Members Present:

Bradley J. Frost	Mayor
Staci Carroll	Council Member
Tim Holley	Council Member
Ryan Hunter	Council Member

Members Absent:

Ernie John	Council Member
Clark Taylor	Council Member

David Bunker	City Administrator
Christina Tuiaki	Administrator Assistant
Stephanie Finau	Deputy Recorder
Sam Kelly	Public Works Director
Derric Rykert	Community Services Director
Cody Opperman	City Planner
R. Archuletta	Police Lieutenant
Heather Schriever	Legal Counsel

Also present: Rita Law, Steve Reiber, Daniel Sroka, Brian Todd Kleinhart, and Dakon Allred.

The American Fork City Council held a regular session on Tuesday, July 14, 2026, in City Hall, located at 31 North Church Street, commencing at 7:00 p.m.

REGULAR SESSION

1. Pledge of Allegiance; Invocation by Council Member Hunter; roll call.

Mayor Frost welcomed everyone to the meeting. Those present recited the Pledge of Allegiance and an invocation was offered by Council Member Hunter. Council Members John and Taylor were excused.

2. Twenty-minute public comment period - limited to two minutes per person.

Daken Allred stated that he and his wife met with Public Works Director Sam Kelly earlier that day to discuss the proposed pioneering agreement. He expressed appreciation for Mr. Kelly's willingness to listen to their concerns and noted that Mr. Kelly agreed portions of the agreement could be clarified. Mr. Allred referenced Section 4 of the agreement regarding the collection of pioneering costs, stating that the language requiring payment when a property owner "develops" property or applies for a building permit is ambiguous. He explained that, because their property is already developed as their primary residence, they were concerned the agreement does not clearly define what constitutes "development" or what types of building permits would trigger the reimbursement obligation. As examples, he questioned whether constructing a small accessory structure, such as a storage shed, would be treated the same as a substantial home addition or redevelopment. Mr. Allred stated that he and his wife support requiring developers to pay their fair share of infrastructure costs but emphasized that their property is an existing residence rather than undeveloped land. He requested that the Council consider postponing action on the agreement to allow staff to clarify the language defining "development" and the types of building permits that would trigger the agreement. He concluded by reiterating his appreciation for Mr. Kelly's responsiveness and remarked that "clarity is kindness."

Steve Reiber addressed the Council regarding a property located at 140 East 400 North. He stated that an unpermitted structure had been constructed on the property and noted that two absent Council Members had previously viewed the site. He provided photographs for the record depicting the structures. Mr. Reiber stated that one structure is located approximately 1' from the property line and another approximately 6" from the property line. He expressed concern that both structures drain stormwater onto the adjacent property. He explained that the larger structure had been constructed approximately one and one-half years earlier and that the City had issued a stop-work order after determining the structure had been built without the required permits. According to Mr. Reiber, the property owners subsequently moved away, rented the home, and recently returned to complete construction despite the stop-work order before listing the property for sale. Mr. Reiber expressed concern that the owners may be attempting to sell the property before the matter is resolved, potentially leaving the issue to a future purchaser. He asked staff to explain the City's enforcement process and how the matter would be addressed if the property changed ownership before the code violation was resolved.

Mayor Frost responded that the issue involved several procedural and legal considerations that would be better explained outside of the public meeting. He asked Mr. Bunker to meet with Mr. Reiber in the coming days to review the matter and explain the City's enforcement process.

Mr. Reiber inquired whether the City had mechanisms available, such as putting up a lien or other enforcement measures, to ensure outstanding code compliance issues are resolved before a property is sold. Mr. Bunker responded that, typically not through a lien, the City could discuss available options to ensure the required inspections are completed, and the property is brought into compliance.

Mayor Frost thanked Mr. Reiber for bringing the matter to the Council's attention and asked him to complete a public comment form and provide it to the Deputy Recorder so staff would have his contact information and could follow up regarding the issue. He also acknowledged that the City had already been involved with the matter. Mr. Reiber stated that a notice had been posted on the property's door but alleged that the property owner repeatedly removed the notice before showing the home to prospective buyers.

