



AMERICAN FORK CITY COUNCIL
OCTOBER 28, 2025
CITY COUNCIL MINUTES

Members Present:

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

Staff Present:

David Bunker	City Administrator
Terilyn Lurker	City Recorder
Patrick O'Brien	Development Services Director
Anna Montoya	Finance Officer
George Schade	IT Director
Heather Schriever	Legal Counsel
Cameron Paul	Police Chief
Sam Kelly	PW Director

Also present: Christina Tuiaki, members of the Police Department, George Brown, Deb Anderson, Matthew Jorgensen, Will John, Paul Washburn, David Lambert, Leslie Slaugh, Mike Dunn, Alvin Slaymaker, Nathan Simpson, David Simpson, and two additional attendees.

The American Fork City Council met in a regular session on Tuesday, October 28, 2025, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

REGULAR SESSION

- Pledge of Allegiance; Invocation by Council Member Holley; roll call.
Mayor Frost welcomed everyone to the meeting. Those present recited the Pledge of Allegiance and the invocation was offered by Council Member Holley. Roll call was taken.
- Twenty-minute public comment period - limited to two minutes per person.
Matthew Jorgensen. Mr. Jorgensen stated he sent an email to the council earlier today. He represents the owner of property along the 700 North property alignment. He understands the city council will be discussing their property submitted regarding the two acres needed for the roadway and the compensation for the impact on the remaining property. They are hoping to reach a fair resolution with the city for just compensation. He stated he has worked countless hours researching options, but he was open to other options the city has. If they loved an option or hated an option, he would love to talk to them about that so they could move forward. He noted that each of his options were supported by documentation for all the financial assumptions. He looked forward to discussing these options.

3. Presentation of the HERO Award to Greg Mecham and Alvin Slaymaker
Mayor Frost invited Chief Paul, Officer Mecham, and Alvin Slaymaker to the front to present the HERO Award.

On June 24, 2025, an extraordinary act of courage by Officer Mecham and Alvin Slaymaker, who responded to a search and rescue on Utah Lake. The wife of a 70-year-old man called 911, uncertain of his location. As emergency units were being dispatched, Mr. Slaymaker offered the use of his boat to assist Officer Mecham search for the man. They were able to geolocate his location using his cell phone, where they found him clinging to his kayak, exhausted and barely holding on. Thanks to their swift response, the man was safely pulled from the water and transported to shore. Days later, the department received an email from the gentleman who expressed his appreciation for saving his life. Mayor Frost continued that Officer Mecham's actions that day went far beyond the call of duty, where hesitation could have cost a life. He demonstrated initiative, bravery, and commitment to serving others. His quick assessment, teamwork, and compassion saved the day. Mr. Slaymaker's willingness to offer his boat and immediate assistance was instrumental to the rescue. His selflessness, community spirit, and courage exemplify the best of American Fork. We are grateful for his partnership and heroism that day. Mayor Frost told Officer Mecham and Mr. Slaymaker that their actions embody the spirit of service and compassion that defines our community.

On behalf of the city of American Fork, Mayor Frost presented them with the HERO award and declared October 28, 2025, Greg Mecham and Alvin Slaymaker day. He thanked them for being heroes.

Mayor Frost wished Mr. Slaymaker a happy birthday and everyone present sang Happy Birthday to him.

Officer Mecham explained he was at a traffic stop nearby when the call came up, and he thought he would see if there was anything he could do. Mr. Slaymaker was pulling out of the boat harbor and when Officer Mecham asked if he would be willing to help, he said yes. Mr. Slaymaker turned his truck around and re-launched his boat to help with the rescue.

4. City Administrator's Report
Mr. Bunker congratulated Mr. Slaymaker and Officer Mecham. There isn't a normal day for the police, as they are pulled in so many directions and put in situations that require commitment.

Mr. Bunker announced Trick or Treat on Main Street will be held Friday from 4 pm to 6 pm.

5. Council Reports
Council Member Hunter stated he has known Officer Mecham for a very long time. One of the best times he had on the council was escorting the remains of Jim Chipman, where he was able to spend time with Officer Mecham. He expressed his appreciation for our public safety personnel and thanked them for representing the city.

