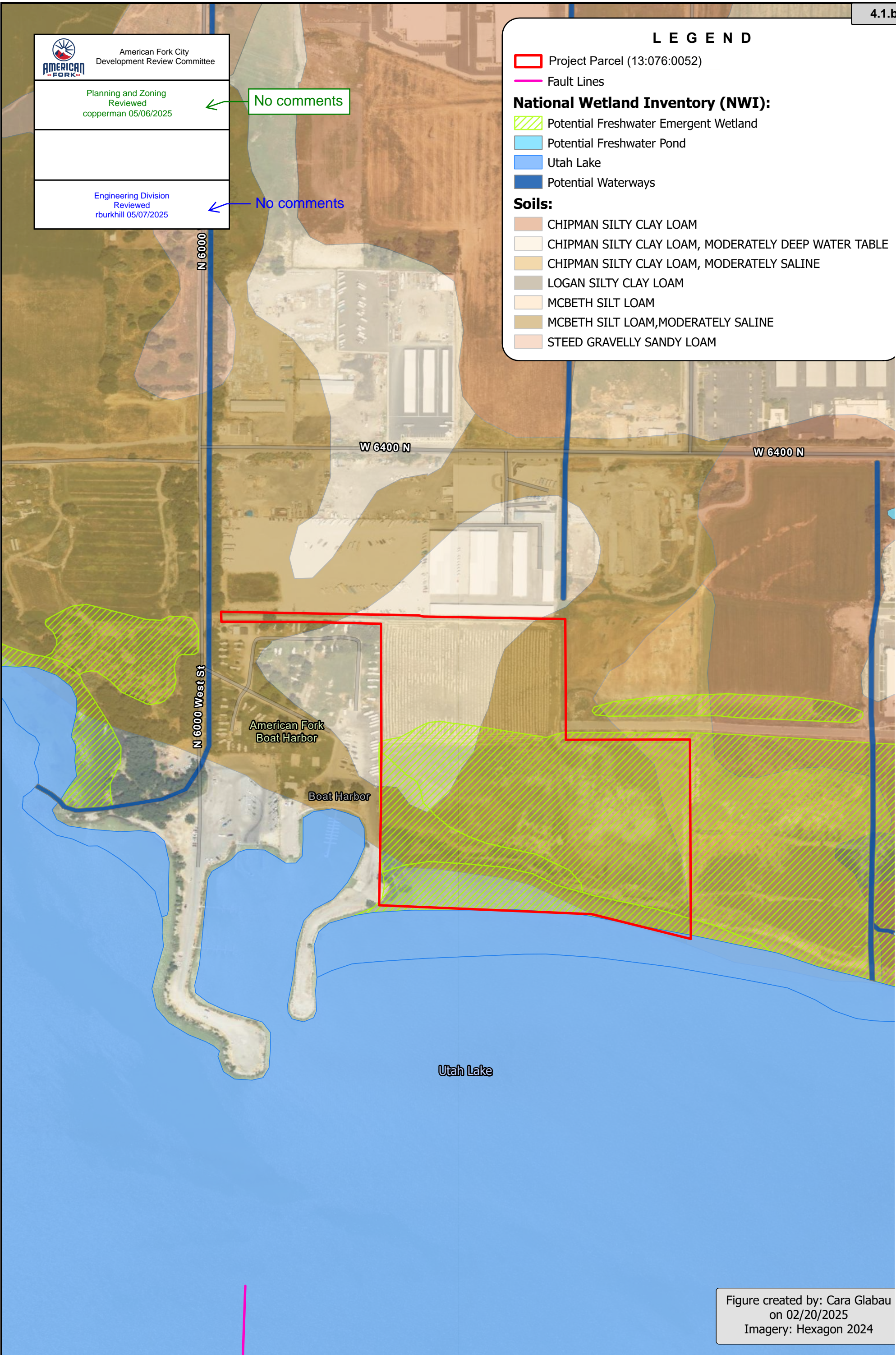
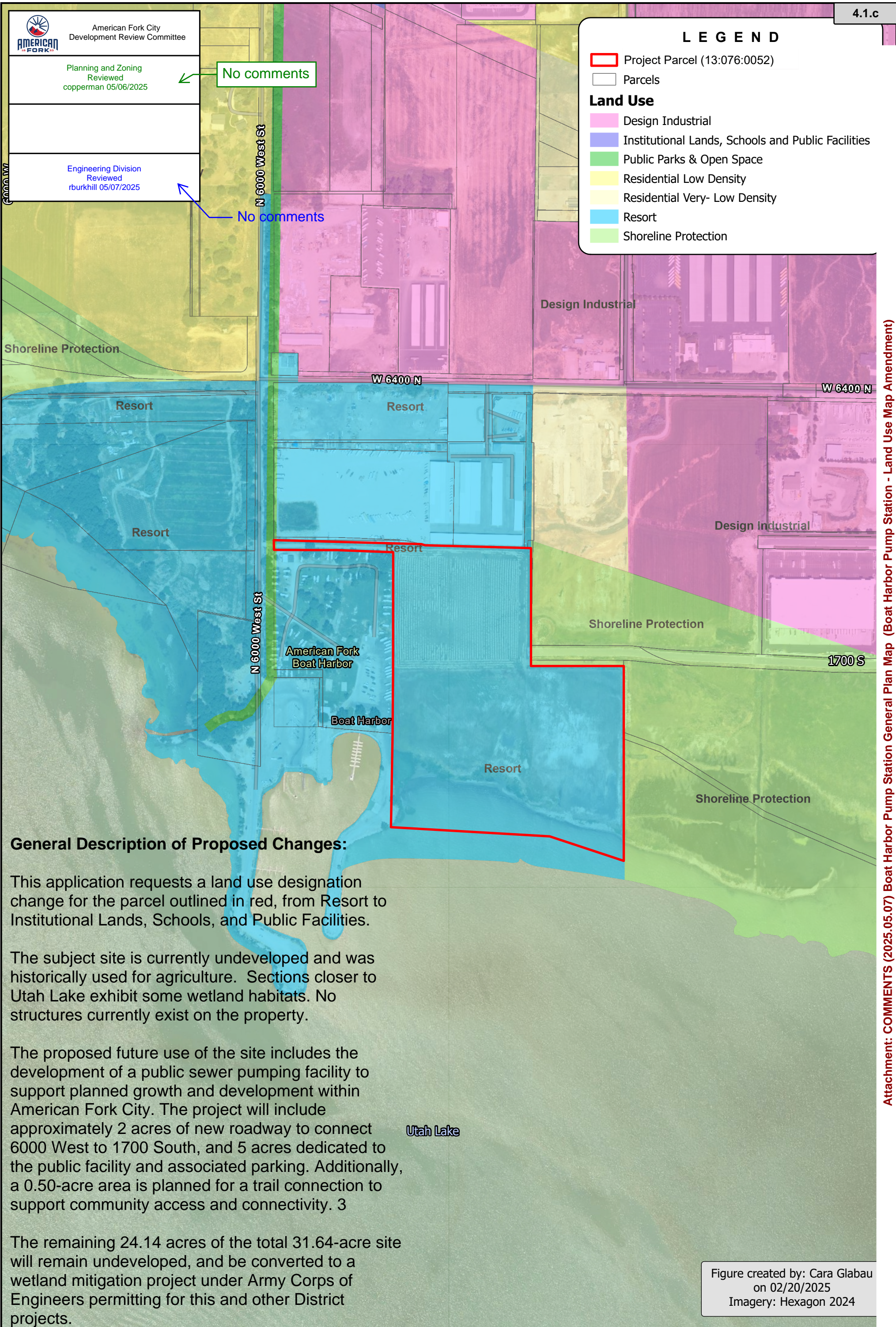


Figure created by: Cara Glabau
on 02/20/2025
Imagery: Hexagon 2024



 American Fork City Development Review Committee
Planning and Zoning Reviewed copperman 05/06/2025
Engineering Division Reviewed rburkhill 05/07/2025

No comments

No comments

4.1.c

LEGEND

Project Parcel (13:076:0052)

Parcels

Land Use

Design Industrial

Institutional Lands, Schools and Public Facilities

Public Parks & Open Space

Residential Low Density

Residential Very- Low Density

Resort

Shoreline Protection

General Description of Proposed Changes:

This application requests a land use designation change for the parcel outlined in red, from Resort to Institutional Lands, Schools, and Public Facilities.

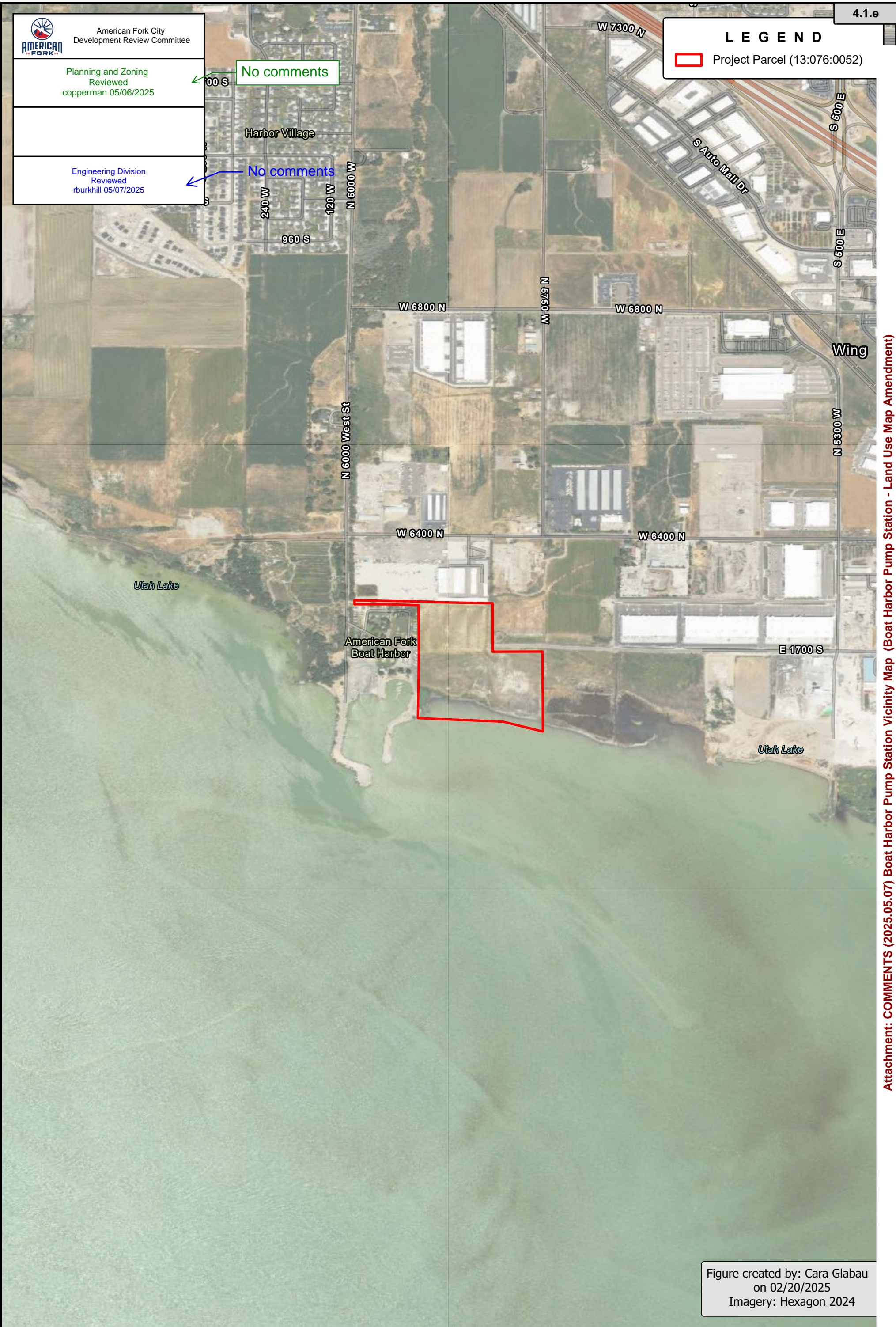
The subject site is currently undeveloped and was historically used for agriculture. Sections closer to Utah Lake exhibit some wetland habitats. No structures currently exist on the property.

The proposed future use of the site includes the development of a public sewer pumping facility to support planned growth and development within American Fork City. The project will include approximately 2 acres of new roadway to connect 6000 West to 1700 South, and 5 acres dedicated to the public facility and associated parking. Additionally, a 0.50-acre area is planned for a trail connection to support community access and connectivity. 3

The remaining 24.14 acres of the total 31.64-acre site will remain undeveloped, and be converted to a wetland mitigation project under Army Corps of Engineers permitting for this and other District projects.