Rita Law addressed the Council on behalf of parents involved in the Recreation Center's gymnastics programs. She expressed appreciation to the Council for listening to parents' concerns, responding through emails and phone calls, and touring the facility to better understand the programs and participants' needs. She stated that parents had received confirmation that the fall gymnastics programs would continue, although no official decision had yet been made regarding the spring season. She explained that gymnastics operates on a year-long training cycle, with athletes learning new skills during the summer, refining routines in the fall, and competing throughout the spring. Unlike many other youth sports with shorter competitive seasons, gymnastics requires a year-round commitment to adequately prepare athletes for competition.

Ms. Law said parents were optimistic that the spring programs would also continue and thanked the Council for its willingness to listen and work through the issue. She requested that, if future changes to recreation programs become necessary, including relocation, modification, reduction, or elimination, the city provide clear communication regarding the decision-making process and the reasons for those changes.

Brian Kleiner, a Utah County resident, addressed the Council regarding a recent police investigation. He stated that he had closely followed the matter and expressed concerns about the conduct of the investigation, alleging that the individual involved had been improperly targeted despite not committing any illegal acts. Mr. Kleiner further asserted that the search warrant had been obtained through misleading information, that no evidence was found during its execution, and that an individual had been harmed during the incident. Mr. Kleiner questioned why no apparent accountability measures have been taken regarding the officers involved or the Police Chief. He also expressed concern about the City's oversight of the Police Department and asked when the public could expect to regain confidence in the City's leadership and law enforcement.

Mayor Frost responded that the Council does not engage in dialogue during the public comment portion of the meeting but offered to meet with Mr. Kleiner privately to discuss his concerns in greater detail. He asked Mr. Kleiner to complete a public comment form with his contact information so a meeting could be arranged and stated that he would personally follow up with him. Mr. Kleiner indicated that he would like the meeting to be recorded.

Daniel Sroka stated that he had emailed several exhibit handouts to the Council earlier that day for review. He said the first exhibit included a publicly available Brady list and asserted that several American Fork police officers had been included because of recent enforcement actions. He expressed concern that Brady-related credibility issues could undermine officer testimony in criminal proceedings and negatively affect public safety.

Mr. Sroka stated that his second exhibit referenced the Police Department's body-worn camera policy, specifically the provisions governing when officers may stop or mute recordings. He alleged that his review of body camera footage revealed multiple instances in which officers did not comply with the policy and suggested the conduct reflected a broader departmental practice. He explained that his third exhibit cited provisions of Utah law concerning adverse inference jury instructions related to body-worn camera recordings, asserting that repeated intentional or reckless violations of recording requirements could have legal consequences.

Mr. Sroka stated that his final exhibit compared American Fork's policies with those of Salt Lake City, noting that the other agency required officers to document the reason whenever a body camera recording was stopped, required supervisory review of such incidents during critical events, and conducted regular audits of body camera recordings. He encouraged the city to consider adopting similar accountability measures.

3. City Administrator's Report

Mr. Bunker reminded the Council and public that Steel Days would begin on Saturday, July 18, and continue through the following Saturday. He noted that the celebration would include numerous events throughout the week, including several new activities, particularly those planned at the marina. Mr. Bunker encouraged residents to participate in the festivities and expressed enthusiasm for the annual community celebration.

4. Council Reports

Council Member Hunter encouraged residents to purchase Steel Days carnival ride tickets in advance, noting that pre-sale tickets had been selling quickly and that approximately half of the available tickets had already been purchased. He explained that advance tickets cost $2 per ride, representing significant savings compared to purchasing rides individually at the carnival. He expressed appreciation to City staff, volunteers, and all those involved in organizing Steel Days, noting that planning for the event begins shortly after the previous year's celebration and requires many months of preparation. He highlighted several upcoming events, including the kickoff ceremony, parade, fish grab, glow-in-the-dark golf tournament, and other new activities, and encouraged the community to participate throughout the week-long celebration.

Council Member Holley encouraged residents to attend the Steel Days Garden Tour, noting that it would be held on Wednesday evening. He explained that, unlike previous years, the tour would be offered for one evening only and would feature several homeowners opening their gardens to the public. He encouraged the community to support the event.