Council Member Holley stated our public safety personnel were great, and it was amazing how much a part of our community the police officers are. The Historic Preservation Commission recently met, and they have some great ideas. He was excited to have a full Historic Preservation commission. Council Member Holley stated there was a map of spooky houses in American Fork, and his family enjoyed driving around and seeing them.

Council Member John reported they just had their 4th fatality this year in American Fork Canyon. He was grateful there was not a fatality on Utah Lake. He expressed his appreciation for our public safety personnel.

Council Member Carroll reported she attended the library board meeting. They had a staff retreat where they were able to meet and talk about their mission. The library has received the Library Quality Award; the work they do is well recognized. They did get the first report of the library loaning system. The numbers are in line with what they were planning, and the council will see those numbers in more detail. She expressed her appreciation for the police officers; they do have a good relationship with the department.

Council Member Taylor stated that Officer Mecham's grandfather, who was a great officer in American Fork, pulled him over many times. The police in American Fork have been tremendous assets, from protection to loyalty and friendship. He stated he has never gone to work where he feared for his life, but the ability the people possess to forget self and dive in is not a small feat. What they do makes a difference. He admired and respected the police officers, and he expressed his appreciation for them.

6. Mayor's Report

Mayor Frost stated that when they pray at our council meetings, they pray for our officers. No matter where their faith is, ours is exercised that they may be safe. He is aware of the risks they take when they come to work. He has learned that when officers or firefighters are seen, they represent the entire community. He shared the story of his ride-along with Officer Mecham, who showed mercy to the young man. He thanked them for all they did.

Mayor Frost reported there was a ribbon cutting at the Rug Room on Merchant Street, where one would go and make a rug.

Mayor Forst stated they will see hundreds of kids on Main Street this Friday, and he would be there celebrating with the kids.

COMMON CONSENT AGENDA

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

1. Approval of the September 23, 2025, city council minutes.
2. Approval of the September 30, 2025, special session minutes.
3. Approval of the October 14, 2025, city council minutes.
4. Ratification of city payments (October 8, 2025, to October 21, 2025) and approval of purchase requests over \$50,000.

Council Member Taylor moved to approve the common consent agenda. Council Member John seconded the motion. Voting was as follows:

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

ACTION ITEMS

1. Review and action an agreement with UDOT for a Statewide Utility License Agreement.
Mayor Frost explained that the meeting packets are prepared the previous week and the council had time to review the documents.

Mr. Bunker stated that UDOT has several roadway corridors through the city in which the city has utilities. This agreement states the city will maintain the utilities in those corridors and fix those utilities as needed. He explained that UDOT requires a five-year agreement, along with a surety bond, for the city to work in the right-of-way. He noted this was a standard agreement.

Council Member Holley moved to approve the Statewide Utility License Agreement with UDOT and authorize city staff to execute the agreement. Council Member Hunter seconded the motion. Voting was as follows:

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

2. Consideration of the appeal by Dunn Construction LLC and Mike Dunn of the denial of a business license for Dunn Construction LLC.

Mayor Frost explained this item was tabled from the September 23rd meeting, and he felt they could move this forward with stipulations. Mayor Frost invited Mr. Lambert to the front to give a brief statement.

Mr. Lambert stated there were a couple of developments to mention. It seemed wise last time to pause the appeal to pursue additional action to be taken. Since then, they have submitted an amended site plan. He noted that Mr. Dunn had the original site plan that was conditionally approved 2024 and was still in effect. They had explained previously why the south portion had not been included in the initial site plan, but an amended site plan has been submitted.

Paul Washburn explained they had a lengthy discussion last time, and one question was they wanted a more complete site plan. They have completed that; it doesn't amend the existing site plan but goes into the south area to show where material is stored, a weigh station, and where the crushing station would be located. When they first approached the city, they had a tenant for one of the buildings, but due to the length of time obtaining the approvals, the tenant was no longer interested. They now have another tenant, and they will be developing it in the spring. The intention is to raise the land about five feet and then they will get the buildings constructed.