Figure created by: Cara Glabau
on 02/20/2025
Imagery: Hexagon 2024





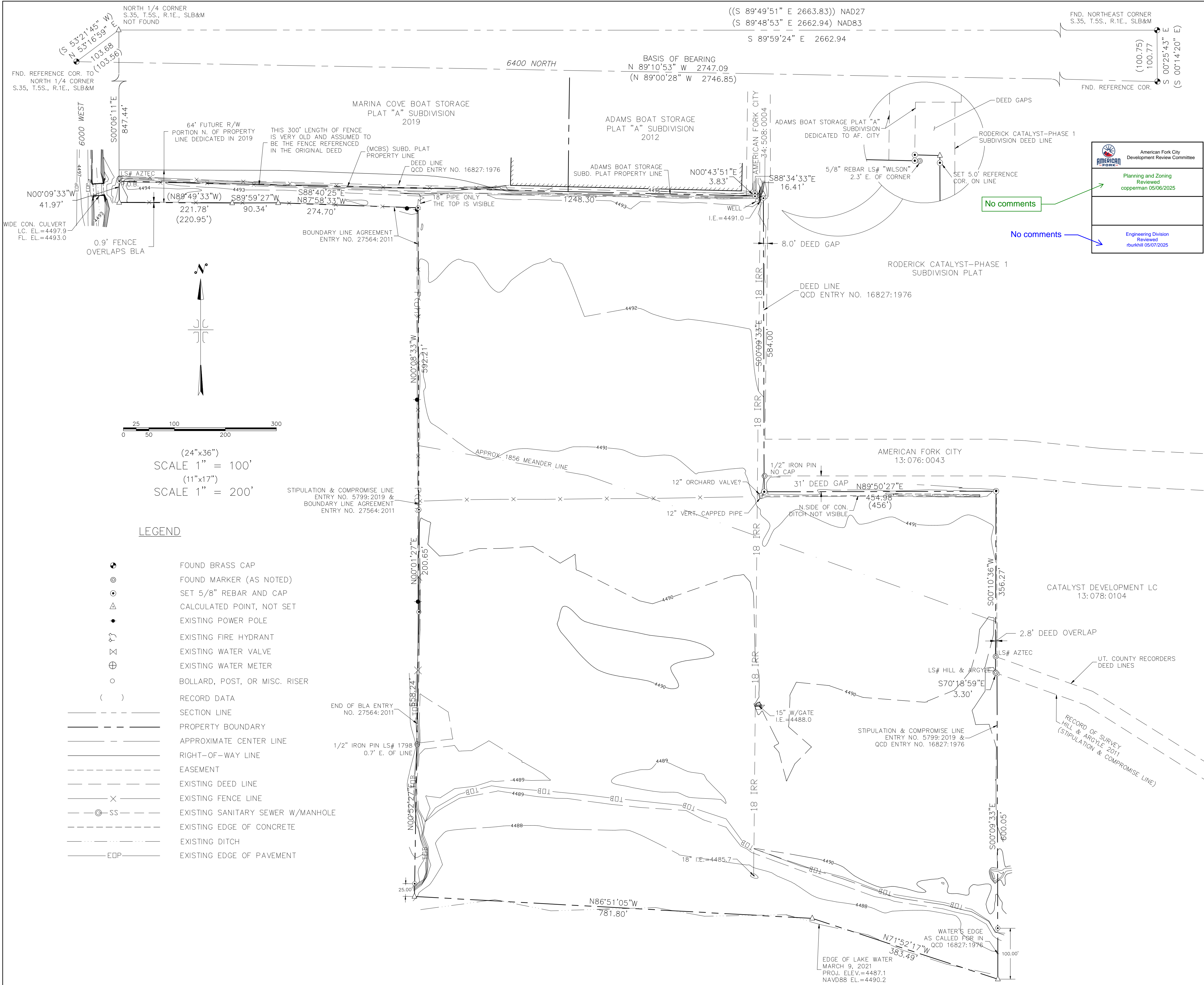
 <div>American Fork City Development Review Committee</div>
Planning and Zoning Reviewed copperman 05/06/2025
Engineering Division Reviewed rburkhill 05/07/2025

4.1.e

LEGEND

Project Parcel (13:076:0052)

Figure created by: Cara Glabau
on 02/20/2025
Imagery: Hexagon 2024



TITLE DOCUMENTS

THIS SURVEY WAS PREPARED IN RELIANCE WITH TWO COMMITMENT FOR TITLE INSURANCE REPORTS, ONE ISSUED BY VANQUARD TITLE INSURANCE AGENCY, L.L.C., COMMITMENT NO. 60377-MB COMMITMENT DATE OF JANUARY 12, 2021 AND ANOTHER ISSUED BY WESTCOR LAND TITLE INSURANCE COMPANY, COMMITMENT NO. 300921 COMMITMENT DATE OF DECEMBER 22, 2020 AND ARE HEREBY MADE A PART OF THIS SURVEY.

COMMITMENT NO. 60377-MB

SCHEDULE B, SECTION 2 OF SAID COMMITMENT, ITEMS 1 THROUGH 14 ARE NON PLOTTABLE, ITEMS 18 THROUGH 23 WERE NOT ADDRESSED.

ITEMS 15, 16 & 17 ARE NOT ASSOCIATED WITH THE SURVEYED PROPERTY.

COMMITMENT NO. 300921

THERE ARE NO SURVEY-RELATED EXCEPTIONS APPURTENANT TO THIS SURVEY APPEARING IN SCHEDULE B, SECTION 2 OF SAID COMMITMENT.

LEGAL DESCRIPTION:

QCD. ENTRY NO. 16827:1976 & TITLE COMMITMENT NO. 300921

COMMENCING 841.5 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 88°25' EAST 1264 FEET ALONG EXISTING FENCE; THENCE SOUTH 584 FEET; THENCE EAST 456 FEET; THENCE SOUTH 907.5 FEET TO THE SHORE LINE OF UTAH LAKE (WATER'S EDGE); THENCE NORTH 64°38' WEST 1252.3 FEET ALONG SAID SHORE LINE TO FENCE; THENCE NORTH 930.1 FEET; THENCE NORTH 88° WEST 588.2 FEET; THENCE NORTH 36.3 FEET TO THE BEGINNING. CONTAINING 25.82 ACRES MORE OR LESS TOGETHER WITH ALL WATER RIGHTS.

TOGETHER WITH THAT PROPERTY CONVEYED IN THAT CERTAIN "STIPULATION FOR SETTLEMENT OF UTAH LAKE BOUNDARY BETWEEN THE STATE OF UTAH AND NATHAN EARL, PAMELA EARL PIER, AND KIMBERLY EARL GAUER, CO-TRUSTEES OF THE ALMA L. EARL LIVING TRUST" RECORDED JANUARY 23, 2019 AS ENTRY NO. 5799:2019 OF OFFICIAL RECORDS.

TOGETHER WITH THAT PROPERTY CONVEYED IN THAT CERTAIN BOUNDARY LINE AGREEMENT – QUIT CLAIM DEED RECORDED APRIL 8, 2011 AS ENTRY NO. 27564:2011 OF OFFICIAL RECORDS.

LESS AND EXCEPTING THAT PROPERTY CONVEYED IN THAT CERTAIN BOUNDARY LINE AGREEMENT – QUIT CLAIM DEED RECORDED APRIL 8, 2011 AS ENTRY NO. 27564:2011 OF OFFICIAL RECORDS.

LEGAL DESCRIPTION:

AS SURVEYED

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, UTAH COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID S.35, AND FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 35 BEARS S 89°59'24" E 2662.94 FEET (THE BASIS OF BEARING); THENCE S 00°06'11" E 847.44 FEET (FORMERLY 841.5') TO THE SOUTHWEST CORNER OF MARINA COVE BOAT STORAGE PLAT "A", AN EXTENSION OF AN OLD FENCE LINE AND THE POINT OF BEGINNING.

THENCE S 88°40'25" E 1248.30 FEET ALONG THE SOUTH LINE OF MARINA COVE BOAT STORAGE PLAT "A", ADAMS BOAT STORAGE PLAT "A", AND MORE OR LESS ALONG AN OLD FENCE LINE; THENCE N 00°43'51" E 3.83 FEET; THENCE S 88°34'33" E 16.41 FEET; THENCE S 00°09'33" E 584.00 FEET; THENCE N 89°50'27" E 454.98 FEET (FORMERLY 456.0'), TO THE WEST LINE OF PARCEL 13:078:0104, AS SHOWN ON A RECORD OF SURVEY FILED JAN. 03 2011 BY HILL & ARGYLE INC.; THENCE S 00°10'36" W 356.27 FEET ALONG SAID WEST LINE OF PARCEL 13:078:0104; THENCE S 70°18'59" E 3.30 FEET TO A STIPULATION AND COMPROMISE LINE RECORDED AS ENTRY NO. 5799:2019; THENCE THE FOLLOWING SIX (6) COURSES AND DISTANCES ALONG SAID LINE, (1) S 00°09'33" E 600.05 FEET; (2) THENCE N 71°52'17" W 383.49 FEET; (3) THENCE N 86°51'05" W 781.80 FEET; (4) THENCE N 00°52'27" E 558.24 FEET ALONG AN EXTENSION OF A BOUNDARY LINE AGREEMENT RECORDED AS ENTRY NO. 27564:2011; (5) THENCE N 00°01'27" E 200.65 FEET ALONG SAID BOUNDARY LINE AGREEMENT; (6) THENCE N 00°08'33" W 592.21 FEET, PARTIALLY ALONG SAID STIPULATION AND COMPROMISE LINE AND CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT; THENCE CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT THE FOLLOWING THREE (3) COURSES, (1) N 87°58'33" W 274.70 FEET; (2) THENCE S 89°59'27" W 90.34 FEET; (3) THENCE N 89°49'33" W 221.78 FEET; THENCE N 00°09'33" W 41.97 FEET TO THE POINT OF BEGINNING.

CONTAINS 31.64 ACRES OF LAND MORE OR LESS.

NOTES

1) THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM SURVEY INFORMATION. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

2) FLOOD ZONE CLASSIFICATION – FLOOD INSURANCE RATE MAP NO. 49049C0306F, EFFECTIVE DATE JUNE 19, 2020 PROPERTY IS LOCATED WITHIN A ZONE "AE", BASE FLOOD ELEVATION DETERMINED AS 4498 NAVD88 DATUM OR 4494.9 PROJECT DATUM.

3) THE BASIS OF BEARINGS IS AS SHOWN HEREON.

4) ELEVATIONS ARE BASED ON A CLIENT PROVIDED BENCHMARK AND REPRESENT AN APPROXIMATE -3.1 TRANSLATION FROM NAVD88.

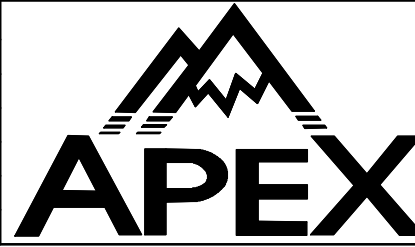
CERTIFICATE OF LAND SURVEYOR

I, GARY W. WIER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LICENSED LAND SURVEYOR, LICENSED BY THE STATE OF UTAH, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF UTAH PERTAINING TO PLATS AND SURVEYS.

DATE _____

GARY W. WIER, L.S. NO. 333098

6			
5			
4			
3			
2			
1			
NO.	REVISIONS	BY	DATE



LAND SURVEYORS INC.
P.O. BOX 973
RIVERTON, UTAH 84065
(801) 302-3343

BOUNDARY/TOPOGRAPHIC SURVEY
PARCEL 13:076:0049
5300 NORTH 6000 WEST AMERICAN FORK, UTAH

LOCATION:
THE NORTHEAST QUARTER OF SECTION 35,
TOWNSHIP 5 SOUTH, RANGE 1 EAST, SLB&M.,
UTAH COUNTY, UTAH

CLIENT:
TIMPANOGOS SPECIAL SERVICE DISTRICT

RESOLUTION NO.

A RESOLUTION APPROVING A LAND USE MAP AMENDMENT LOCATED IN THE VICINITY OF 1611 SOUTH 100 WEST FROM THE RESORT TO INSTITUTIONAL LANDS, SCHOOLS, AND PUBLIC FACILITIES LAND USE DESIGNATION.