Council Member Carroll stated that the Steel Days Garden Tour is her favorite Steel Days event and said she was looking forward to attending. She also expressed appreciation for the work and effort that had gone into organizing the week's activities.

5. Mayor's Report

Mayor Frost thanked Rita Law and the parents who had participated in the public process regarding the Recreation Center gymnastics programs. He noted that the Council would soon approve the minutes from the June 9 meeting, when the gymnastics community had attended in large numbers to express their concerns. He acknowledged that the group had effectively communicated its position and stated that additional meetings regarding the Recreation Center and related funding would be held, with efforts made to keep interested participants informed. He thanked the group for its constructive involvement in the public process.

Mayor Frost also encouraged residents to participate in Steel Days, describing it as a time for the community to celebrate American Fork's heritage. He highlighted the wide variety of activities available for all ages, including the coloring contest, quilt show, senior games, sporting events, garden tour, and the fireworks show at Art Dye Park. He expressed his appreciation for the volunteers who organize the events and stated that he hoped to attend as many activities as possible throughout the celebration.

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 June 2, 2026, work session minutes.
2. Approval of the June 9, 2026, city council minutes.
3. Approval of the June 16, 2026, work session minutes.
4. Approval of the June 16, 2026, special session minutes.
5. Approval of the authorization to release the Improvements Construction Guarantee in the amount of $16,526.42 and issue a Notice of Acceptance for the Evans residence construction of public improvements located at 829 North 290 East.
6. Ratification of city payments (June 17, 2026, to July 7, 2026) and approval of purchase requests over $50,000.

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

Result:	**Approved**
Mover:	Council Member Carroll
Seconder:	Council Member Hunter
Yes:	Staci Carroll, Ryan Hunter, Tim Holley
No:	
Absent:	Clark Taylor and Ernie John

ACTION ITEMS

1. Review and action on the authorization to release the Improvements Durability Retainer of $9,934.95 for Walton Lane Townhomes located at 841 East 700 South.

Council Member Carroll moved to approve the authorization to release the documents for the Improvements Durability Retainer of $9,934.95 for Walton Lane Town Homes. Council Member Holley seconded the motion. Voting was as follows:

Result:	**Approved**
Mover:	Council Member Carroll
Seconder:	Council Member Holley
Yes:	Tim Holley, Ryan Hunter, Staci Carroll
No:	
Absent:	Clark Taylor and Ernie John

2. Review and action on a water banking agreement for water shares with Layne Downs for 38.12-acre feet of water.

Council Member Hunter moved to approve the water banking agreement for water shares with Layne Downs for 38.12-acre feet of water. Council Member Holley seconded the motion. Voting was as follows: Holley, Hunter, Carroll

Result:	**Approved**
Mover:	Council Member Hunter
Seconder:	Council Member Holley
Yes:	Tim Holley, Ryan Hunter, Staci Carroll
No:	
Absent:	Clark Taylor and Ernie John

3. Review and action regarding a boundary adjustment agreement between Timpanogos Special Service District, American Fork City, and Roderick Enterprises.

Council Member Holley moved to approve the boundary line agreement between Timpanogos Special Service District, American Fork City, and Roderick Enterprises at the Boat Harbor Pump Station parcel. Council Member Carroll seconded the motion. Voting was as follows:

Result:	**Approved**
Mover:	Council Member Holley
Seconder:	Council Member Carroll
Yes:	Ryan Hunter, Tim Holley, Staci Carroll
No:	
Absent:	Clark Taylor and Ernie John

4. Review and action on a resolution accepting the annexation petition for the Earl Annexation consisting of 10.91 acres and located at approximately 570 West 200 South.

Council Member Carroll moved to adopt Resolution No. 2026-07-33R accepting the petition for annexation of the Earl Annexation consisting of 10.91 acres of approximately 570 W 200 South. Council Member Holley seconded the motion. Voting was as follows: Carroll, Hunter, Holley

Result:	**Approved**
Mover:	Council Member Carroll
Seconder:	Council Member Holley
Yes:	Staci Carroll, Ryan Hunter, Tim Holley
No:	
Absent:	Clark Taylor and Ernie John

5. Review and action on a pioneering agreement with AFEW LLC for system improvements associated with Edgewater North and the Yard Subdivisions.

