

AMERICAN FORK CITY COUNCIL
OCTOBER 20, 2020
WORK SESSION MINUTES

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Barbara Christiansen	Council Member
Rob Shelton	Council Member

Members Absent:

Staci Carroll	Council Member
Clark Taylor	Council Member

Staff Present:

David Bunker	City Administrator
Camden Bird	Community Services Director
Wendelin Knobloch	Associate Planner
Terilyn Lurker	City Recorder
Aaron Brems	Fire Chief
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Scott Sensanbaugher	Public Works Director

WORK SESSION

The purpose of City Work Sessions is to prepare the City Council for upcoming agenda items on future City Council Meetings. The Work Session is not an action item meeting. No one attending the meeting should rely on any discussion or any perceived consensus as action or authorization. These come only from the City Council Meeting.

The American Fork City Council met in a work session on Tuesday, October 20, 2020, electronically, commencing at 4:00 p.m.

Mayor Frost welcomed everyone to the work session. He excused Council Member Carroll and Council Member Taylor, as they were absent from the meeting.

Mayor Frost read the following:

In accordance with Resolution No. 2020-07-20R, Mayor Frost has determined that conducting meetings of the City Council with an anchor location, such as the City Council Chambers or Administration Conference Room, presents a substantial risk to the health and safety of those who may be present there. The following are facts upon which this determination has been made:

- Utah has been in a declared state of emergency due to COVID-19 since March 6, 2020, a virus outbreak that has been recognized by the World Health Organization, federal, state and local leaders as a pandemic.
- The Centers for Disease Control and Prevention (CDC) has stated that COVID-19 is easily spread from person to person between people who are in close contact with one

another through respiratory droplets when an infected person coughs, sneezes, or talks. This virus can also be spread by people who are non-symptomatic.

- As reported by the Utah Department of Health, reported COVID-19 cases in Utah County continue to rise at a rate higher than reported rates for the state.
- Federal, state, and local authorities recommend that individuals limit public gatherings, wear face masks, and follow social distancing guidelines.
- It is difficult to anticipate the number of attendees at any meeting in order to maintain social distancing to comply with State Phased guidelines. Further, regardless of the number of attendees, social distancing measures for Council, staff, and attendees will be difficult to maintain in the City Council Chambers and Administration Conference Room.
- COVID-19 continues to pose an immediate threat to the health, safety, and welfare of American Fork City residents.
- American Fork City can provide a way for the public to hear, or hear and view, open portions of City Council meetings and to provide a way to participate in public hearings.

For the next 30 days, all City Council meetings will be conducted via electronic means. The meetings are broadcast live-streamed, and available at a later time, at <https://www.americanfork.gov/AgendaCenter>.

1. Discussion on the 700/740 North connector road.

Mayor Frost communicated that item number one had been pulled from the work session agenda.

2. Discussion on open space parcel at approximately 1800 South 100 West.

Mayor Frost introduced the agenda topic. He stated that the property was adjacent to the boat harbor. He then turned the time over to City Administrator David Bunker.

Mr. Bunker thanked Mayor Frost. He presented a map, and then explained that for the last several months they had communicated with Joel Kester, a partner in the company that owned a parcel of land just north of the American Fork boat harbor area. Mr. Bunker stated that the parcel was approximately 4.2 acres. He said that they had had discussions centered on the acquisition of the parcel and what that would look like. He explained that they wanted to bring the topic to the Council to discuss the interest the City had in the acquisition of the parcel.

Mr. Bunker pointed out that the parcel bordered the American Fork boat harbor and stated that the area it bordered was not improved as of yet. He explained that the unimproved area was on the east side of 100 West. He said that there were plans for future improvement, but they were not finalized and there was not a certain date for that to happen. He further said that they would have to talk to Community Services Director Camden Bird about the future plans for the section of property that was already owned by American Fork. He presented all of this on the provided map, and he stated that they would discuss how Mr. Kester's parcel of land played into that picture.