WHEREAS, Section 10-9a-401(1), Utah Code Annotated, 1953, as amended, requires each municipality in the State of Utah to prepare and adopt a comprehensive, long range general plan for: (1) present and future needs of the municipality; and (2) growth and development of the land within the municipality; and

WHEREAS, Section 10-9a-403, Utah Code Annotated, 1953, as amended, recommends and describes the general content of each of the major elements typically included within a general plan including, but not limited to, a Land Use Element that designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land; and

WHEREAS, Section 10-9a-403, Utah Code Annotated, 1953, as amended, anticipated that the Land Use Element will, from time to time, be amended and updated to reflect changes in condition or policy within the City; and

WHEREAS, the Planning Commission has reviewed the proposed amendment to the Land Use Element, advertised and held a public hearing thereon, duly considered the comments received at the hearing, and

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

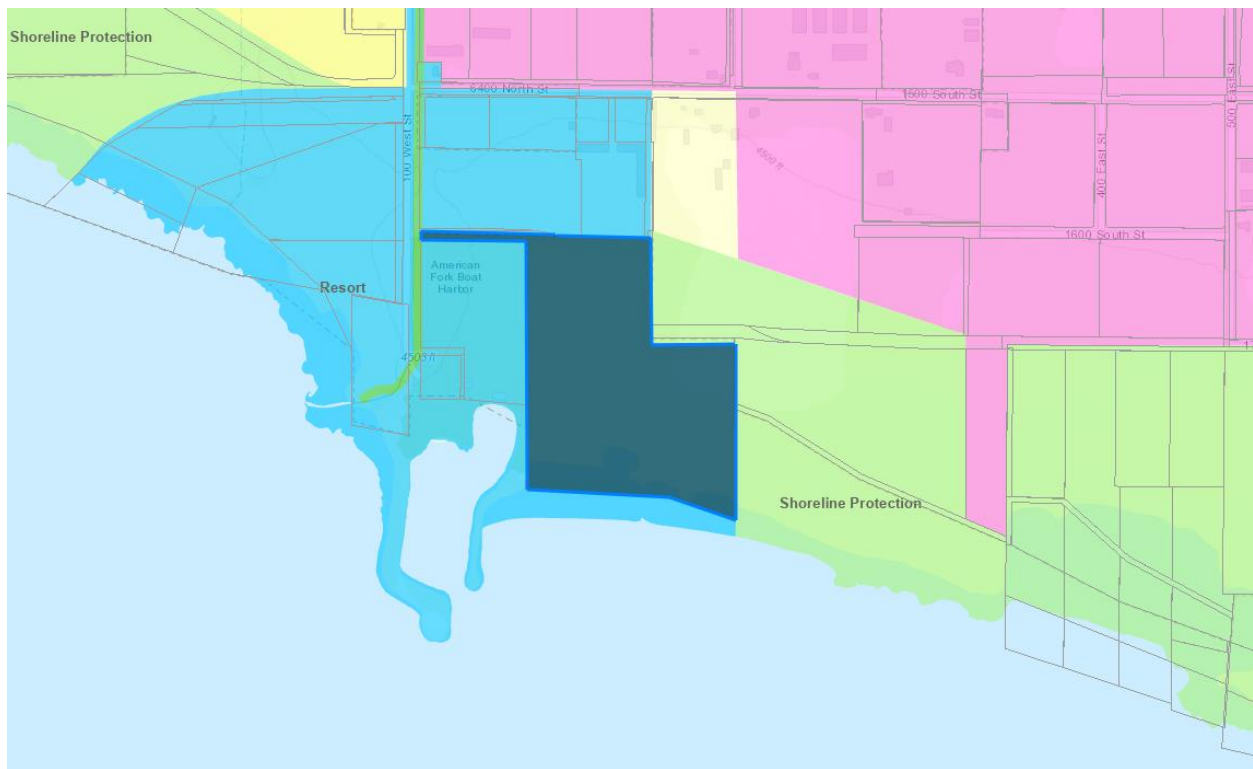
NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH:

SECTION 1. That certain map entitled AMERICAN FORK CITY - LAND USE PLAN is hereby amended to show that the parcels located in the vicinity of 1611 South 100 West be amended from the Resort to the Institutional Lands, Schools, and Public Facilities designation as shown in Exhibit A below. Said change in designation is hereby adopted as an amendment to the Land Use Element of the General Plan of American Fork, Utah.

SECTION 2. The City Council hereby directs that the American Fork Land Use Plan Map be modified to incorporate the changes approved by this Resolution.

Exhibit A

Land Use Map



SECTION 3. It is the express intent of the City Council that said plan be followed, complied with, and otherwise adhered to.

SECTION 4. The Planning Commission and City Staff are hereby directed to recommend such ordinances and policies as recommended under the plan and deemed essential for its implementation.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2025.

Bradley J. Frost, Mayor

ATTEST:

Terilyn Lurker, City Recorder

Attachment: Boat Harbor Pump Station (TSSD) - LUMA - Resolution (Boat Harbor Pump Station - Land Use Map Amendment)

Planning Commission Staff Report
Meeting Date: June 18, 2025



Agenda Topic

Public hearing, review, and recommendation on a proposed Land Use Map Amendment, known as Boat Harbor Pump Station, located at approximately 1611 S 100 W (Harbor Road), American Fork City. On approximately 31.71 acres, the property proposes to change from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation.

BACKGROUND INFORMATION		
Location:		1611 S 100 W
Project Type:		Land Use Map Amendment
Applicants:		TSSD
Existing Land Use:		Resort
Proposed Land Use:		Institutional Lands, Schools and Public Facilities
Surrounding Land Use:	North	Resort
	South	Utah Lake
	East	Shoreline Protection
	West	Resort
Existing Zoning:		Unincorporated Territory
Proposed Zoning:		N/A
Surrounding Zoning:	North	M-1
	South	Utah Lake
	East	PI-1; M-1
	West	M-1

Background

The applicant has applied for a Land Use Map Amendment for the property located in the area of 1611 S 100 W. The proposal looks to change the property from the Resort land use designation to Institutional Lands, Schools, and Public Facilities land use and to provide a pump station for the property. This Land Use Map Amendment is going forward to the Planning Commission for its recommendation prior to annexation of the overall property.



Chapter 17.11 Amendments

This development code, and the zoning map adopted as a part thereof, may be amended from time to time by the city council, but all proposed amendments must first be submitted to the planning commission for its recommendation. The procedure to be followed in amending the code and map shall be as set forth below.

Sec 17.11.101 Written Petition Required - City Initiated Amendments Permitted

Any person seeking an amendment of the development code or zoning map shall submit to the planning commission a written petition designating the change desired and the reasons therefor, and shall pay a nonrefundable filing fee in an amount established by resolution of the city council. Amendments to the code and map may also be initiated by action of the planning commission or upon request of the city council.

Sec 17.11.102 Planning Commission To Make Recommendations

Upon receipt of the petition the planning commission shall consider the request and, subject to completion of a public hearing on the matter before the planning commission with public notice given in accordance with the provisions of Section 17.11.103, shall submit its recommendations with respect thereto to the city council.

Sec 17.11.103 Planning Commission To Conduct Public Hearing Before Recommending Amendments - Notice Of Hearing To Be Provided

1. No ordinance approving an amendment to the official zone map or text of the development code, or approving a large scale development project may be enacted by the city council unless and until a public hearing relating to the proposed ordinance shall have been conducted by the planning commission.
2. Notice of the date, time and place of the first public hearing regarding a proposed amendment to the official zone map, text of the development code or ordinance of approval of a large scale development project shall be given at least 10 calendar days before the public hearing as follows:
 1. Published on the Utah Public Notice Website;
 2. Posted in at least three public locations within the city, or on the city's official website; and
 3. Mailed to each affected entity.



Sec 17.11.104 Amendments To Be Adopted By Council - Notice Required

1. The city council, at a public meeting called for the purpose, shall consider each proposed amendment to the official zone map, text of the development code, or ordinance of approval for a large scale development recommended to it by the planning commission and may act to adopt or reject the amendment or ordinance of approval as recommended by the planning commission or adopt the amendment after making any revision the city council considers appropriate.
2. Notice of the public meeting at which the city council will consider a proposed amendment or ordinance of approval shall be given at least twenty-four hours before the meeting, which notice shall, as a minimum, be posted in at least three public places within the city; or on the city's official website.

Sec 17.11.105 Amendments To Be Adopted By Ordinance - Public Notice Of Adoption

All amendments to the code and map shall be adopted, published and recorded in accordance with the applicable provisions of UCA 10-3-701 et seq.

17.11.200 Intent With Respect To Amendments

All amendments to this code and zone map shall be made in accordance with the general plan of land use. It is hereby declared to be public policy that this code shall not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposes of this code.

Findings of Fact

1. The Land Use Map Amendment MEETS the requirements of Section 17.11.

Project Map



Standards Conditions of Approval

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.

Planning Commission Staff Report
Meeting Date: June 18, 2025



2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
7. **Compliance with the Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, streetlight, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Potential Motions – Land Use Map Amendment

Approval

I move to recommend approval for the proposed Land Use Map Amendment, located at approximately 1611 S 100 W, American Fork City, from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation, subject to any conditions found in the staff report.



Planning Commission Staff Report
Meeting Date: June 18, 2025

Denial

I move to recommend denial for the proposed Land Use Map Amendment, located at approximately 1611 S 100 W, American Fork City, from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation

Table

I move to table action for the proposed Land Use Map Amendment, located at approximately 1611 S 100 W, American Fork City, from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation, and instruct staff/developer to.....

UNAPPROVED MINUTES

06.18.2025

with the attorney led to some existing code being mistakenly marked for removal. The original code has since been re-added, and the corrected version was resubmitted for this meeting.

Public Hearing Open**Public Hearing Closed**

Mr. Bird asked for confirmation that the current amendment is now in compliance with both engineering standards and legal review, ensuring alignment between the city's engineering department and legal advisor. Mr. Mezenen confirmed.

Rodney Martin moved to recommend approval for the proposed Code Text Amendment, amending Section 13.94, titled Storm Water Management and Discharge Control, relating to modifications in stormwater regulations to comply with state regulations and providing an effective date for the ordinance.

David Bird seconded the motion.

Voting was as follows:

Chris Christiansen	AYE
Geoff Dupaix	AYE
Rodney Martin	AYE
David Bird	AYE
Harold Dudley	AYE

The motion passed

Vice Chair Christiansen recognized Bruce Frandsen who entered the meeting.

- b. Public hearing, review, and recommendation on a proposed Land Use Map Amendment, known as Boat Harbor Pump Station, located at approximately 1611 S 100 W (Harbor Road), American Fork City. On approximately 31.71 acres, the property proposes to change from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation.**

UNAPPROVED MINUTES

06.18.2025

Cody Opperman reviewed the background information for Public Hearing Item letter b: The applicant has applied for a Land Use Map Amendment for the property located in the area of 1611 S 100 W. The proposal looks to change the property from the Resort land use designation to Institutional Lands, Schools, and Public Facilities land use and to provide a pump station for the property. This Land Use Map Amendment is going forward to the Planning Commission for its recommendation prior to annexation of the overall property.

Brandon Wyatt of Bowen Collins & Associates, representing the Timpanogos Special Service District, presented an overview of TSSD's planned infrastructure project. The project involves replacing an aging pump station located at 1500 South and Boat Harbor Road, which is nearing the end of its design life and capacity. The new facility will be built on a 32-acre site near the Timp Marina Club, with only about 7 acres developed for the pump station and the 1700 South road extension. The remaining land will include mitigated wetlands under the jurisdiction of the U.S. Army Corps of Engineers.

The new pump station will have an initial capacity of 53 million gallons per day (MGD), expandable to 81 MGD without major excavation. It will serve American Fork, Lehi, Saratoga Springs, and parts of Eagle Mountain. TSSD has engaged with nearby residents, who have responded with understanding and appreciation for the project's design considerations, including buffering and trail improvements.

Mr. Frandsen inquired about a previous discussion regarding a nearby property and whether TSSD had changed its position on annexing the parcel into American Fork City. Mr. Wyatt responded that while there had been some initial uncertainty, TSSD ultimately determined that annexation is necessary due to service requirements from the city, including road access and culinary water. He confirmed that a petition for annexation will be submitted to the city.

Public Hearing Open**Public Hearing Closed**

David Bird moved to recommend approval for the proposed Land Use Map Amendment, located at approximately 1611 S 100 W, American Fork City, from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation, subject to any conditions found in the staff report.

UNAPPROVED MINUTES

06.18.2025

Geoff Dupaix seconded the motion.

Voting was as follows:

Chris Christiansen	AYE
Geoff Dupaix	AYE
Rodney Martin	AYE
David Bird	AYE
Harold Dudley	AYE
Bruce Frandsen	AYE

The motion passed

ACTION ITEMS

- a. Review and action on an application for a Commercial Site Plan, known as 77 W Main Sign (App #2), located at 77 W Main Street, American Fork City. The Commercial Site Plan will be on approximately .32 acres and will be in the Central Commercial (CC-1) Zone.**

Annalisa Reed reviewed the background information for Action Item letter a: The applicant has applied for a Commercial Site Plan for an existing Billboard Sign to be relocated to the adjacent property to the west, increasing the height from a previous submittal. Per Utah State Code 10-9a-513, Outdoor Advertising Structures are allowed to be relocated on the existing property or relocated to within 5,280 feet of the existing sign. Additionally, State Code allows for new signs to be built to the existing sign height up to 45'. The site plan meets these requirements.

Vice Chairman Christiansen inquired whether state law takes precedence in determining sign height regulations. Annalisa Reed confirmed that, based on consultation with the city's legal counsel, the state code allows signs to be rebuilt to the height of the previous structure, up to a maximum of 45 feet. The applicant indicated the original sign was at least 45 feet tall, so the applicant intends to construct the new sign to that maximum height.

Mr. Rodney Martin provided background on the project, noting its location on the south side of Main Street near the current Synergy Pet Salon. He noted the existing billboard as the only aerial billboard in the downtown area.



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 8, 2025**

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

AGENDA ITEM Review and approval on a proposed Code Text Amendment, known as Storm Water Management and Discharge Control. Amending Section 13.94, the Code Text Amendment plans to modify subsections 13.94.090 and 13.94.100 to be compliant with updated state regulations. These updates include modifying enforcement measures, clarifying responsibilities of property owners related to runoff, creating a new stormwater inspection process and updating the review process to meet state requirements.