Mr. Lambert stated the emphasis was there was no new engineering on the amended plat,

as all the engineering for the property had already been done. It has been amended to show where the cement processing equipment would be and where the final product would be placed until time of delivery or waiting for pickup. They added fencing, which they felt met the requirements. Again, this portion was not originally included because it was mobile equipment and transitory material. They hoped they would satisfy the city with the amended site plan. They didn't feel it required additional engineering or needed to start over.

Mr. Lambert stated another issue had arisen regarding site disturbance. As this property was within the Lakeland Industrial Park subdivision, the land disturbance permit was obtained by Mr. Phelon. The building up of the elevation of the property was done with a permit. There is an easement along the property for a storm drain, so they had to work in conjunction with the city.

Mr. Lambert stated the bigger issue was that the denial of the business license was the lack of a complete site plan and on the basis that this use was not permitted in this zone. Their brief addressed that extensively at the last meeting. He pointed out there were cement operations on all sides of this property.

Mayor Frost stated they would deliberate shortly and would bring them back if they had any additional questions. He invited Mr. O'Brien to the front.

Mr. O'Brien stated they did receive a packet of information, and Melissa White reached out to them to notify them of what they needed to turn in to be considered complete; they have not received a formal application. At a staff level, they looked at what was approved and what was being proposed. The original approval was over a year ago, and site plans are typically approved for two years. They felt it would be a problem with an amended site plan for a large project like this, nor for phasing. He didn't think it would be proper as an amended site plan but brought forward in a regular approval. There were still items that needed to be addressed at a staff level, and he thought it would be a smoother process than the previous application. Mr. O'Brien thought the regular site plan process was the best and most transparent process. To keep things straightforward, it would be a new site plan application should council deem the use to be acceptable.

Mayor Frost asked the council if they had anything to discuss.

Council Member John asked what the normal hours of operations would be, and he was told it would be 7 am to 5 pm, which would fit the noise ordinance.

Council Member Hunter asked what the DEQ requirements would be. Mr. O'Brien stated they do not have anything established in our code. He noted there are different environmental requirements established at a state level.

Council Member John asked if they would have to meet those requirements. Mr. O'Brien was not sure as he was not familiar with that but thought they would have to follow state requirements.

Council Member John explained a few days ago during a windstorm, there was a plume of sand and dust near the materials pile. He wanted to know what they would have to

follow for dust control. Mr. O'Brien wasn't sure what the state required, but walls may screen visually or help with that.

Council Member Taylor stated if they need to do this properly, for permitted use and the site plan, he will feel better prepared to do that first than move forward tonight. He was willing to listen to what the council has to say.

Council Member Holley asked if they could get this on for the November 11th meeting. It was noted they needed a site plan. Mr. O'Brien stated they need directions from the council on whether they agree with staff that this is not a permitted use, or if they feel it needs to be clarified in the city code.

Mr. Bunker explained this was an appeal of a business license denial; it wasn't a site plan. To get a site plan approved, it would need to go to DRC for review by staff, who would make a recommendation to the DRC, then on to the Planning Commission. Mr. Bunker continued that if concrete crushing was considered concrete processing, the council needed to determine that. So, as it goes through the site plan process, it does meet the intent of the code.

Council Member Carroll stated it wasn't the normal mechanism that they would make that determination, which was confusing.

Mayor Frost asked what other way there was to do this. Council Member Carroll stated they could clarify the language in the code, which was a longer process.

Ms. Schriever stated the applicant could have submitted a land use application process that went through that process to determine whether this was a permitted use, or they could have requested a zone determination letter. There were different ways to get to this issue. Ms. Schriever stated it was before the council in an unconventional way. The city administrator stated this was not a permitted use, so the business license was denied. The council should affirm or overturn the denial of the business license.

Council Member Carroll asked if they could have a business license without an approved site plan. Mr. Bunker stated they would need an approved site plan to obtain a business license. Mr. O'Brien further explained that in the past, they had an understanding that when one was trying to get it done, then they paused enforcement action. They have flagged the business license application and other permits until after a final decision has been made, at which time they can either approve the application or deny it.

Council Member Carroll wanted to see some mitigation procedures, so they do not impact the neighbors.