Mayor Frost referenced the concerns raised during public comments by Mr. Allred regarding the proposed pioneering agreement. He asked whether, if the revisions were limited to clarifying the language and did not constitute substantive changes, the Council could address those revisions as part of its consideration of the item rather than postponing it.

City Attorney, Ms. Schriever explained that the pioneering agreement is a contract between American Fork City and AFEW. She stated that any modifications to the agreement's language would require renegotiation with AFEW because the City could not unilaterally amend the contractual terms. She noted that the Council could provide recommendations for revisions, but any proposed changes would need to be presented to the other party for consideration.

Council Member Hunter expressed appreciation to Mr. Allred for meeting with Public Works Director Mr. Kelly to discuss the proposed pioneering agreement and acknowledged staff's efforts to address the concerns. He stated that he had no objection to postponing the item again if additional time was needed to present proposed revisions to AFEW. He sought clarification regarding the nature of the concern, stating that his understanding was that it related less to large-scale redevelopment of the property and more to identifying what types of improvements—such as constructing a storage shed or adding a third-car garage—would trigger the agreement's reimbursement requirements. He asked whether that accurately reflected the concern raised by the property owners.

Mr. Allred confirmed that Council Member Hunter had accurately described his concern. He explained that the ambiguity lies in determining what level of development or improvement would trigger the pioneering agreement, questioning whether relatively minor improvements, such as constructing a storage shed, could result in a significant reimbursement obligation or whether the agreement was intended to apply only to substantial redevelopment projects. He emphasized that, although he is not a party to the agreement, its provisions encumber his property, making it important that the triggering language be clearly defined.

Council Member Hunter stated that he would not support interpreting the agreement in a manner that would require an existing homeowner to pay substantial pioneering costs merely for making improvements to an existing residence. He suggested that the agreement may instead be intended to apply when a property connects to the infrastructure or otherwise undertakes development of the type contemplated by the agreement. He emphasized that his objective was to ensure the language accurately reflected the City's intent and avoided unintended consequences for existing property owners.

Ms. Schriever stated that additional clarifying language could be added to the agreement. She noted that the City's code already includes a definition of a "benefited parcel," which provides helpful context, and said she would be happy to draft language clarifying when a parcel becomes subject to the pioneering ordinance. She stated that the agreement was not intended to require existing homeowners to pay pioneering costs for routine improvements to their homes or for constructing accessory structures. Although she believed Section 4 could already be interpreted consistently with that intent, she recommended clarifying the language to eliminate any ambiguity while the agreement was under consideration.

Mr. Allred expressed appreciation for the proposed clarification, stating that his primary concern was ensuring the agreement clearly reflects its intended application. He explained that he wished to avoid potential legal disputes in the future, noting that contractual obligations are determined by the language of the agreement rather than the parties' intended meaning. He emphasized that he and his wife do not oppose the agreement itself but want certainty regarding how its provisions could affect their property.

Mayor Frost asked Ms. Schriever for her recommendation on how to proceed. He noted that she had worked extensively with AFEW on the agreement and recognized the importance of moving the item forward. He requested that she outline possible options for the Council's consideration in light of the concerns raised regarding the agreement's language.

Ms. Schriever responded that she would be happy to present AFEW with proposed clarifying language as part of the ongoing negotiations. She explained that, if the Council chose to postpone the item, she would follow the Council's direction and continue working with AFEW to negotiate revisions to the agreement before bringing it back for consideration.

Council Member Hunter expressed support for postponing the item to allow additional clarification of the agreement's language. He stated that his primary concern was ensuring that property owners who are not parties to the agreement are not unintentionally affected by ambiguous provisions. He noted that he had not previously been aware of the code's definition of a "benefited parcel" and said he trusted that the agreement was not intended to restrict existing homeowners from making ordinary improvements to their property. He emphasized that the agreement should clearly distinguish between routine residential improvements and the type of development contemplated by the pioneering agreement. Council Member Carroll agreed.

Council Member Holley asked whether the Council could grant conditional approval of the pioneering agreement, subject to the addition of clarifying language addressing the concerns that had been raised. He stated that he supported the agreement in principle and was simply exploring whether there was a procedural option that would allow the agreement to move forward while ensuring the revised language provided the necessary clarity. Ms. Schriever responded that she preferred to negotiate any proposed revisions to the agreement's language directly with AFEW before bringing the agreement back to the Council for consideration.