SUMMARY RECOMMENDATION The staff would recommend approval. The Planning Commission recommended approval of this project at the June 18, 2025 meeting.

BACKGROUND Staff has initiated a Code Text Amendment to amend Section 13.94 of the American Fork City Municipal Code. Utah State Legislative changes in recent legislative sessions have modified enforcement regulations and stormwater requirements. The code changes implement required standardized documents from the state for stormwater regulations. It also clarifies property owner responsibilities to maintain and control runoff water from their properties. Updates to our enforcement procedures and follow up with violations prior to a citation are included to conform to state regulations. It also reduces some of the conditions when a land disturbance permit is required.

BUDGET IMPACT N/A

SUGGESTED MOTION I move to adopt the ordinance approving the Code Text Amendment, amending Section 13.94, titled Storm Water Management and Discharge Control with instructions to the City Recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the June 18, 2025, Planning Commission meeting have been met.

SUPPORTING DOCUMENTS

06.18.2025 UNAPPROVED PC Meeting Minutes_13.94 CTA (PDF)
 Sec 13.94.090 Enforcement Redline.5.27.2025 (PDF)
 Sec 13.94.090 Enforcement Updated.5.27.2025 (DOCX)
 V2.13.94.100 Penalties Redline (PDF)
 V2.13.94.100 Penalties Updated (DOCX)

UNAPPROVED MINUTES

06.18.2025

Voting was as follows:

Chris Christiansen	AYE
Geoff Dupaix	AYE
Rodney Martin	AYE
David Bird	AYE
Harold Dudley	AYE

The motion passed**PUBLIC HEARINGS**

- a. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Storm Water Management and Discharge Control, of the American Fork City Municipal Code. Amending Section 13.94, the Code Text Amendment plans to modify subsections 13.94.090 and 13.94.100 to be compliant with updated state regulations. These updates include modifying enforcement measures, clarifying responsibilities of property owners related to runoff, creating a new stormwater inspection process and updating the review process to meet state requirements.**

Tyler Mezenen reviewed the background information for Public Hearing Item letter a: Staff has initiated a Code Text Amendment to amend Section 13.94 of the American Fork City Municipal Code. Utah State Legislative changes in recent legislative sessions have modified enforcement regulations and stormwater requirements. The code changes implement required standardized documents from the state for stormwater regulations. It also clarifies property owner responsibilities to maintain and control runoff water from their properties. Updates to our enforcement procedures and follow up with violations prior to a citation are included to conform to state regulations. It also reduces some of the conditions when a land disturbance permit is required.

Mr. Mezenen explained that the code changes presented in this meeting are the same as those previously on the agenda and discussed in the May 21, 2025, meeting. A miscommunication

UNAPPROVED MINUTES

06.18.2025

with the attorney led to some existing code being mistakenly marked for removal. The original code has since been re-added, and the corrected version was resubmitted for this meeting.

Public Hearing Open**Public Hearing Closed**

Mr. Bird asked for confirmation that the current amendment is now in compliance with both engineering standards and legal review, ensuring alignment between the city's engineering department and legal advisor. Mr. Mezenen confirmed.

Rodney Martin moved to recommend approval for the proposed Code Text Amendment, amending Section 13.94, titled Storm Water Management and Discharge Control, relating to modifications in stormwater regulations to comply with state regulations and providing an effective date for the ordinance.

David Bird seconded the motion.

Voting was as follows:

Chris Christiansen	AYE
Geoff Dupaix	AYE
Rodney Martin	AYE
David Bird	AYE
Harold Dudley	AYE

The motion passed

Vice Chair Christiansen recognized Bruce Frandsen who entered the meeting.

- b. Public hearing, review, and recommendation on a proposed Land Use Map Amendment, known as Boat Harbor Pump Station, located at approximately 1611 S 100 W (Harbor Road), American Fork City. On approximately 31.71 acres, the property proposes to change from the Resort land use designation to the Institutional Lands, Schools and Public Facilities land use designation.**

Sec 13.94.090 Enforcement

A. Enforcement authority. The city storm drain inspector shall have the authority to issue corrective action notices, notices of violation, and stop work orders and to impose the civil penalties provided in this section.

With the approval of the storm water pollution prevention plan and the issuance of a land disturbance permit, the city storm drain inspector shall be permitted to enter and inspect facilities subject to this chapter at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this chapter may result in punitive actions by American Fork City pursuant to [Chapter Section 13.94.090\(2\) of this chapter](#).

B. Notification of violation.

Except as provided for in subsection C., the City may take the following action when any permittee or other person discharging storm water has violated or is violating this chapter or a permit or order issued hereunder.

1. Corrective action notice. Whenever the city storm drain inspector finds that any permittee or any other person discharging storm water has violated or is violating this chapter or a permit or order issued hereunder, the city storm drain inspector may serve upon such person a corrective action notice. Within seven days from the issuance of the corrective action notice, the site must be brought into full compliance with the storm water pollution prevention plan (SWPPP). Failure to comply with the corrective action notice within seven days will result in the issuance of a notice of violation. Additionally, the site operator will be subject to fines and penalties as specified in Section 13.94.100.

2. Notice of violation. When the city storm drain inspector finds that any person has violated or continues to violate this chapter or a permit or a corrective action notice, he may issue an order to the violator directing that, following a specified time period, best management practices (BMPs) be installed or procedures implemented and properly operated. Failure to comply with the notice of violation by the site operator may result in additional fines and issuance of a stop work order.

3. Stop work orders. When the city storm drain inspector finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the city storm drain inspector may issue a stop work order for all such violations and direct those persons in noncompliance to:

- a. Comply forthwith; or

b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operating and terminating the discharge.

C. ~~E~~. Notice of violation – General Construction Permit Impacting Greater than One Acre or Part of Common Area of Development.

For any General Construction Permit that disturbs an acre or more or that disturbs less than an acre but is part of a common plan of development or sale, the following shall apply to any violation.

1. American Fork City:

a. shall notify the permittee, in writing, of a violation; a notice of violation from the City shall state noncompliance and actions necessary to come into compliance will be given to responsible person.

b. shall provide the permittee a reasonable time of at least 24 hours to correct the violation; and

c. may perform an inspection to verify that the violation is corrected.

2. If a permittee does not correct the violation described in Subsection C.1.a. within the deadline set under Subsection C.1.b. the City:

a. shall notify the permittee, in writing, that the violation has not been corrected;

b. may impose a fine if the permittee does not correct the specific violation within additional one business day; and

c. may perform an inspection to verify that the permittee corrected the specific violation.

3. If a permittee does not correct the violation described in Subsection C.1.a. within the deadline set under Subsection C.1.b. the City:

a. shall notify the permittee, in writing, that the violation has not been corrected; and

b. may impose an administrative fine for each occurrence as follows:

(i) \$500 per occurrence for working without an approved storm water permit;

(ii) \$300 per occurrence for tracking mud on road;

(iii) \$250 per occurrence for failure to clean up or report spills;

(iv) \$100 per occurrence for failure to conduct storm water inspections;

- (v) \$100 per occurrence for failure to maintain storm water records; and
- (vi) \$500 per site, per occurrence, for failure to use general best management practices, as determined by the City; and

5. may impose the administrative fine:

a. for each business day the specific violation continues beginning on the day

(i) after the day on which the City issues the administrative fine; and

(ii) within 30 days after the day on which the permittee corrects the violation.

6. The City shall:

a. impose each fine in writing and clearly document the specific violation in the writing; and

b. deposit collected fines into a restricted account for education and outreach under its stormwater program.

7. The City may not impose the process described in Subsection C.3. later than 30 days after the day on which the City provides the required preceding notice of violation or continuing violation.

8. Except as provided in Subsection C.9., the City may not issue an order to stop construction activity for a violation if:

a. a permittee selects the preferred best management practice for the site conditions;

b. a permittee implements and properly uses the preferred best management practices; and

c. the violation results from a deficiency in the preferred best management practice.

9. The City may issue an order to stop construction if the City has a clearly documented reason articulating an immediate threat to water quality.

10. City may recoup the costs incurred to correct a violation the permittee refuses to correct after the enforcement process described in this Subsection C.3. has been exhausted if the City, at the time of clean up, determines there is an imminent threat of a significant harm to water quality or the storm water system.

D. Conflicting standards. Whenever there is a conflict between any standard contained in this chapter and in the BMP manuals adopted by the municipality under this chapter, the strictest standard shall prevail.

E. Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violated the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the city storm drain inspector, shall be guilty of a Class B misdemeanor.

Sec 13.94.090 Enforcement

A. Enforcement authority. The city storm drain inspector shall have the authority to issue corrective action notices, notices of violation, and stop work orders and to impose the civil penalties provided in this section.

With the approval of the storm water pollution prevention plan and the issuance of a land disturbance permit, the city storm drain inspector shall be permitted to enter and inspect facilities subject to this chapter at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this chapter may result in punitive actions by American Fork City pursuant to this chapter.

B. Notification of violation.

Except as provided for in subsection C., the City may take the following action when any permittee or other person discharging storm water has violated or is violating this chapter or a permit or order issued hereunder.

1. Corrective action notice. Whenever the city storm drain inspector finds that any permittee or any other person discharging storm water has violated or is violating this chapter or a permit or order issued hereunder, the city storm drain inspector may serve upon such person a corrective action notice. Within seven days from the issuance of the corrective action notice, the site must be brought into full compliance with the storm water pollution prevention plan (SWPPP). Failure to comply with the corrective action notice within seven days will result in the issuance of a notice of violation. Additionally, the site operator will be subject to fines and penalties as specified in Section 13.94.100.

2. Notice of violation. When the city storm drain inspector finds that any person has violated or continues to violate this chapter or a permit or a corrective action notice, he may issue an order to the violator directing that, following a specified time period, best management practices (BMPs) be installed or procedures implemented and properly operated. Failure to comply with the notice of violation by the site operator may result in additional fines and issuance of a stop work order.

3. Stop work orders. When the city storm drain inspector finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the city storm drain inspector may issue a stop work order for all such violations and direct those persons in noncompliance to:

a. Comply forthwith; or

b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operating and terminating the discharge.

C. Notice of violation – General Construction Permit Impacting Greater than One Acre or Part of Common Area of Development.

For any General Construction Permit that disturbs an acre or more or that disturbs less than an acre but is part of a common plan of development or sale, the following shall apply to any violation.

1. American Fork City:

- a. shall notify the permittee, in writing, of a violation; a notice of violation from the City shall state noncompliance and actions necessary to come into compliance will be given to responsible person.
- b. shall provide the permittee a reasonable time of at least 24 hours to correct the violation; and
- c. may perform an inspection to verify that the violation is corrected.

2. If a permittee does not correct the violation described in Subsection C.1.a. within the deadline set under Subsection C.1.b. the City:

- a. shall notify the permittee, in writing, that the violation has not been corrected;
- b. may impose a fine if the permittee does not correct the specific violation within additional one business day; and
- c. may perform an inspection to verify that the permittee corrected the specific violation.

3. If a permittee does not correct the violation described in Subsection C.1.a. within the deadline set under Subsection C.1.b. the City:

- a. shall notify the permittee, in writing, that the violation has not been corrected; and
- b. may impose an administrative fine for each occurrence as follows:
 - (i) \$500 per occurrence for working without an approved storm water permit;
 - (ii) \$300 per occurrence for tracking mud on road;
 - (iii) \$250 per occurrence for failure to clean up or report spills;
 - (iv) \$100 per occurrence for failure to conduct storm water inspections;

- (v) \$100 per occurrence for failure to maintain storm water records; and
- (vi) \$500 per site, per occurrence, for failure to use general best management practices, as determined by the City; and

5. may impose the administrative fine:

a. for each business day the specific violation continues beginning on the day

(i) after the day on which the City issues the administrative fine; and

(ii) within 30 days after the day on which the permittee corrects the violation.

6. The City shall:

a. impose each fine in writing and clearly document the specific violation in the writing; and

b. deposit collected fines into a restricted account for education and outreach under its stormwater program.

7. The City may not impose the process described in Subsection C.3. later than 30 days after the day on which the City provides the required preceding notice of violation or continuing violation.

8. Except as provided in Subsection C.9., the City may not issue an order to stop construction activity for a violation if:

a. a permittee selects the preferred best management practice for the site conditions;

b. a permittee implements and properly uses the preferred best management practices; and

c. the violation results from a deficiency in the preferred best management practice.

9. The City may issue an order to stop construction if the City has a clearly documented reason articulating an immediate threat to water quality.

10. City may recoup the costs incurred to correct a violation the permittee refuses to correct after the enforcement process described in this Subsection C.3. has been exhausted if the City, at the time of clean up, determines there is an imminent threat of a significant harm to water quality or the storm water system.

D. Conflicting standards. Whenever there is a conflict between any standard contained in this chapter and in the BMP manuals adopted by the municipality under this chapter, the strictest standard shall prevail.

E. Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violated the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the city storm drain inspector, shall be guilty of a Class B misdemeanor.