Council Member Taylor felt it was a permitted use with the conditions they make sure the mitigation is there.

Council Member John agreed with Council Member Taylor and could find with conditions this could be a permitted use.

Council Member Hunter pointed out they can only act on the business license appeal by

upholding the determination or not.

Council Member Taylor questioned if they could move this forward with conditions. Ms. Schriever stated they could issue the business license conditioned upon stipulations the council puts in place. Based on their authority under the code to determine what was a permitted use. Because they are dealing with a portion of the code that permits structures or uses if they don't have nefarious impacts, it would be appropriate for the body reviewing it to determine what the impacts are and how they can be mitigated.

Council Member Hunter stated this was managed by something they referenced, but no one was handling what the DEQ required. He didn't think it was staff's job to go around and make sure each business complied. One of his concerns, which he also had a few years ago, was that they needed to come up with something to quantify what would be a negative impact on neighbors. He felt they do need to have that to determine whether they were complying.

Mayor Frost agreed. If they allow this as a permitted use with conditions, he questioned if they can it be addressed in the code re-write to refer to the correct measuring sticks for compliance.

Council Member Hunter asked if there was a SWPPP requirement in an industrial zone during construction and if it was ongoing. Mr. Bunker explained that was under the DEQ prevue. The municipal storm water requirement (MS4) requires all businesses to comply during construction and ongoing. That was for storm water, and for dust/air quality, the DEQ implements it and enforces it.

Council Member Hunter stated he did not want this to be a burden on staff to make sure they are complying. Could they require the business license has a requirement to show the business is complying, so they could hang their hat on something. He questioned if that was something that would work. He was wondering how they would know if they were complying for something the city didn't control.

Mrs. Schriever understood that the DEQ may do spot checks, but she thought it was more complaint based. It might be enough for the council to say they wanted the operation to be in compliance with state law, which they are required to be anyway. When asked if they could make their annual renewal conditioned on that, Ms. Schriever stated she thought that may be a reasonable restriction, but it was implied. She clarified that Council Member Hunter was wondering if they could put an additional enforcement mechanism in place to ensure the applicant is complying with DEQ.

Mr. Dunn stated the problem they will have during the testing is where the dust was coming from. He stated they were not guilt free, but there are two other concrete businesses in the area that can contribute to the dust problem.

Council Member Hunter stated it shouldn't be the burden of the city to ensure the applicant's compliance. How can they tie a business license application to them confirming they are complying with all the requirements?

Mr. Dunn stated that any complaint needs to go to the DEQ, who will have to come down

and investigate him and the two neighbors to determine who was the problem.

Council Member Hunter stated he wants something that proves the business is complying. They need to rely on that and tie the business license to that, so it was on their shoulders. He wanted them to have proof when they came in to renew their license. He pointed out they did not require that of the neighbor and now they are saying it wasn't their dust.

Mr. O'Brien clarified that Council Member Hunter wanted them to have no pending enforcement issues from DEQ. Council Member just wanted them to have a clean bill of health within 30 days of the renewal. Mr. O'Brien stated his concern was that it could be done on a low dust day or a rainy day.

Council Member Carroll asked if the city gets a complaint about the dust, do they could close the business down even if they haven't performed the DEQ test.

Ms. Schriever stated that what Council Member Hunter was proposing was something that could be included in the business license ordinance. It would be helpful to the city as it would require all businesses in this zone. As to the dust issue of who is causing it, it may be more helpful that they look at what mitigation can be done on site and in response to the conditional issues. She understood the applicant already indicated several mitigating steps they already do.

Council Member Hunter stated that now it was staff that would have to enforce that.

Mr. Kelly stated the storm water management employees do go out to make sure the long-term plans are being actively mitigated, and they are doing what they are supposed to do. He noted that all the developers must sign a long-term plan that is recorded with the property. The applicants have to list their mitigation efforts, which staff go out every year to verify they are doing that.

Mayor Frost asked Mr. Kelly if he felt good that what they have in place was sufficient for an intense yes. Mr. Kelly stated there are things they have in place, but occasionally there will be complaints, and the storm water staff will go out to look at things. This would be best management practice which did include dust.