Mr. Bunker said that Mr. Kester had approached an appraiser to obtain a realtor appraisal. Mr. Bunker noted that appraisers had been very busy as of late, and that a firm appraisal would not happen for many weeks. He reported that Mr. Kester had sent over the appraisal of a comparable industrial parcel which was located down the road at \$3.10 per square foot. He said that Mr. Kester suggested that he and his partners did not expect to receive that much, but they did want to talk to the City further. Mr. Bunker said that there was potential that a portion of the property may be donated to the City. He reiterated that he wanted to get the City Council's input, and he stated that it was germane to the fact that they already had contiguous land to the parcel with the American

Fork boat harbor. He then asked Community Services Director Camden Bird to pull up the plans that had previously been developed by American Fork in relation to applications for grants and Utah County funding.

While Mr. Bird pulled up the plans, Mr. Bunker noted that Mr. Kester knew Council Member Shelton, and that they had had several great conversations. Mr. Bunker told Council Member Shelton he was welcome to chime in at any time with regards to the parcel. Council Member Shelton told Mr. Bunker he was doing a great job.

Mr. Bird presented the boat harbor master plan and stated it had been presented in the past when they sought State and County funding. He referred to a spot on the map and explained that there was additional parking and green space above the river. He noted it was pretty minimal, and that they would love to increase that.

Mr. Bird reiterated that the master plan he had presented had been part of their application for the TRCC County Grant. He said that they had recommended \$1.44 Million in funding for it. He further said the Council had previously discussed possible uses for that money.

Mr. Bird said that he knew the other two boat harbors in Saratoga Springs and Vineyard had already applied for funding and had taken the recommendations by the Committee to the Commission, and that they had already gotten those approved. He said that was something American Fork probably wanted to do if they wanted to pursue funding for the boat harbor. He stated that they should discuss that and other potential uses for the TRCC fund. He voiced the opinion that it was important and said that if they decided to pursue funding for the boat harbor, then they should get it on the agenda for the Commission

Mayor Frost inquired about the location of the Kester property in reference to the master plan and map. He asked if it was right next to the smaller parking lot before the official entrance to the boat harbor. Mr. Bird said he did not know, but discussed specific areas on the map and said that he expected that if the trails were something they had control of, that area would also be part of their property. He pointed out what looked like parcel lines, and asked if that looked like the property. Mr. Bunker confirmed and said that the line was probably a little further north than where they had referred to.

Mr. Bird said in response to the question that it was pretty close, and that as the person who represented the parks, there was the ability to be contiguous and use the open space. He stated that was ultimately in the hands of the Council.

Council Member Christianson voiced the opinion that she liked the idea of something other than boats at the boat harbor. She said this would allow people to go to the harbor to relax, picnic, and do other activities. She expressed the idea that there were a lot of other uses in relation to the lake other than to boat.

Mayor Frost mentioned that one thing that was liked by other cities was a sandy beach. He stated there was a sand saver that broke the waves that came in, and it kept the sand where it was not pulled out. He said that they could put a high quality wash sand there, and the kids could play and use it. He expressed the opinion that this would make a small little harbor, and the sand would remain easier. He noted that in that scenario they would still have to add a little bit every year, but the purpose was to go deep and wide, and to add a different element to the south side of the City.

Mayor Frost brought up another point in relation to the Kester property. He wanted to see if the Council wanted to pursue the grant while they still had the money. He was concerned that they would lose the money by the first of the year if they did not accept it, and he stated that he wanted feedback.

Mayor Frost reminded them that the plans were not just used for the grant application, and that they had only had to dust them off and adjust some pricing to use. He stated that the commissioners had an eye to use TRCC funds for natural resources. He further stated that it sold through the TRCC committee because it was more of a regional draw. Mayor Frost feared that if they did not take the funding, they would lose it. He mentioned that he had not received any indication that the funding had been allocated to the City to be used for a different purpose besides regionally for the lake. He mentioned purposes such as Bridal Veil Falls and American Fork Canyon, which were things that had a draw for the entire County because they would bring people inside the County to spend money. He asked for feedback from the Council.

Council Member Shelton stated that as far as the boat harbor was concerned, he had talked to a lot of people about the millions of dollars that had been poured into that. He was concerned with the City funds and not the TRCC funds. He questioned if that was the best use for it.

Council Member Shelton noted they had heard from the Parks and Recreation Committee that they wanted to have something on the south side for residents. He said they felt that a park was very important. He further said that they needed to look into the kind of park that would go by the boat harbor. Council Member Shelton referred to a park in Lehi where his son played soccer. He explained that the park was called Mosquito Park, not because of its name, but because people wore masks so as to not swallow mosquitos.