Sec 13.94.100 Penalties

- A. Penalties. Under the authority provided in the ~~municipality declares~~ Utah Code ~~chapter and except as provided for in Sec 13.94.090.B~~, the City declares that any person violating the provisions of this chapter. may be assessed a Class B misdemeanor by the city public works department and fine of five hundred dollars per day for each day of violation. Each day of violation shall constitute a separate violation.
- B. Measuring civil penalties. In assessing a civil penalty, the city public works department may consider:
 1. The harm done to the public health or the environment;
 2. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 3. The economic benefit gained by the violator;
 4. The amount of effort put forth by the violator to remedy this violation;
 5. Any unusual or extraordinary enforcement costs incurred by the municipality;
 6. The amount of penalty established by ordinance or resolution for specific categories of violations; and
 7. Any equities of the situation which outweigh the benefits of imposing any penalty or damage assessment.
- C. Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the municipality may recover:
 1. All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter; or any other actual damages caused by the violation.
 2. The costs of the municipality's maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this chapter.
- D. Other remedies. The municipality may bring legal action to enjoin the continuing violation of this chapter; and the existence of any other remedy, at law or equity, shall be no defense to any such actions. In addition to the penalties established in this chapter, the city may refuse to renew business licenses or other permits while such a violation continues.

- E. Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

(Ord. No. 2015-05-32, § 10, 5-26-2015)

Sec 13.94.100 Penalties

- A. Penalties. Under the authority provided in the Utah Code chapter and except as provided for in Sec 13.94.090.B, the City declares that any person violating the provisions of this chapter, may be assessed a Class B misdemeanor by the city public works department and fine of five hundred dollars per day for each day of violation. Each day of violation shall constitute a separate violation.
- B. Measuring civil penalties. In assessing a civil penalty, the city public works department may consider:
 - 1. The harm done to the public health or the environment;
 - 2. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - 3. The economic benefit gained by the violator;
 - 4. The amount of effort put forth by the violator to remedy this violation;
 - 5. Any unusual or extraordinary enforcement costs incurred by the municipality;
 - 6. The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - 7. Any equities of the situation which outweigh the benefits of imposing any penalty or damage assessment.
- C. Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the municipality may recover:
 - 1. All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter; or any other actual damages caused by the violation.
 - 2. The costs of the municipality's maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this chapter.
- D. Other remedies. The municipality may bring legal action to enjoin the continuing violation of this chapter; and the existence of any other remedy, at law or equity, shall be no defense to any such actions. In addition to the penalties established in this chapter, the city may refuse to renew business licenses or other permits while such a violation continues.

- E. Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

(Ord. No. 2015-05-32, § 10, 5-26-2015)



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 8, 2025**

Department Planning Director Approval Patrick O'Brien

AGENDA ITEM Review and action on a proposed Code Text Amendment, known as Administrative Site Plan Approvals, of the American Fork City Municipal Code. Amending Section 17.6.101, the Code Text Amendment plans to amend the Site Plan approval process.

SUMMARY RECOMMENDATION

The Planning Commission recommended approval of this project at the June 4, 2025, meeting.

BACKGROUND

The code amendment is being proposed and initiated by staff, in consultation with the attorney preparing the overall Municipal Code Rewrite. The purpose of this proposal is to address process issues that staff has identified in the existing code, and to create a more robust process that will support applicants, and enhance customer service by providing an option for minor updates and amendments to a previous site plan approval without necessitating the need for an entire full site plan packet and review.

Within the process, and after a recommendation from Planning Commission, some additional comments and suggestions were made by the City Attorney to further refine the proposal, however, they are not substantive to need to take the draft back to Planning Commission for additional review. Staff supports the additional edits. The original draft taken to Planning Commission is identified as Option A, with the further refined version identified as Option B. Option B includes a redline version of the draft presented to Planning Commission, to assist the City Council in seeing the differences in any proposed language.

Staff recommends that the City Council approve option B as the preferred language version to be included as a part of the approved ordinance.

Option A: This ordinance was introduced during the Planning Commission meeting held on June 4, 2025.

Option B: This ordinance incorporates additional revisions, including recommended language modifications provided by the City's legal counsel.

BUDGET IMPACT

N/A

SUGGESTED MOTION

I move to adopt the ordinance approving the code text amendment, amending Section 17.6.101, titled Administrative Site Plan Approvals, with instructions to the city recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the June 4, 2025, Planning Commission meeting have been met.

SUPPORTING DOCUMENTS

OPTION A - Site Plan Approval Process FINAL DRAFT for PC (PDF)

OPTION B - Site Plan Approval Process FINAL DRAFT for PC.hjs reviewed - edits (PDF)

CTA - Admin Site Plan Approval - UNAPPROVED MEETING MINUTES (PDF)

ORDINANCE NO. 2025 - ____ - ____

AN ORDINANCE CREATING SUBSECTION 17.6.101 OF THE AMERICAN FORK CITY MUNICIPAL CODE RELATING TO SITE PLAN APPROVALS.

WHEREAS, American Fork City seeks to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork City;

WHEREAS, the American Fork City Council finds it in the best interest of the City to provide a process for approving minor amendments to site plans ;

WHEREAS, the American Fork City Council finds that the adoption of this ordinance would promote the health, safety and welfare of the City and its residents.

NOW THEREFORE, be it ordained by the city council of American Fork, Utah, that:

PART I TEXT OF ORDINANCE

SECTION 1. Section 17.6.101 Administrative Site Plan Review is hereby repealed and replaced with the following:

17.6.101. Site Plan Approval Process.

A. When Required. Site plans shall be required for any proposed development, construction upon, revision or addition to or other improvement to a property or site in a nonresidential zone, a nonresidential use in a residential zone, or to obtain a conditional use permit in any zone. Additionally, a site plan shall be required wherever the terms of the American Fork Municipal Code require. No development, construction, revision, or additions shall take place on the site until the site plan has been approved by the City, final plats if required have been recorded, the necessary bonds have been posted, and the appropriate permits have been obtained. All applicable development, construction, revisions, or additions shall take place in compliance with an approved site plan for that specific property.

No proposed development, revision or additions, or other improvements to a property or site shall be placed over property lines. Any proposal that does shall seek a final plat, or an amended final plat approval prior to a site plan approval.

B. Submittal. Site plan applications shall be submitted to the Development Services Department on the forms provided by the City and shall be accompanied by maps and drawings, to scale, showing the following, unless otherwise required by City Engineer or Development Services Director:

1. ALTA Survey (identify Geodetic Datum used)
2. Civil Engineering Design Plan Set using NAVD 88 vertical datum and including the following:

- a. Cover sheet, General Notes, Site Plan, Grading and Drainage Plan, Utility Plan showing all existing and proposed wet and dry utilities (including street lights), Plan and Profile sheet for all proposed public utilities, Erosion Control Plan, American Fork Standard Details
3. Application Fees
4. Drainage Report identifying drainage sub-basins
5. Phasing Plan
6. Timpanogos Special Service District Form
7. Title Report (Dated within 60 days of date of application)
8. Zoning Clearance Letter
9. The location of all existing and proposed buildings and structures on the site with full dimensions showing the distance between buildings and distances from buildings to adjacent property lines.
10. The location of all parking spaces, driveways, and points of vehicular ingress and egress.
11. A landscaping plan showing the location, types, percentages, and initial sizes of all planting materials to be used together with the location of fences, walls, hedges, and decorative materials.
12. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used and including dimension height.
13. The locations of solid waste receptacles and trash pick-up areas. Include preliminary elevations of solid waste receptacles showing the general appearance, types of external materials to be used, and dimensions.
14. Geotechnical Report (require each phase being planned to have test pits identified within the specific phases that will be brought forward). Geotechnical Report must be dated within 3 years of date of application, or a new Geotechnical Report is required. Geotechnical report shall include percolation rates, identify liquefaction hazards, wetlands, groundwater elevations and information required to confirm the existence or non-existence of sensitive lands as identified in the Sensitive Lands Ordinance. Boring depths up to 70' deep may be required as per the Sensitive Lands Ordinance.
15. A traffic study prepared by an independent, professional traffic engineer if a site plan proposes any of the following: i) seventy-five (75) or more parking stalls; ii) a drive-up window; iii) more than two drive approaches from dedicated streets; iv) a corner lot where one or more of the streets is a collector or arterial street; or as required based on requirements set forth in the Traffic Impact Study requirements

- a. The final approving authority may impose traffic mitigation requirements based on the impacts identified by a traffic study prepared by the applicant, the City or any qualified independent traffic consultant. Nothing in this Section shall preclude the City from performing its own traffic study.
- b. The Development Services Director, after consultation with the Public Works Director, may waive the requirements of a traffic study if a new traffic study would be unnecessarily cumulative or otherwise not add to the information already available to the Development Services Director.

Upon determination of a complete submittal, the application shall be provided to the Development Review Committee for Review.

C. Approval. After full review of the site plan application, the DRC shall take action to approve or move the site plan to the final approval authority, as applicable. DRC shall only approve or move forward a site plan if it complies fully with the American Fork General Plan and the American Fork City Code, City Ordinances, Resolutions, and policies.

1. **Planning Commission to Approve.** Except as otherwise specified in this Section, the Planning Commission, acting in an administrative capacity, shall be the final approval authority for all site plans forwarded by the Development Review Committee and shall have the power to approve, approve with conditions if granted the authority by City ordinance, or deny a proposed site plan.
2. **DRC to approve.** A concept plan meeting shall be scheduled through the Development Services Department to determine if proposed modifications to a site qualify for an amended site plan approval process. The Development Review Committee may exercise administrative approval authority for amendments to existing site plans, or for site or structure alterations to existing buildings and sites that do not have a site plan under the following conditions:
 - a. The proposed amendments to the existing site plan are minor in nature and enhance the overall site, as determined by the DRC. Minor amendments include, but are not limited to, the following:
 - i. Increasing the amount of parking;
 - ii. Restriping the parking areas;
 - iii. Reducing building size;
 - iv. Change of use in an existing building;
 - v. Building additions, including new structures, where the proposed additions do not exceed 10% of the original approved site plan approved by Planning Commission;

- vi. Relocating on site utility services;
 - vii. Installing new utility services;
 - viii. Minor modifications to on-site grading;
 - ix. Altering the exterior site lighting;
 - x. Increasing the amount of landscaping;
 - xi. Modifying existing landscaping to water efficient standards;
 - xii. Altering or relocating covered parking stalls;
 - xiii. Changing the exterior finishing materials from one acceptable material to another; and
 - xiv. Additions to an existing building that do not increase the Gross Floor Area of the building such as awnings, canopies, decks, patios, and architectural features designed solely to enhance the aesthetic appeal of the building provided that the value of the proposed addition does not exceed five percent (5%) of the replacement value of the building.
 - xv. Increase in internal floor area by introducing additional floors, lofts, mezzanines, etc. in an existing structure or shell.
 - xvi. Cell tower upgrades
 - xvii. As determined by the Development Services Director, in consultation with the Public Works Director to be a minor enough amendment as to not constitute a full site plan review.
3. **Submittal** Required submittal documents as outlined in Section 17.6.101.B shall be determined by the Development Services Director and Public Works Director after the mandatory Concept Plan meeting is held.
- a. Upon determination of a complete submittal, the application shall be provided to the Development Review Committee for Review.
4. **Considerations.** The recommending authority and approval authority for the site plan shall consider all of the following items when reviewing a site plan:
- a. Whether the proposed site plan complies with the American Fork City General Plan, the American Fork City Code, ordinances, resolutions, and policies.
 - b. Whether the proposed site plan promotes the health, safety and welfare of the community. In making this determination, the recommending authority and the final approving authority for the site plan, shall

consider, among other things, the overall safety of the site, the impact the site will have on traffic and on surrounding properties, and the adequacy of police, fire, and utility services that can be provided to the site.

5. **Appeals permitted.** Any person aggrieved by a determination of the Development Review Committee or the Planning Commission may request a hearing before the city council who shall have the authority to reverse, affirm or modify any decision of the underlying approval authority. Any such appeal shall be filed within ten days of the decision being appealed.
6. **Issuance of a permit.** A building permit shall not be issued for any building or structure or external alterations thereto until the provisions of this section have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this code. Any building permit issued shall ensure that development is undertaken and completed in conformity with the plans as approved.
7. **Expiration of Site Plan Approval.** An application for site plan approval shall expire if the application has not been approved or scheduled for review and approval by the approving authority within twelve months after the date it was submitted. A site plan approval issued pursuant to this section shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the approval is not commenced within nine (9) months of the date of the approval.

PART II

CONFLICTING ORDINANCES, SEVERABILITY, AND ADOPTION

SECTION 1. Conflicting Provisions. Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution, or part thereof, the more stringent shall prevail.

SECTION 2. Provisions Severable. This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, it is hereby declared that the remainder of the ordinance shall not be affected thereby.

This amended ordinance shall take effect immediately upon its passage and publication as prescribed by law.

Passed by the American Fork City Council this ____ day of _____, 2025.

Bradley J. Frost
American Fork City Mayor

ATTEST:

Terilyn Lurker
City Recorder

ORDINANCE NO. 2025 - ____ - ____

AN ORDINANCE ~~CREATING-ENACTING~~ SUBSECTION 17.6.101 OF THE AMERICAN FORK CITY MUNICIPAL CODE RELATING TO SITE PLAN APPROVALS.