Council Member Taylor asked about noise. Council Member John stated when he went by the operation as they were crushing concrete, there was no dust.

Council Member Carroll stated that in another area they required a taller fence and landscaping trees with a berm, and she wondered if they wanted to replicate those conditions.

Mayor Frost stated if they were going to allow this, they needed to talk about conditions.

Council Member Hunter stated in paragraph 11, relating to concrete crushing or concrete recycling, it says that it must not result in the generation of any of the following emissions or effects if such generation is harmful to persons, is readily discernible beyond the boundary of the industrial zone. He did not know if they wanted it to go to the

zone, or to the property.

Council Member Hunter for him, these would be conditions beyond the minimum threshold. They are willing to consider this inside the zone, or overturn the business license denial, because they are mitigating it beyond what was typical for the area.

Council Member Carroll stated that if the conditions were specific to the site, like landscaping or the height of the piles or fence, she wouldn't worry as much.

Council Member Hunter worried that it is readily discernible beyond the boundaries of his site but not the zone. If they want to go around that, with walls around the piles not to exceed the height of the building. He stated they do not look at that, and that bothers him.

Council Member Carroll asked if they wanted to limit the types of material that were on site. It was noted it was clean concrete with limited rebar.

Council Member Hunter liked the hours listed. He questioned if they could put more temporary crushing units there, or if there was a restriction on how many they could have on the property. Mr. Dunn stated if they added more machines, they wouldn't have any place to put the material.

Council Member Carroll asked if they wanted to come up with restrictions now or hammer it out later, to which Council Member Hunter responded he was fine doing that later. He thought it was late to hammer it out, but he felt there was a way forward, but he wasn't sure he was prepared to say what his conditions were.

Mr. O'Brien stated staff needed direction. If they wanted to proceed tonight with potentially accepting a site plan application tomorrow, they needed as much direction as they could get from the council. He noted they are vested in the current code.

Mayor Frost asked if they needed to go through findings of facts. Ms. Schriever stated it depended on how the council wanted to proceed. If they are ready to decide to affirm or overrule the business license denial conditionally, the applicant at least knows that if it is overruled it would be a permitted use based on conditions within the scope of what was permitted in the I-1 zone. The council could table those conditions and discuss them and determine what those are, but the applicants and staff could move forward with a site plan. Or they can try to hammer it out tonight, but they will need to put findings on the record that can be given to the applicants.

Mayor Frost stated they could put this on the next agenda if they wanted to be better prepared. It may be wise to wait. They wanted to be fair to everyone, both the applicants and the neighbors.

Council Member Holley stated that it was important that this decision needed to be for now and for down the road. They need to come prepared to decide if they push it back.

Council Member Taylor stated he felt this was a permitted use based on what was already there, however, he felt they needed to put on the necessary conditions. He was okay if they talked about it tonight and making a decision. He didn't think it was fair to keep

pushing this. Council Member Taylor restated he happened to feel this was a permitted use.

Council Member John agreed, and he wanted to make sure they had the right conditions and were fair to both the applicant and the neighbor.

Council Member Hunter stated he has made notes and was willing to throw something out. It was noted he needed to read through the findings of fact.

Council Member John pointed out they needed to add in as a condition no pending DEQ actions upon annual license renewal. When asked if that was reasonable, Mr. Washburn stated they were confident they could meet any conditions.

Council Member Hunter moved that subject to the findings and conclusions:

I. FINDINGS OF FACT

- 1. Applicant's Use: Dunn Construction ("Applicant") seeks a business license to operate concrete crushing and concrete recycling operations at 510 E. 1700 S., American Fork, Utah ("Subject Property"), located in the I-1 Industrial Zone.**
- 2. Applicant brings this appeal pursuant to AFCC § 5.04.170.**
- 3. Nature of Operations: The Applicant's business involves receiving broken concrete, crushing it, and processing it into engineered fill and road base materials for use in construction. This activity is intended to recycle concrete from demolition projects and provide usable construction materials locally. Applicant's operations are limited to the processing of concrete. No other solids or wastes are included in the crushing or recycling.**
- 4. Surrounding Uses: The Subject Property is located adjacent to or near existing concrete batch plants and other industrial operations of potentially comparable impact, including American Eagle Ready Mix.**
- 5. Expert Environmental Report: Applicant submitted a professional Industrial Hygiene and Environmental Report (RMEC 2025) assessing dust, silica, and noise emissions from the crushing operation. The report found that noise was below OSHA and other state and local standards, dust and particulates were controlled with no visible emissions beyond the boundary, silica levels were below OSHA limits, and overall the operation did not create other harmful or discernible noxious emissions.**
- 6. Mitigation Measures: Applicant employs dust suppression (water trucks, track-out sweeping, recycled water use), daily washing and sweeping, and other mitigation practices. Applicant has committed to continued compliance with mitigation measures and to implement additional conditions imposed by the City.**
- 7. Site Plan: The Subject Property received site plan approval for certain portions of the Subject Property in 2024. The approved site plan did not include the area where the concrete crushing and concrete recycling activity occurs, nor did it include these operations as a use on the Subject Property.**

8. **Administrative Denial:** On May 1, 2025, the City Administrator denied the Applicant's business license application on grounds that concrete crushing is not a permitted use in the I-1 zone and constitutes "heavy industrial."
9. **Nonconforming Use Claim:** Applicant has argued that the concrete crushing operation should be treated as a legal nonconforming use predating the 2019 annexation. The record, including aerial photos and lack of prior approvals, does not establish lawful, continuous use. Further, Applicant has not provided evidence of a valid county license, site plan, or permit authorizing concrete crushing and concrete recycling before annexation of the Subject Property into the City.

II. CONCLUSIONS – THE COUNCIL HEREBY CONCLUDES:

10. **Permitted Use:** Based on a careful review of the Code and the record before it, the Council concludes that concrete crushing and concrete recycling is a form of "processing of materials" within the plain meaning of AFCC § 17.4.503(B)(1). Accordingly, the Council concludes that concrete crushing and concrete recycling is a permitted use in the I-1 Industrial Zone subject to conditions outlined therein.
11. **Subject conditions:** AFCC § 17.4.506(B)(1)(a) places conditions on uses within the I-1 Zone. As provided in this code, the operation of the Applicant's concrete crushing and concrete recycling must not result in the generation of any of the following emissions or effects if such generation is harmful to persons; is readily discernible beyond the boundary of the site; creates an adverse visual impact readily observable from a public road; or violates applicable state or federal environmental or safety standards. These prohibited emissions or effects include, but are not limited to:

- Noxious odors
- Fumes
- Smoke
- Noise
- Vapor
- Vibration
- Glare
- Or any similar emission or effect that meets one or more of the above emission or effect criteria.

Based on preliminary plans provided to the Council by the Applicant (a copy of which will be included with these Findings and Conclusions), the Council finds that the following non-exhaustive list includes reasonable conditions to be placed upon the Subject Property:

- a) An eight (8) foot concrete fence must be constructed around the perimeter of all areas where the concrete crushing and concrete recycle operations occur including any storage of materials used in or resulting from the operations.

- b) The height of any stored or processed materials or piles may not exceed the height of any building located on the property.
- c) Dust control must meet the applicable Department of Environmental Quality, Division of Air Quality Standards and Applicant must commit to continue current and future dust mitigation practices. These dust mitigation standards and emissions include and are applicable to all operations within the approved site plan.
- d) The municipal solid waste or construction debris may be delivered, processed or stored on the Subject Property. Only material containing concrete only for the purpose of concrete crushing and concrete recycling shall be delivered, processed or stored on the Subject Property.
- e) Concrete crushing and concrete recycling operations may only occur between the hours of 7:00 am and 5:00 pm.

These conditions are based upon the information that has been provided to the Council to-date and may be modified based on needs discovered in the land use planning and approval process or any modifications or changes the Applicant makes to the preliminary plans.

In any case, compliance with all other applicable provisions of the American Fork City Code is also required.