Council Member Shelton said that they needed to look at finances. He further said that if they were to use impact funds that would take from other avenues. He expressed the opinion that the Parks and Trails Committee should both be involved with the decision on if that was the best place to put millions of dollars at that particular time.

Council Member Shelton mentioned he had heard people say Utah Lake would be a great thing to put money into if the lake was in a different condition. He voiced that maybe the timing was wrong because of the condition of the lake. He expressed that it may be better to consider once the algae bloom was under control. He was hesitant to support a green light on the project until they looked at those issues and reviewed whether it was the right thing to do with the money at the time.

Mayor Frost questioned if the Kester property would fall prey to the same issue as the Mosquito Park in Lehi, because of where the land is located. Council Member Shelton clarified that it was not his intent to imply that. He said he had mentioned it was to look at the use of the land. He expressed the opinion that it may not be the greatest location for a soccer field.

Council Member Shelton mentioned that he knew they had talked about trading lands for wetlands, and suggested that what better place to be able to mitigate wetlands for the Meadow Meadows Park than right next to the lake. He voiced that he thought the Kester land offered a great acquisition opportunity, especially at the price. He felt it was advantageous for the City to pick up. He reiterated that they needed to look at what the uses might be. He asked if the Park and

Trails Committee had met weekly and inquired about whether they had discussed the topic. Council Member Christiansen stated that the committee had not met the week prior.

Mr. Bunker believed the committee's recent focus had been to review the master plan. He asked Mr. Bird if the boat harbor had come up in discussions and Mr. Bird replied that it had not come up, but only as a result of timing issues. He informed the Council that the committee had not delved into specific parcels or locations for properties, and that they had looked mostly at costs and projections. He said they would discuss the specifics, which would include this location, in upcoming meetings.

Council Member Shelton referred back to the question about utilization. He expressed that the question they needed to ask was whether the parcel was something the City could utilize. He thought they should leverage the two committees to look at that. He personally felt the land could be useful and voiced the opinion that there were other uses besides a soccer field and track like the one in Lehi.

Mayor Frost asked Council Member Barnes if he had any input. Council Member Barnes replied that he mainly had questions. He asked what the TRCC stood for. Mayor Frost responded that the first part stood for Travel and Recreation. Both he and Council Member Barnes referred to the restaurant tax.

Council Member Barnes asked for clarification that for them to receive the money from the County, they would have to match the money. Mayor Frost confirmed. He stated that they had put approximately \$1.4 Million on the table, and that if the City matched it they would have a project that was roughly \$3 Million. Council Member Barnes questioned whether they had voted that down once before. Mayor Frost replied that they had and that they had reallocated some of the funds.

Mayor Frost clarified he did not advocate for it but thought in his opinion that if they passed on the grant then the funding would not be available to them after the first of the year. Council Member Barnes agreed that they could very well lose the funding.

Council Member Barnes said that he understood the issue and was not against the funding but had asked the questions because he wanted to straighten out some of the details. He then asked if the land was actual, legitimate land or if it was a swampy area. Mr. Bunker thought that a portion of the land was probably usable, and that there was probably another portion that was pretty wet. Council Member Barnes asked if he had a rough percentage, however, staff did not have that percentage. Council Member Barnes then asked how much land they had at the boat harbor. He said he remembered they said it was around 4 acres. Mr. Bunker confirmed that the parcel was approximately 4.2 acres.

Council Member Barnes noted that Council Member Shelton had brought up a few points he also agreed with. He agreed that they needed to talk to the two committees. He speculated that if they did not have time, they would have to do something different. He said that in his mind it went back to why they had the committees, and why they delegated things to them. He felt that they should use the committees and see their different perspectives and how they felt about the project.

Council Member Christiansen informed them that the Parks Committee was scheduled to meet the following night at 8:00pm. Mayor Frost asked Council Member Christiansen if she would bring

the topic up at the meeting. She replied that either she or Mr. Bird would talk about it. Mayor Frost said they could provide her with documentation to present.