WHEREAS, American Fork City seeks to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork City;

WHEREAS, the City has the authority to enact land use regulations pursuant to the Municipal Land Use Development and Management Act Utah Code § 10-9a-101 *et seq.*; and

WHEREAS, the City has already enacted an ordinance permitting administrative site plan review – see American Fork City Code Section 17.6.101 Administrative Site Plan Review; and

WHEREAS, the City deems it necessary to modify Section 17.6.101; and

WHEREAS, the American Fork City Council finds it in the best interest of the City to provide an administrative A process for approving minor amendments to site plans ;

WHEREAS, the American Fork City Council finds that the adoption of this ordinance would promote the health, safety and welfare of the City and its residents.

NOW THEREFORE, be it ordained by the Ceity Cecouncil of American Fork, Utah, that:

PART I TEXT OF ORDINANCE

SECTION 1. Section 17.6.101 Administrative Site Plan Review is hereby repealed and replaced with the following:

17.6.101. Site Plan Approval Process.

A. When Required. Site plans shall be required for any proposed development, construction upon, revision or addition to or other improvement to a property or site in a nonresidential zone, a nonresidential use in a residential zone, or to obtain a conditional use permit in any zone. Additionally, a site plan shall be required ~~wherever~~whenever the terms of the American Fork Municipal Code otherwise require. No development, construction, revision, or additions shall take place on the site until the site plan has been approved by the City, final plats if required have been recorded, the necessary bonds have been posted, and the appropriate permits have been obtained. All applicable development, construction, revisions, or additions shall take place in compliance with an approved site plan for that specific property.

No proposed development, construction, revision or additions, or other improvements to a property or site shall be placed over property lines. Any proposal that does so, shall seek a final plat, or an amended final plat approval prior to a site plan approval.

B. Submittal. Site plan applications shall be submitted to the Development Services Department on the forms provided by the City and shall be accompanied by maps and drawings,

to scale, showing the following, unless otherwise required by City Engineer or Development Services Director:

1. ALTA Survey (identify Geodetic Datum used)
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7. Title Report (Dated within 60 days of date of application)
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9. The location of all existing and proposed buildings and structures on the site with full dimensions showing the distance between buildings and distances from buildings to adjacent property lines.
10. The location of all parking spaces, driveways, and points of vehicular ingress and egress.
11. A landscaping plan showing the location, types, percentages, and initial sizes of all planting materials to be used together with the location of fences, walls, hedges, and decorative materials.
12. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used and including dimension height.
13. The locations of solid waste receptacles and trash pick-up areas. Include preliminary elevations of solid waste receptacles showing the general appearance, types of external materials to be used, and dimensions.
14. Geotechnical Report (require each phase being planned to have test pits identified within the specific phases that will be brought forward). Geotechnical Report must be dated within 3 years of date of application, or a new Geotechnical Report is required. Geotechnical report shall include percolation rates, identify liquefaction hazards, wetlands, groundwater elevations and information required

to confirm the existence or non-existence of sensitive lands as identified in the Sensitive Lands Ordinance. Boring depths up to 70' deep may be required as per the Sensitive Lands Ordinance.

15. A traffic study prepared by an independent, professional traffic engineer if a site plan proposes any of the following: i) seventy-five (75) or more parking stalls; ii) a drive-up window; iii) more than two drive approaches from dedicated streets; iv) a corner lot where one or more of the streets is a collector or arterial street; or as required based on requirements set forth in the Traffic Impact Study requirements
 - a. The final approving authority may impose traffic mitigation requirements based on the impacts identified by a traffic study prepared by the applicant, the City or any qualified independent traffic consultant. Nothing in this Section shall preclude the City from performing its own traffic study.
 - b. The Development Services Director, after consultation with the Public Works Director, may waive the requirements of a traffic study if a new traffic study would be unnecessarily cumulative or otherwise not add to the information already available to the Development Services Director.

Upon determination of a complete submittal, the [site plan](#) application shall be provided to the Development Review Committee for ~~r~~Review.

C. Approval. After full review of the site plan application, the DRC shall take action to approve or move the [proposed](#) site plan to the final approval authority, as applicable. DRC shall only approve or move forward a [proposed](#) site plan if it complies fully with the American Fork General Plan and the American Fork City Code, City ~~o~~Ordinances, ~~r~~Resolutions, and policies.

1. **Planning Commission to Approve.** Except as otherwise specified in this Section, the Planning Commission, acting in an administrative capacity, shall be the final approval authority for all [proposed](#) site plans forwarded by the Development Review Committee and shall have the power to approve, approve with conditions if granted the authority by City ordinance, or deny a proposed site plan.
2. **DRC to approve.** A concept plan meeting shall be scheduled through the Development Services Department to determine if proposed modifications to a site qualify for an amended site plan approval process. The Development Review Committee may exercise administrative approval authority for amendments to existing site plans, or for site or structure alterations to existing buildings and sites that do not have a site plan under the following conditions:

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 - iii. Reducing building size;
 - iv. Change of use in an existing building;
 - v. Building additions, including new structures, where the proposed additions do not exceed 10% of the original approved site plan approved by Planning Commission;
 - vi. Relocating on site utility services;
 - vii. Installing new utility services;
 - viii. Minor modifications to on-site grading;
 - ix. Altering the exterior site lighting;
 - x. Increasing the amount of landscaping;
 - xi. Modifying existing landscaping to water efficient standards;
 - xii. Altering or relocating covered parking stalls;
 - xiii. Changing the exterior finishing materials from one acceptable material to another; and
 - xiv. Additions to an existing building that do not increase the Gross Floor Area of the building such as awnings, canopies, decks, patios, and architectural features designed solely to enhance the aesthetic appeal of the building provided that the value of the proposed addition does not exceed five percent (5%) of the replacement value of the building.
 - xv. Increase in internal floor area by introducing additional floors, lofts, mezzanines, etc. in an existing structure or shell.
 - xvi. Cell tower upgrades
 - xvii. As determined by the Development Services Director, in consultation with the Public Works Director to be a minor enough amendment as to not constitute a full site plan review.

3. **Submittal** Required submittal documents as outlined in Section 17.6.101.B shall be determined by the Development Services Director and Public Works Director after the mandatory Concept Plan meeting is held.
 - a. Upon determination of a complete submittal, the application shall be provided to the Development Review Committee for Review.
4. **Considerations.** The recommending authority and approval authority for the site plan shall consider all of the following items when reviewing a [proposed](#) site plan:
 - a. Whether the proposed site plan complies with the American Fork City General Plan, the American Fork City Code, ordinances, resolutions, and policies.
 - b. Whether the proposed site plan promotes the health, safety and welfare of the community. In making this determination, the recommending authority and the final approving authority for the site plan, shall consider, among other things, the overall safety of the site, the impact the site will have on traffic and on surrounding properties, and the adequacy of police, fire, and utility services that can be provided to the site.
5. **Appeals permitted.** Any person aggrieved by a determination of the Development Review Committee or the Planning Commission may request a hearing before the city council who shall have the authority to reverse, affirm or modify any decision of the underlying approval authority. Any such appeal shall be filed within ten days of the decision being appealed.
6. **Issuance of a permit.** A building permit shall not be issued for any building or structure or external alterations thereto until the provisions of this section have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this code. Any building permit issued shall ensure that development is undertaken and completed in conformity with the plans as approved.
7. **Expiration of Site Plan Approval.** An application for site plan approval shall expire if the application has not been approved or scheduled for review and approval by the approving authority within twelve months after the date it was submitted. A site plan approval issued pursuant to this section shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the approval is not commenced within nine (9) months of the date of the approval.

PART II CONFLICTING ORDINANCES, SEVERABILITY, AND ADOPTION

SECTION 1. Conflicting Provisions. Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution, or part thereof, the more stringent shall prevail.

SECTION 2. Provisions Severable. This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, it is hereby declared that the remainder of the ordinance shall not be affected thereby.
This amended ordinance shall take effect immediately upon its passage and publication as prescribed by law.

Passed by the American Fork City Council this ____ day of _____, 2025.

Bradley J. Frost
American Fork City Mayor

ATTEST:

Terilyn Lurker
City Recorder

UNAPPROVED MINUTES

06.04.2025

Voting was as follows:

Christine Anderson	Abstain
Chris Christiansen	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE
Geoff Dupaix	AYE

The motion passed**PUBLIC HEARINGS**

- a. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Administrative Site Plan Approvals, of the American Fork City Municipal Code. Amending Section 17.6.101, the Code Text Amendment plans to amend the Site Plan approval process.**

Patrick O'Brien reviewed the background information for Public Hearing Item letter a: The staff has initiated for a Code Text Amendment to amend Section 17.6.101 of the American Fork City Municipal Code. The proposed amendment looks to amend the Site Plan approval process. He explained that there are some changes in the overall code change that staff are trying to push forward sooner than others in order to address some issues and to help applicants have a more straight forward process. He informed the commissioners that there have been a significant number of applicants that have come in for minor changes to their approved projects. The way the code is currently structured there is no minor amendment or administrative process that they can go through for a simple change of use, a very small extension to a building, updating some drainage regions outside, or just doing some surface improvements. They would have to come back through an entire site plan packet review. Staff has listed 17 criteria items in this code section proposal, where the Development Review Committee would be the approval body.

UNAPPROVED MINUTES

06.04.2025

Commissioner Dupaix asked for further clarification on item four, change of use. He feels that the term ‘change of use’ is pretty generic and he believes there should be something in place that would trigger the need to come back to planning commission if it is a larger change to the site layout.

Patrick O’Brien explained that if it was a change of use going from an office warehouse to a retail or commercial use, depending on the overall square footage and code requirements like parking, it is something that could either go before planning commission, or it could be handled at the staff level. He noted that the last line does say “as determined by the Development Services Director in consultation with the Public Works Director”, so if they think the changes are no longer in administrative territory, the project would be sent back to the planning commission.

Commissioner Frandsen commented that he believes that there is a fail-safe built in because staff will not push the limits and take chances of getting fired, so if there is anything that is questionable, he thinks they would send it to the planning commission to approve.

Commissioner Anderson clarified that as she understands, these small changes are black and white and just checking the box on those small items that we sometimes wonder why they had to come back to planning commission.

Public Hearing Open

Public Hearing Closed

Geoff Dupaix moved to recommend approval for the proposed Code Text Amendment, amending Section 17.6.101, titled Administrative Site Plan Review, relating to DRC Site Plan approval for Site Plan amendments and providing an effective date for the ordinance.

UNAPPROVED MINUTES

06.04.2025

Chris Christiansen seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE
Geoff Dupaix	AYE

The motion passed

- b. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Asphalt Paving General Description, of the American Fork City Municipal Code. Amending Section 15.01.1250, the Code Text Amendment plans to increase the required pavement cross-section on City roads and clarify requirements for determining existing pavement conditions.**

Kelvin Smith reviewed the background information for Public Hearing Item letter b: Staff has initiated a Code Text Amendment to amend Section 15.01.1250 of the American Fork City Municipal Code. The proposed amendment looks to increase the required pavement cross-section on City roads and require pavement cores to determine existing pavement conditions. This is to increase the longevity of City roads and ensure repair of failing roads.

Commissioner Frandsen asked if this is a compacted thickness of 6 inches.

Kelvin Smith confirmed it is a compacted thickness of 6 inches and is required to be done in 2 lifts.



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 8, 2025**

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

AGENDA ITEM Review and action on a proposed Code Text Amendment, known as Asphalt Paving General Description, of the American Fork City Municipal Code. Amending Section 15.01.1250, the Code Text Amendment plans to increase the required pavement cross-section on City roads and clarify requirements for determining existing pavement conditions.

SUMMARY RECOMMENDATION

The staff would recommend approval. The Planning Commission recommended approval of this project at the June 4, 2025 meeting.

BACKGROUND

Staff has initiated a Code Text Amendment to amend Section 15.01.1250 of the American Fork City Municipal Code. The proposed amendment looks to increase the required pavement cross-section on City roads and require pavement cores to determine existing pavement conditions. This is to increase the longevity of City roads and ensure repair of failing roads.

BUDGET IMPACT

N/A

SUGGESTED MOTION

I move to adopt the ordinance approving the code text amendment, amending Section 15.01.1250, titled Asphalt Paving General Description, with instructions to the city recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the June 4, 2025, Planning Commission meeting have been met.

SUPPORTING DOCUMENTS

CTA - Asphalt Paving General Discription - UNAPPROVED MEETING MINUTES (PDF)
15.01.1250 Asphalt Paving - General Description Tracked Changes (DOCX)
15.01.1250 Asphalt Paving - General Description (DOCX)
15.01.1250 Asphalt Paving - Gen Description_Ordinance (DOCX)

UNAPPROVED MINUTES

06.04.2025

Chris Christiansen seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE
Geoff Dupaix	AYE

The motion passed

- b. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Asphalt Paving General Description, of the American Fork City Municipal Code. Amending Section 15.01.1250, the Code Text Amendment plans to increase the required pavement cross-section on City roads and clarify requirements for determining existing pavement conditions.**

Kelvin Smith reviewed the background information for Public Hearing Item letter b: Staff has initiated a Code Text Amendment to amend Section 15.01.1250 of the American Fork City Municipal Code. The proposed amendment looks to increase the required pavement cross-section on City roads and require pavement cores to determine existing pavement conditions. This is to increase the longevity of City roads and ensure repair of failing roads.