- 12. **Nonconforming Use:** Applicant has not met the burden to establish a legal nonconforming use. To qualify, the use must have been lawful prior to annexation, continuously maintained, and properly documented. Insufficient evidence was presented to establish this claim.
- 13. **Site Plan Requirement:** AFCC § 17.6.101 and AFCC § 17.4.503 require full site plan approval before commencing or licensing an industrial use. Because the Applicant has not yet obtained approval of a site plan that incorporates the concrete crushing and concrete recycling operation or that addresses the conditional nature of such use, the City cannot authorize issuance of a business license at this time but may grant the business license in the future if site plan approval is granted consistent with all applicable provisions of the American Fork City Code and these Findings and Conclusions.

III. DECISION

Based hereon, I MOVE:

- 1. That the City Council conditionally overrules the City Administrator's denial of Dunn Construction's business license application as provided herein.
- 2. That the Council find that concrete crushing and concrete recycling is a permitted use in the I-1 Industrial Zone as "processing of materials" subject to the conditions included in AFCC § 17.4.503(B)(10), and further set forth herein, but find that the City cannot issue a business license under Title 5 of the City Code unless and until the Applicant:
 - (1) obtains approval of a site plan that specifically incorporates the concrete crushing and concrete recycling operation;

- (2) implements and obtains land use approval of the conditions outlined in AFCC § 17.4.503(B)(1) and outlined herein;
 - (3) demonstrates compliance with all other requirements for the I-1 Zone; and
 - (4) demonstrates compliance with all other applicable laws, rules, ordinances, and regulations necessary for business license approval.
3. That the Council further find that the Applicant has not demonstrated legal nonconforming use status for the Subject Property under AFCC § 17.1.501.
 4. That the Council directs that in evaluating any future land use application submitted by Applicant for the Subject Property, City staff will apply the City Council's Findings and Conclusions provided herein subject to compliance with all other applicable City Code requirements.
 5. Provide evidence of no pending DEQ, MS4, or other state mandated regulations.

Council Member Taylor seconded the motion.

Council Member Holley brought up the height limit that the piles cannot exceed the height of the building, he wondered if there was a height limit on the buildings. Mr. Dunn explained the height was 45 feet. Council Member Holley did not think the pile of materials should be higher than the wall. Mayor Frost stated that he felt 45 feet was an acceptable level. Mr. Dunn stated that 45 feet is standard for the machine's height.

It was noted that an eight-foot wall may be too low, but Council Member John stated that he was okay with the height if they were controlling the dust.

Ms. Schriever asked if the council was modifying the height of the piles being the height of the building, or not to exceed 45-feet under the conditions.

Council Member Hunter moved to amend his motion to include subject to site approval and that the height of any stored or processed materials or piles may not exceed forty-five feet or less located on the property (located in 11.b). Council Member Taylor agreed to the amendment. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ryan Hunter, Council Member
SECONDER:	Clark Taylor, Council Member
YES:	Carroll, Hunter, Holley, John, Taylor

3. Consideration and action to enter into a closed session to discuss items described in Utah State Code 52-4-204 and 52-4-205.
Mayor Frost explained the purpose of the work session was to discuss the purchase of property. The council would meet in the downstairs workroom for the closed session, and at the conclusion of the closed session the council would open the doors and adjourn from that location.

Council Member Taylor moved to enter into a closed session at 8:41 p.m. Council Member John seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Ernie John, Council Member
YES:	Carroll, Hunter, Holley, John, Taylor

The American Fork City Council met in a closed session at 8:48 p.m. in the downstairs workroom. Those present included Mayor Frost, Council Member Carroll, Council Member Holley, Council Member Hunter, Council Member John, and Council Member Taylor. Also present were City Administrator David Bunker, Legal Counsel Heather Schriever, Public Works Director Sam Kelly, Development Services Director Patrick O'Brien, and City Recorder Terilyn Lurker.

The closed session was recorded as required by law.

Council Member John moved to adjourn the closed session at 9:31 p.m. Council Member Taylor seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ernie John, Council Member
SECONDER:	Clark Taylor, Council Member
YES:	Carroll, Hunter, Holley, John, Taylor

4. Adjournment.

Council Member Hunter moved to adjourn the meeting. Council Member Carroll seconded the motion. All were in favor.

The meeting was adjourned at 9:31 p.m.



Terilyn Lurker, City Recorder