Mr. Bird mentioned that they had discussed the boat harbor among both committees. He said that, if he remembered correctly, the PARC Tax Committee said they were okay with the idea, but were not sure if it was the best use of funds. He said that the Park and Trails Committee was very much in favor of it, particularly the alternative green space. He also mentioned they were in favor of the principle to leverage grants and take advantage of them.

Mayor Frost said that he thought that with paddleboards, kayaks, and similar recreational activities, the idea became a little more viable. He also said that when they had the algae bloom, as far as he was aware, it would not affect this side of the lake. He speculated that the area would stay somewhat immune to the algae bloom.

Council Member Shelton referenced a conversation he had had with Council Member Barnes. Council Member Shelton said he thought they had received three calls over a 12-week period, all from the Utah County Health Department through the Everbridge system. All three calls said that the American Fork boat harbor posed a risk because of algae bloom. Council Member Shelton felt that as long as they continued to have that issue, and as long as it was broadcasted to the public, it would be difficult for the public to overcome that. He hypothesized that people would at that point just avoid the lake altogether.

Mayor Frost replied that Council Member Shelton was right and said that whenever there was a bloom announced, no matter where, everyone tended to recoil from the lake. Council Member Shelton agreed, and reiterated that the calls they had received specifically mentioned the boat harbor. He noted it was all about public perception. He said that if they had multiple calls over a 24-week summer, it would be a hard thing to overcome.

Council Member Barnes said in his opinion there were two issues. He supposed he might have made it too simplistic but hoped he had understood it correctly. He stated that the first issue was with the boat harbor and the water itself. He explained the issue was with what they needed to do, what they were able to do, and what the challenges were. He stated that the second issue was if the land was good, and if it could be used for sports. He said that they needed to determine if the land was usable, filled the needs of the community, and gave them a park in an area that was easily accessible and usable, and people would go to.

Council Member Barnes admitted that he had not been to that area in years and was not sure he could even find it without directions from his wife. He felt that for those reasons it was really two issues. He concluded that if they bought the land it was one thing, but if they developed the boat harbor it was another. He understood that they could tie those two together also. He said that ultimately his question was that if they talked about the purchase of the land, why they would do that.

Council Member Shelton thought that part of it was that Mr. Kester was very generous in his willingness to donate or discount the land for less than what it would be appraised for. He said that they had looked at neighboring lands, and that it was a good deal in comparison. Mr. Bunker clarified that Mr. Kester had suggested that they would not need as much money as the neighboring lands. Mr. Bunker reiterated that they had not yet received an appraisal, and that their general discussions about price were based on the appraisal of the industrial zone east of the parcel. The

industrial zone had appraised for \$3.10 per square foot, and he did not know if the Kester parcel would appraise for near that.

Council Member Shelton agreed with that point. He said he thought that if they wanted to give the project a green light, they should determine if the land was useful. He voiced the opinion that it was useful, and that he was in support of its purchase. He said they could use it for trails and extend the wetland areas in order to use Mountain Meadows Park. He felt it was a win-win situation. He said that if they found a way to tie it into the boat harbor it would also be beneficial. He stated that with the discount or donation of the Kester land, they should heavily consider it.

Council Member Christiansen said there was definitely work to be done and research to do, but recapped the positives. First, she said they had a willing and generous seller. Second, she mentioned the potential money from the county. She expressed the opinion that they should obtain the land if it was feasible. She said that even if it was not the very best land, they should take land when they could, especially if it was usable.

Council Member Barnes restated that was why he separated it into two areas. He thought they should seriously look at the land. He noted that everyone had a different idea of what was considered a good discount and asked if anybody had an idea on what the price looked like, or if it was too early to tell. Mr. Bunker suggested that may be something they wanted to talk about with the Council in their negotiations for the property. Council Member Barnes suggested an executive session or something similar.

Mayor Frost communicated that he felt that the consensus was they wanted to pursue further negotiations with Mr. Kester.

Mayor Frost briefly visited a different topic. He said that he was a Chairman of the Utah Lake Commission, and he felt that they had a couple other good alternatives to mitigate wetlands acre for acre. He stated they would be outside of the City and they would not have to purchase the land. He noted that it did not hurt to have something like the Kester property to see where it took them. He said the commission had started mitigation for the Saratoga Springs area. He said he thought that they would be able to tag that. He said that it was one of the projects he had worked on with the commission. He expressed the opinion that the low hanging fruit was to free up the wetlands and mitigate it so they could use Mountain Meadows Park.