Commissioner Frandsen asked if this is a compacted thickness of 6 inches.

Kelvin Smith confirmed it is a compacted thickness of 6 inches and is required to be done in 2 lifts.

UNAPPROVED MINUTES

06.04.2025

Commissioner Dupaix suggested that maybe in the future on some key routes, that the city consider using a new highly modified HM-HMA asphalt that you can do a 6-inch lift in one single lift.

Kelvin Smith acknowledged that they have used HMA as a treatment, but he is not familiar with the HM-HMA asphalt and asked about the cost.

Commissioner Dupaix informed him that while it is more expensive, it is not as expensive as stone matrix asphalt, and it goes down a whole lot better. He added that some of these roads have been around for 30-40 years back before 18 wheelers were here, and now it is causing some significant damage to some main roads, so he likes this new requirement.

Commissioner Frandsen asked how existing pavement conditions would play into this code change.

Kelvin Smith explained that the streets department does a good job of managing that as there are a lot of visual surface indications to determine the condition of the asphalt. He added that while the core samples are more for developers, it is a tool that can be used to determine if a road needs to completely be rebuilt, an overlay, a partial overlay, or other methods.

Commissioner Christiansen noted that in his experience in pavement design, a minimum thickness is three times the largest aggregate size. So, in Utah, the smallest you could be is half an inch, so he would like to see an inch and a half as a minimum.

Commissioner Dupaix asked when the roads are being done, if they are doing the same thing with the utilities, so the new roads are not being torn up to repair them. He noted that he is aware this has nothing to do with the actual surface treatment, but if there is any utility in there, it is highly recommended to take a serious look at the conditions of those utilities before the treatment is done.

Kelvin Smith responded that they generally try to coordinate with the master plans and the next year or two of surface treatments to plan out the utility improvements.

Public Hearing Open

Public Hearing Closed

UNAPPROVED MINUTES

06.04.2025

Geoff Dupaix moved to recommend approval for the proposed Code Text Amendment, amending Section 15.01.1250, titled Asphalt Paving General Description, relating to increasing the required pavement cross-section on City roads and clarify requirements for determining existing pavement conditions, and providing an effective date for the ordinance. With the additional recommendation of a minimum standard of overlay, be an inch and a half on item C.

Chris Christiansen seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE
Geoff Dupaix	AYE

The motion passed

Other Business

Patrick O'Brien updated the commissioners on the upcoming plans and projects for the city.

Adjournment

Geoff Dupaix motioned to adjourn the meeting.

Chris Christiansen seconded the motion.

Sec 15.01.1250 General Description

This division covers the requirements for bituminous surface paving on roads. All streets shall be surfaced in accordance with the following:

- A. Six-inch minimum or more (based on pavement design) crushed gravel base course over prepared subgrade.
- B. ~~Four~~~~Three~~-inch minimum or more (based on pavement design) compacted thickness plant mix asphalt surfacing.
- C. One-inch minimum or more (based on pavement design) compacted thickness plant mix asphalt overlay, as required by the public works department.
- D. Pavements in arterial ~~or collector~~ roads in non-sensitive lands areas shall be a minimum of ~~four~~~~six~~-inch asphalt with ten-inch base course or equivalent pavement structural number as approved by ~~Ceity~~ ~~E~~ngineer. Pavements in collector roads in non-sensitive lands areas shall be a minimum of five-inch asphalt with ten-inch base course or equivalent pavement structural number as approved by City Engineer. ~~Sensitive Lands Areas shall include a minimum of ten inches sub-base course.~~ Arterial/Collector road pavements shall be designed for the twenty-year ADT forecasts per the latest version of the City Transportation Master Plan with a minimum of five percent trucks or greater as determined by ~~Ceity~~ ~~E~~ngineer for the given roadway. Alternative pavement structure may be approved by ~~Ceity~~ ~~E~~ngineer based upon a review of detailed pavement design by a qualified, licensed geotechnical engineer.
- E. Pavements in sensitive lands ordinance areas shall be a minimum of ~~three~~~~four~~-inch asphalt, eight-inch base course, and twelve inches subbase course for local roads; ~~four~~~~five~~-inch asphalt, nine-inch base course, and thirteen-inch subbase course for collector roads; and ~~five~~~~six~~-inch asphalt, ten-inch base course, and sixteen-inch subbase course for arterial roads. Pavements shall be designed for the twenty-year ADT forecasts per the latest version of the City Transportation Master Plan or development traffic study where no master plan data is available with a minimum of three percent trucks or greater as determined by ~~Ceity~~ ~~E~~ngineer for the given roadway. Alternative pavement structure may be approved by ~~Ceity~~ ~~E~~ngineer based upon a review of detailed pavement design by a qualified, licensed geotechnical engineer.
- F. Existing roadways not having pavement structural number equivalent to design requirements shall be reconstructed to centerline of roadway by development abutting the roadway frontage. Existing pavement conditions shall be determined using pavement core samples.

(Ord. No. 2007-07-31, § 13.1, 7-10-2007; Ord. No. 2012-05-15, § 1, 5-8-2012)

Sec 15.01.1250 General Description

This division covers the requirements for bituminous surface paving on roads. All streets shall be surfaced in accordance with the following:

- A. Six-inch minimum or more (based on pavement design) crushed gravel base course over prepared subgrade.
- B. Four-inch minimum or more (based on pavement design) compacted thickness plant mix asphalt surfacing.
- C. One-inch minimum or more (based on pavement design) compacted thickness plant mix asphalt overlay, as required by the public works department.
- D. Pavements in arterial roads in non-sensitive lands areas shall be a minimum of six-inch asphalt with ten-inch base course or equivalent pavement structural number as approved by City Engineer. Pavements in collector roads in non-sensitive lands areas shall be a minimum of five-inch asphalt with ten-inch base course or equivalent pavement structural number as approved by City Engineer. Arterial/Collector road pavements shall be designed for the twenty-year ADT forecasts per the latest version of the City Transportation Master Plan with a minimum of five percent trucks or greater as determined by City Engineer for the given roadway. Alternative pavement structure may be approved by City Engineer based upon a review of detailed pavement design by a qualified, licensed geotechnical engineer.
- E. Pavements in sensitive lands ordinance areas shall be a minimum of four-inch asphalt, eight-inch base course, and twelve inches subbase course for local roads; five-inch asphalt, nine-inch base course, and thirteen-inch subbase course for collector roads; and six-inch asphalt, ten-inch base course, and sixteen-inch subbase course for arterial roads. Pavements shall be designed for the twenty-year ADT forecasts per the latest version of the City Transportation Master Plan or development traffic study where no master plan data is available with a minimum of three percent trucks or greater as determined by City Engineer for the given roadway. Alternative pavement structure may be approved by City Engineer based upon a review of detailed pavement design by a qualified, licensed geotechnical engineer.
- F. Existing roadways not having pavement structural number equivalent to design requirements shall be reconstructed to centerline of roadway by development abutting the roadway frontage. Existing pavement conditions shall be determined using pavement core samples.

(Ord. No. 2007-07-31, § 13.1, 7-10-2007; Ord. No. 2012-05-15, § 1, 5-8-2012)

ORDINANCE NO. _____**AN ORDINANCE AMENDING SECTION 15.01.1250 TITLED GENERAL DESCRIPTION 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 15.01.1250 relating to increasing the required pavement cross-section on City roads and clarify requirements for determining existing pavement conditions.

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

**PART I
TEXT OF ORDINANCE**

SECTION 1. Section 15.01.1250 of the American Fork municipal code is hereby amended to read as follows:

Sec 15.01.1250 General Description

This division covers the requirements for bituminous surface paving on roads. All streets shall be surfaced in accordance with the following:

- A. Six-inch minimum or more (based on pavement design) crushed gravel base course over prepared subgrade.
- B. Four-inch minimum or more (based on pavement design) compacted thickness plant mix asphalt surfacing.
- C. One-inch minimum or more (based on pavement design) compacted thickness plant mix asphalt overlay, as required by the public works department.
- D. Pavements in arterial roads in non-sensitive lands areas shall be a minimum of six-inch asphalt with ten-inch base course or equivalent pavement structural number as approved by City Engineer. Pavements in collector roads in non-sensitive lands areas shall be a minimum of five-inch asphalt with ten-inch base course or equivalent pavement structural number as approved by City Engineer. Arterial/Collector road pavements shall be designed for the twenty-year ADT forecasts per the latest version of the City Transportation Master Plan with a minimum of five percent trucks or greater as determined by City Engineer for the given roadway. Alternative pavement structure may be approved by City Engineer based upon a review of detailed pavement design by a qualified, licensed geotechnical engineer.
- E. Pavements in sensitive lands ordinance areas shall be a minimum of four-inch asphalt, eight-inch base course, and twelve inches subbase course for local roads; five-inch asphalt, nine-inch base course, and thirteen-inch subbase course for collector roads; and six-inch asphalt, ten-inch base course, and sixteen-inch subbase course for arterial roads. Pavements shall be designed for the twenty-year ADT forecasts per the latest version of the City Transportation Master Plan or

development traffic study where no master plan data is available with a minimum of three percent trucks or greater as determined by City Engineer for the given roadway. Alternative pavement structure may be approved by City Engineer based upon a review of detailed pavement design by a qualified, licensed geotechnical engineer.

- F. Existing roadways not having pavement structural number equivalent to design requirements shall be reconstructed to centerline of roadway by development abutting the roadway frontage. Existing pavement conditions shall be determined using pavement core samples.

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



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JULY 8, 2025**

Department Public Works

Director Approval Sam Kelly

AGENDA ITEM Review and Action on the award of the contract for the Fox Hollow Flood Repair Project Contract to Hughes General Contractors, Inc.

SUMMARY RECOMMENDATION

Staff recommends the City Council award of the Fox Hollow Flood Repair Project Contract to Hughes General Contractors, Inc. (ENG2025-00110).

BACKGROUND

The Engineering Division followed standard procurement policy by issuing an invitation for bids (IFB) through the Utah Public Procurement Place (U3P). Five companies provided responsive bids on the project. Hughes General Contractors, Inc. was the apparent low bidder based on the bid criteria in the issued IFB for a total of \$415,042.00 (inclusive of bid alternate item).

The Project includes the following: Construction and retrofit of a concrete ramp, bank stabilization, and repairing and installing a corrugated metal pipe culvert in the American Fork River. Work includes stream alteration, placement of rip-rap, grouted rip-rap, culvert headwall and energy dissipater repair, and culvert installation and retrofit. Demolition will include existing concrete, deposited cobbles, pipe segments, and concrete culvert headwall. New construction will include 90' of 10' diameter culvert pipe, concrete headwall, concrete paths, riprap, sprinkler repair, and reseeding grass. There are not roadway closures associated with this project.

Substantial completion for this project is September 15, 2025.

BUDGET IMPACT

This project is funded by FEMA repair funds that have a 75% match.

SUGGESTED MOTION

Mr. Mayor, I move that the City award the Fox Hollow Flood Repair Project in the amount of \$415,042.00 to the responsible low bidder, Hughes General Contractors, Inc. and approve the construction contract as presented in addition to a project construction and engineering contingency of \$40,000 to be held by the City.

SUPPORTING DOCUMENTS

Bid Summary_Fox Hollow Flood Repair	(PDF)
Bid Schedule_Fox Hollow Flood Repair	(PDF)
Agreement_Fox Hollow Repair Project	(PDF)

Notice of Award_Fox Hollow Repair Project (PDF)
Notice to Proceed_Fox Hollow Repair Project (PDF)
Letter of Recommendation_Fox Hollow Flood Repair (PDF)

Fox Hollow Flood Repairs

ENG2025-00110

Bid Summary

Bid Opening: 7/1/2025



Contractor Name	Low Water Crossing	Culvert	Bid Alt (B18)	Total Bid
Hughes General Contractors, Inc.	\$ 182,384.00	\$ 177,271.00	\$ 55,387.00	\$ 415,042.00
Condie Construction Co.	\$ 200,956.60	\$ 262,339.50	\$ 33,060.90	\$ 496,357.00
Acme Construction, Inc.	\$ 320,940.00	\$ 209,560.00	\$ 68,520.00	\$ 599,020.00
VanCon, Inc.	\$ 157,970.00	\$ 422,830.00	\$ 131,330.00	\$ 712,130.00
Beck Construction & Excavation, Inc.	\$ 365,891.00	\$ 256,865.00	\$ 108,490.00	\$ 731,246.00
<i>Engineer's Estimate</i>	\$ 195,730.00	\$ 150,480.00	\$ 71,375.00	\$ 417,585.00

**All bid totals are based on unit prices.*

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BID SCHEDULE

NOTE: BIDS shall include sales tax and all other applicable taxes and fees. A total contract AMOUNT shall be entered for each item and shall be the product of the number under UNIT times the UNIT PRICE unless the units are a lump sum whereby the AMOUNT shall also reflect the lump sum price. AMOUNT column shall be totaled as indicated below.