Mayor Frost agreed that postponing the item was an appropriate course of action. He stated that staff would work to negotiate the clarifying language and bring the agreement back for Council consideration at the next regular Council meeting, if possible. He added that, while the matter did not appear to warrant a special meeting, the Council was committed to considering it at the earliest practical opportunity unless circumstances required a different timeline.

Council Member Hunter moved to table this agreement. Council Member Holley seconded the motion. Voting was as follows:

Result:	**Tabled**
Mover:	Council Member Hunter
Seconder:	Council Member Holley
Yes:	Tim Holley, Staci Carroll, Ryan Hunter
No:	
Absent:	Clark Taylor and Ernie John

6. Review and action on approval of a purchase agreement with Keaton Wall for property located at approximately 1000 North and 750 West.

Council Member Carroll moved to adopt Resolution No. 2026-07-34R approving the declaration of real property to be surplus and authorize the sale of non-significant parcel of the real property to Keaton Wall. Council Member Holley seconded the motion. Voting was follow:

Result:	**Approved**
Mover:	Council Member Carroll
Seconder:	Council Member Holley
Yes:	Tim Holley, Ryan Hunter, Staci Carroll
No:	
Absent:	Clark Taylor and Ernie John

7. Review and action on an award for architectural services for the public works building.

Public Works Director Sam Kelly presented a request for Council approval to award architectural design services for the new Public Works Facility to WPA Architecture. He explained that four firms had submitted proposals in response to the City's request for qualifications. A five-member evaluation committee, consisting of four City staff members and one outside reviewer, evaluated and scored the proposals before selecting the two highest-ranked firms for interviews. Following the interview process, the committee unanimously recommended WPA Architecture to provide the architectural services for the project.

Council Member Hunter stated that he appreciated Council Member Holley earlier request for supporting documentation regarding the cost proposals, noting that the significant difference in pricing had initially raised concerns for him. He expressed support for the qualifications-based selection process, stating that it is intended to identify the best overall value rather than simply the lowest cost. He asked staff to explain the evaluation and selection process for the record and noted that a prior discussion with Mr. Bunker had provided helpful context regarding the City's approach.

Mr. Kelly explained that the evaluation committee specifically questioned WPA Architecture during its interview about why its proposed fee was significantly lower than the competing proposals. He stated that the firm responded that it understood the scope of work, stood behind its proposal, and intentionally submitted a lower fee because it wanted to establish a presence in the market and perform work for American Fork City. Mr. Kelly acknowledged that unusually low proposals can sometimes indicate potential performance concerns and noted that he had encountered such situations in the past. However, he explained that one member of the evaluation committee had previously worked with WPA Architecture and reported positive experiences with the firm's performance, giving the committee confidence in its recommendation.

Council Member Hunter stated that his questions were not intended to criticize WPA Architecture, noting that he was familiar with the firm's strong reputation. He emphasized that his comments were directed toward ensuring the City remained protected during contract negotiations. Drawing on his professional experience, he cautioned against contracts that exclude portions of the design through deferred submittals, which can result in additional design costs being shifted to contractors and create gaps in project scope. He encouraged staff to ensure the final agreement clearly identifies all required design services, so the City receives a complete architectural package without unexpected additional costs.

Council Member Hunter also confirmed his understanding that the firm's selection was based on a qualifications-based evaluation process in which price was only one of several factors considered, rather than the sole basis for the award. He concluded by asking whether the architectural services agreement would be prepared by the city or by the consultant.

Mr. Kelly responded that, upon Council approval, staff would begin negotiating an American Institute of Architects (AIA) standard agreement with WPA Architecture. He explained that the proposed contract would be carefully reviewed to determine which provisions and project requirements should be included. He further noted that the original request for proposals had been drafted with the expectation that the project would utilize the Construction Manager/General Contractor (CM/GC) delivery method. However, during the interview process, both finalist firms indicated that the project could be successfully delivered using either the CM/GC or design-build approach. He stated that the agreement would likely need to identify the selected project delivery method, or potentially provide flexibility for either approach, and noted that Ms. Schriever would assist in reviewing and negotiating the AIA contract.