Council Member Barnes said he thought that sounded like a good idea. He requested that they proceed with the project in good faith and make an honest effort, and that they not just talk about it but were serious. He said that if they were not serious about it, he did not think they should pursue it.

Mayor Frost mentioned he would talk with Mr. Bird and Council Member Christiansen at the meeting the following evening to see where they were at with it. He said they would talk about the overall idea of the boat harbor again and see if their recommendations might change the mind of anyone on this committee. He noted that he could do that with a phone call or email to the Council. He mentioned that they had four years to match the grant. He reiterated that he was not an advocate for the project but did not want to lose the money. He said he did not see a philosophy where it was allocated to the City but to that project only.

Mayor Frost stated that he had heard by virtue of COVID and perpetual financial obligations, they may freeze the account at the beginning of the next year. He said that was something that was relayed to him from one of the staff of the commissioners. He further said they would wait to see how the hospitality business was because it had not brought in its fair share. He said there was probably some debt associated with that, but that they were all aware and so they would not get into that. He recapped that he thought it might be harder to come by.

Council Member Barnes asked how much parking was down at the boat harbor. He asked whether if they were to make it into a ballfield of some kind, if they would need to take some of the acreage for parking. Mayor Frost responded that he was sure they would, but it needed to be designed and reviewed further. He said that it may not be a good place to have a ballfield because of mosquitos or something similar due to the proximity of the boat harbor.

Council Member Shelton mentioned that he thought one of the best success stories in the City was the Art Dye property. He suggested it may provide a good way to discuss the purchase of the Kester land. The Art Dye property was not in the most strategic of locations, but it opened the door to what they have now at Art Dye park. He said he thought the opportunity to purchase that land for a good discount was something they ought to pursue. He suggested that was something for an executive session versus a public meeting as they went forth with negotiations.

Mayor Frost also wanted to mention the boat harbor in general and said that water and sewer was baked into the budget of the boat harbor for value to be brought to the property. He communicated that neither one of the properties had any utilities. He said if they matched the grant it would pay for half the cost to be able to service the property, and he felt it was something to be considered. He requested it be brought up to the Parks Committee and see if they felt it was something that the City needed. He reiterated that they did not have to come up with the \$1.4 Million all at once.

Council Member Shelton asked if they had to spend the funding per what the master plan said. He said that for instance, could they spend more on infrastructure versus a big sandy area. Mayor Frost replied that he thought there was a lot of flexibility to it.

Council Member Shelton said that for him, he would be open to more discussion. He mentioned that when he had walked the area, he noticed the boat harbor was done on a budget, and there was a lot of exposed rebar and concrete. He was unsure if there was a plan to pull out or cover that but thought they should look at that. He said it may be a matter of how the funds are used, and if it was more for infrastructure, parking and things of that nature, he would be able to get more behind that. He commented that was true especially versus a big beach area given the issue with algae bloom and things of that nature.

Mr. Bird said that one thing he brought to the committee and wanted to bring to the Council was that, in his opinion, if they were to take it to the commission and get it approved, it would give them options. At the end of the day, the worst case scenario was the money would just go back to the fund balance for them, and American Fork would either not use it or use a lesser amount to focus on infrastructure if that was what they wanted to do.

Mr. Bird stated that to be transparent, his view was that they should take advantage of the opportunity just to have it as an option. He also stated that he had talked to some of the County and the term was up in five years, not four years. He noted that would give them a little more time to fund over.

Mr. Bunker clarified that there was not a penalty if they did not use it, and that it would simply go back to the County. He mentioned that whatever they could do in time, whether they resurfaced asphalt in the boat harbor or in time brought a water line down in house with City crews, it was all match-able. He reiterated they should wait and see what the committee thought.

Council Member Shelton said he would love to have a discussion as a Council to see where the other Council Members were at as well, and to see if there were some changes they wanted to make to the plan.

3. Adjourn.

The work session ended at 4:40 p.m.

A handwritten signature in cursive script that reads "Terilyn Lurker".

Terilyn Lurker, City Recorder