Bid Schedule A: Low Water Crossing

				Hughes General Contractors, Inc.	
Line Item #	Item Description	Qty	Unit	Unit Price	Total Price
A.1	Mobilization	1	LS	\$ 5,130.00	\$ 5,130.00
A.2	Construction Surveying	1	LS	\$ 3,310.00	\$ 3,310.00
A.3	Quality Control	1	LS	\$ 3,150.00	\$ 3,150.00
A.4	Temporary Controls	1	LS	\$ 17,800.00	\$ 17,800.00
A.5	Erosion Control & SWPPP	1	LS	\$ 2,631.00	\$ 2,631.00
A.6	Clearing, Grubbing, Fence & Tree Removal	1	LS	\$ 9,795.00	\$ 9,795.00
A.7	Demo and Remove Debris	1	LS	\$ 66,000.00	\$ 66,000.00
A.8	Install Concrete Ramp and Cart Path	1,080	SF	\$ 17.00	\$ 18,360.00
A.9	Install Grouted Rip-Rap	521	SF	\$ 38.00	\$ 19,798.00
A.10	Channel Backfill	330	CY	\$ 83.00	\$ 27,390.00
A.11	Install Rip-Rap Bank Protection	55	CY	\$ 164.00	\$ 9,020.00
Contractor Total Bid Price:				\$	182,384.00

Bid Schedule B: Culvert

Line Item #	Item Description	Qty	Unit	Unit Price	Total Price
B.1	Mobilization	1	LS	\$ 5,130.00	\$ 5,130.00
B.2	Construction Surveying	1	LS	\$ 3,732.00	\$ 3,732.00
B.3	Quality Control	1	LS	\$ 3,150.00	\$ 3,150.00
B.4	Temporary Controls	1	LS	\$ 20,931.00	\$ 20,931.00
B.5	Erosion Control & SWPPP	1	LS	\$ 6,490.00	\$ 6,490.00
B.6	Clearing, Grubbing, Fence & Tree Removal	1	LS	\$ 11,000.00	\$ 11,000.00
B.7	Remove and Dispose of 120" Corrugated Metal Pipe	10	LF	\$ 220.00	\$ 2,200.00
B.8	Demo Headwall and Energy Dissipators	1	LS	\$ 7,100.00	\$ 7,100.00
B.9	Install 120" x 12ga. Corrugated Metal Pipe (City-Furnished Material)	90	LF	\$ 124.00	\$ 11,160.00

Attachment: Bid Schedule_Fox Hollow Flood Repair (Fox Hollow Flood Repair Project bid award to Hughes General Contractors, Inc.)

B.10	Structural Concrete Headwall and Energy Dissipators	1	LS	\$ 26,400.00	\$ 26,400.00
B.11	Channel Backfill	585	CY	\$ 68.00	\$ 39,780.00
B.12	Install Railing	51	LF	\$ 116.00	\$ 5,916.00
B.13	Install Cart Path, 4" Thick	36	LF	\$ 178.00	\$ 6,408.00
B.14	Install Cart Path with Curb, 4" Thick	27	LF	\$ 336.00	\$ 9,072.00
B.15	Install Rip-Rap	20	CY	\$ 300.00	\$ 6,000.00
B.16	Reseed Turf Area	3450	SF	\$ 2.66	\$ 9,177.00
B.17	Install Sprinkler	1	EA	\$ 3,625.00	\$ 3,625.00
Bid Alternate					
B.18	4" Concrete Culvert Lining	571	LF	\$ 97.00	\$ 55,387.00
Contractor Total Bid Price:				\$	232,658.00
Contractor Total Bid Price for Entire Project:				\$	415,042.00

Section 00500

AGREEMENT

THIS AGREEMENT, is executed in duplicate this 8 day of July, 2025 by and between the CITY OF AMERICAN FORK, a municipal corporation and political subdivision of the State of Utah, with its principal offices located at 275 East 200 North, American Fork, Utah 84003 (hereinafter referred to as the "CITY"), and Hughes General Contractors, Inc., a Corporation, with its principal offices located at 900 North Redwood Road, North Salt Lake City 84054 (hereinafter referred to as "CONTRACTOR").

RECITALS

WHEREAS the CITY has set forth specifications and criteria for the construction of project number ENG2025-00110, Fox Hollow Flood Repair, which shall hereinafter be referred to as the "PROJECT"; and

WHEREAS the CITY has solicited bids for the construction of the PROJECT pursuant to City ordinances and State statutes; and

WHEREAS the CITY has accepted CONTRACTOR's bid to construct the PROJECT in conformance with all CITY requirements.

COVENANTS

NOW, THEREFORE, in consideration of the mutual covenants of the parties as hereinafter set forth, the CITY and the CONTRACTOR mutually agree as follows:

1. **Contract Documents.** The CONTRACTOR agrees to complete the PROJECT as specified in the following documents, which shall hereinafter be collectively referred to as the "CONTRACT DOCUMENTS":

00030	Advertisement for Bids
00100	Instruction to Bidders
00300	Bid Form
00310	Bid Schedule
00320	Measurement and Payment
00350	Bid Bond
00400	Contractor Qualification Form
00500	Agreement
00610	Performance Bond

00620	Payment Bond
00630	Notice of Award
00640	Notice to Proceed
00650	Field Order
00660	Change Order Form
00700	General Conditions

Utah APWA 2025 and the City of American Fork Supplemental Specifications

Specifications prepared or issued by the City of American Fork, dated June 2025

Drawings prepared by the City of American Fork (14 pages) and dated June 2025 (rev 6/10/25)

Addenda:

No. 1, Dated June 25, 2025

No. _____, Dated _____

No. _____, Dated _____

No. _____, Dated _____

The CONTRACTOR acknowledges receipt of each of the above CONTRACT DOCUMENTS and each is hereby incorporated in and made an integral part of this Agreement, as if fully set forth herein. Any reference to "the AGREEMENT" or "this AGREEMENT" includes all of the CONTRACT DOCUMENTS. The definitions contained in the GENERAL CONDITIONS shall be used in interpreting this AGREEMENT.

2. **Payment.** The CITY agrees to pay the CONTRACTOR for the proper and timely completion of the PROJECT in accordance with all of the CONTRACT DOCUMENTS. The actual amount paid shall depend on WORK actually performed and shall be based on the unit prices and bid amounts set forth in the BID SCHEDULE. The CONTRACTOR shall not be entitled to any contingency amounts listed in the BID or BID SCHEDULE without a written change order from the CITY.

3. **Liquidated damages.** Time deadlines for the completion of the PROJECT are material terms of this AGREEMENT and the CONTRACTOR agrees to pay liquidated damages of \$2,000.00 to the CITY for each calendar day that the actual completion date of the PROJECT exceeds the scheduled completion date of the PROJECT. The liquidated damages shall be assessed as provided in Section 15 of the GENERAL CONDITIONS, and may be used to offset the amount that the CITY is required to pay the CONTRACTOR pursuant to this AGREEMENT.

4. **Applicable Laws.** The CONTRACTOR agrees to comply with and be bound by each of the following laws, regulations and guidelines. The CONTRACTOR acknowledges that he is familiar with each of these laws, regulations and guidelines, and that each of them constitutes a material provision of this AGREEMENT. CONTRACTOR's failure to comply with any of the following laws, regulations and guidelines shall be deemed a material breach of this AGREEMENT.

A. CONTRACTOR shall not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin, and shall comply with all Federal, State and CITY laws and regulations governing equal opportunity.

B. CONTRACTOR shall comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and all applicable rules, regulations, and orders issued by

the Secretary of Labor.

C. CONTRACTOR shall comply with the Copeland (Anti Kick-back) Act, which prohibits the CONTRACTOR from inducing any person employed in the PROJECT to give up any part of the compensation to which such person is otherwise entitled.

D. CONTRACTOR shall comply with all applicable Federal, State and CITY clean air and clean water laws or regulations, including the standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 1857, as amended) and the Clean Water Act (33 U.S.C. 1368, as amended).

E. CONTRACTOR shall comply with all applicable Federal, State and CITY laws and regulations relating to the handling, treatment or disposal of hazardous materials.

5. **Books, Documents and Records.** The CONTRACTOR shall maintain books, records, documents, and other evidence directly pertinent to the PROJECT, in accordance with accepted and appropriate accounting procedures and practices. Further, any duly authorized representatives of the CITY, the State of Utah or the United States Government shall have access to such books, documents and records for the purpose of making audits, examinations, excerpts and transcripts.

6. **Lawful Agreement.** The parties represent that each of them has lawfully entered into this AGREEMENT, having complied with all relevant statutes, ordinances, resolutions, by-laws and other legal requirements applicable to their respective operations.

7. **Utah Law.** This AGREEMENT shall be interpreted pursuant to the laws of the State of Utah.

8. **Time of the Essence.** Time shall be of the essence of this AGREEMENT.

9. **Attorney's Fee.** In the event that either party should be required to retain an attorney because of the default or breach of the other party or to pursue any other remedy provided by law, the non-defaulting party shall be entitled to a reasonable attorney's fee.

10. **Interpretation.** The invalidity of any portion of this AGREEMENT shall not prevent the remainder from being carried into effect. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number, and vice versa, and the use of any gender shall include any other genders. Any paragraph or section headings in this AGREEMENT are for convenience only, and do not constitute a part of the provisions hereof.

11. **Amendments.** No oral modifications or amendments to this AGREEMENT shall be effective, but this AGREEMENT may be modified or amended by written agreement.

12. **No Presumption.** Should any provision of this AGREEMENT require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

13. **Binding Effect.** This AGREEMENT shall be binding upon the heirs, executors, administrators, successors, and assigns of each of the parties hereto.

SIGNED AND ENTERED INTO THIS this this ____day of _____, 202__.

CITY OF AMERICAN FORK

by David Bunker, City Manager

ATTEST:

Terilyn Lurker, City Recorder

CONTRACTOR

STATE OF UTAH)

: ss.

COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this ____day of _____, 202____
by _____.

Notary Public (Seal)

My Commission Expires: _____

Residing at: _____

Attachment: Agreement_Fox Hollow Repair Project (Fox Hollow Flood Repair Project bid award to Hughes General Contractors, Inc.)

Section 00630
NOTICE OF AWARD

TO: Hughes General Contractors, Inc.
900 N Redwood Rd
North Salt Lake, UT 84054

DATE: July 8, 2025

PROJECT: Fox Hollow Flood Repair Project

PROJECT NUMBER: ENG2025-00110

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated June, 2025, and Information for Bidders.

You are hereby notified that your BID has been accepted for items in the amount of

\$ 415,042.00 .

You are required by the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR'S PERFORMANCE BOND, PAYMENT BOND and Certificates of Insurance within ten (10) days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said BONDS within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER. Dated this 8th day of July, 2025.

CITY OF AMERICAN FORK

By _____ David Bunker, City Manager

Receipt of the NOTICE OF AWARD is hereby acknowledged by:

_____ this the _____ day of _____, 202____.

By _____

Title _____

Attachment: Notice of Award_Fox Hollow Flood Repair Project (Fox Hollow Flood Repair Project bid award to Hughes General Contractors, Inc.)

Section 00640
NOTICE TO PROCEED

TO: Hughes General Contractors, Inc.
900 N Redwood Rd
North Salt Lake, UT 84054

DATE: July 8, 2025

PROJECT: Fox Hollow Flood Repair Project

PROJECT NUMBER: ENG2025-00110

You are hereby notified to commence WORK in accordance with the Agreement dated on July 8, 2025, and you are to have Substantial Completion by **SEPTEMBER 15, 2025**. The date of completion of all WORK is **SEPTEMBER 26, 2025**, unless the period for completion is extended by a properly signed and accepted CHANGE ORDER. Performance & Payment Bonds were received.

You are required to return an acknowledged copy of this NOTICE TO PROCEED to the OWNER. CITY OF AMERICAN FORK

By _____

Ben Hunter

City Engineer

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE TO PROCEED is hereby acknowledged by:

_____ this the _____ day

of _____, 202____.

Signature _____

Title _____

Attachment: Notice to Proceed_Fox Hollow Flood Repair Project (Fox Hollow Flood Repair Project bid award to Hughes General Contractors, Inc.)



PHONE: (801) 555-1234
FAX: (801) 555-1234
WEB: www.americanfork.gov

51 E Main St
American Fork, UT
84003

ENG2025-00110

Fox Hollow Flood Repair Project

July 8, 2025

To American Fork City Council,

We have reviewed the five bid submittals for the Fox Hollow Flood Repair Project. We recommend that Hughes General Contractors, Inc. be awarded the contract to the referenced project at the established price of \$415,042.00 (inclusive of bid alternate item). Hughes General Contractors' contract pricing as the apparent low bidder appears to be calculated accurately. Their submission of insurance and bond information, previous work history, and other included documents leads us to believe them to be a trustworthy bidder who will have success on this project.

Sincerely,

Ben Hunter, P.E.
City Engineer