Council Member Hunter stated that he supports using the standard American Institute of Architects (AIA) contract, noting that it is a well-established industry standard that clearly identifies the responsibilities and scope of services for each party. He encouraged staff to ensure the agreement minimizes deferred submittals and deferred design responsibilities, except where they are customary, such as for fire sprinkler systems or certain specialty components like metal stairs. He explained that, in his professional experience, excessive deferred design can increase project costs by shifting design responsibilities to contractors after the contract has been awarded. Council Member Hunter emphasized that his comments were not intended as criticism of WPA Architecture but rather as a recommendation to protect the City's interests through careful contract drafting.

Council Member Hunter moved to approve awarding architectural services to WPA Architects. Council Member Carroll seconded the motion. Voting was as follows:

Result:	**Approved**
Mover:	Council Member Hunter
Seconder:	Council Member Carroll
Yes:	Ryan Hunter, Staci Carroll, Tim Holley
No:	
Absent:	Clark Taylor and Ernie John

8. Review and action on the award of the contract for the landscape architectural & design of a new park on 620 South.

Parks and Recreation Director Rykert introduced the item by noting that it was similar to the previous architectural services discussion and invited staff to provide an overview of the project. Staff explained that the city had completed the request for proposals process for the design of a new 6-to-7-acre neighborhood park, which would be the first new park constructed by the City since Easton Park.

Mr. Ryker reported that 14 had submitted proposals and that the submissions were evaluated using five established criteria. Based on that evaluation, Blue Line Design was selected as the highest-ranked firm. The proposed agreement would encompass the entire design process, including conceptual design, preparation of construction documents, and bidding assistance through construction procurement.

Mr. Rykert explained that City staff would work collaboratively with the design firm and the Parks and Recreation Committee to develop the park concept before presenting the proposed design to the City Council for review and approval prior to moving forward with construction.

Council Member Holley encouraged staff to consider incorporating an all-abilities playground into the design of the new park. He noted that Blue Ey Design had successfully designed similar parks in Lehi and Highland and said he had observed individuals of varying abilities using and enjoying those facilities. Because American Fork does not currently have a dedicated all-abilities park, he expressed support for strongly considering that feature as part of the new park's design.

Council Member Holley moved the city to award landscape architectural and design services for the park on 620 South to Blue Line Designs in the amount of $133,520. Council Member Hunter seconded the motion. Voting was as follows:

Result:	**Approved**
Mover:	Council Member Holley
Seconder:	Council Member Hunter
Yes:	Ryan Hunter, Tim Holley, Staci Carroll
No:	
Absent:	Clark Taylor and Ernie John

9. Review and action on the award of the agreement for construction of the Overlay Project 2026 to JKT LLC.

Council Member Carroll moved that the city award the overlay project 2026 in the amount of $592145.45 to the responsible low bidder JKT LLC and approve the construction contract as presented in addition to the project construction engineering contingency of $60,000 to be held by the city. Council Member Holley seconded the motion. Voting was as follows:

Result:	**Approved**
Mover:	Council Member Carroll
Seconder:	Council Member Holley
Yes:	Staci Carroll, Tim Holley, Ryan Hunter
No:	
Absent:	Clark Taylor and Ernie John

10. Review and action on a resolution providing notice of the city’s intent to sell certain real property located near 700 South 100 West.

Council Member Hunter moved to adopt Resolution No. 2026-07-35R providing notice of the city’s intent to sell certain real property located near 700 South 100 West and instruct the City Recorder to publish the required notices. Council Member Holley seconded the motion. Voting was as follows:

Result:	**Approved**
Mover:	Council Member Hunter
Seconder:	Council Member Holley
Yes:	Tim Holley, Ryan Hunter, Staci Carroll,
No:	
Absent:	Clark Taylor and Ernie John

11. Adjournment.

Council Member Holley motioned to adjourn the meeting. Council Member Hunter Motion seconded the motion. Voting was unanimous.

The meeting adjourned at 7:50 p.m.

Stephanie Finau
Deputy Recorder