

UNAMERICAN FORK CITY COUNCIL
JANUARY 12, 2021
REGULAR SESSION MINUTES

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Staci Carroll	Council Member
Barbara Christiansen	Council Member
Rob Shelton	Council Member
Clark Taylor	Council Member

Staff Present:

David Bunker	City Administrator
Wendelin Knobloch	Associate Planner
Terilyn Lurker	City Recorder
Anna Montoya	Finance Officer
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Scott Sensanbaugher	Public Works Director

Also present: Jon Haderlie and Joe Brown

REGULAR SESSION

The American Fork City Council met in a regular session on Tuesday, January 12, 2021, commencing at 7:00 p.m.

Mayor Frost welcomed everyone to the meeting and read the following statement:

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 declared state of emergency on November 8, 2020 due to an increase in case counts of COVID-19, 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 asymptomatic.*

- *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 Utah Health Guidance levels. 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>. To make a public comment, email comments to publiccomment@americanfork.gov prior to 5:00 p.m. the day of the meeting for the comment to be read into record. Please indicate in the subject line which item your comment refers to. You may also make public comment in person at City Hall (31 N. Church Street). No more than ten individuals will be allowed in City Hall at one time to ensure social distancing guidelines are capable of being followed. Masks shall be worn inside City Hall.

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

Mayor Frost led the Pledge of Allegiance and an invocation was offered by Council Member Barnes. Roll call was taken.

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

Terilyn Lurker, City Recorder, reported that staff had received no written comments and there were no members of the public present at City Hall to make comment.

3. City Administrator's Report

City Administrator David Bunker commented that it had been some time since the City Council had met, and it was good to see everyone. He reported that the Fitness Center was currently having a pass sale. There would be no fitness fair, as in years past, but those passes could be purchased online or by appointment at the center. The Fire Department was participating in an ice rescue training.

4. Council Reports

Council Member Christiansen had nothing new to report but expressed that it was good to be meeting again. Council Members Shelton and Barnes stated the same.

Council Member Carroll reported that the Chamber of Commerce held their budget retreat on December 11, 2020, and they did select three new board members. Those members would be inaugurated in February. The three new members were Laura Salisar, Will Marriot, and Kyle Larsen.

Council Member Taylor had nothing to report.

5. **Mayor's Report**

Mayor Frost agreed that it was good to get back into a normal routine. He spoke about the week leading up to Christmas Day, which highlighted some of the great things that were done in the community. That Monday there was an event at Tabatha's Way, where they were handing out food to those in need. That Tuesday was the Shop With a Cop for the Police Department. Roughly 500 meals were handed out at the Senior Center that Thursday. At that event, an anonymous citizen approached Mayor Frost and stated that he wanted to donate \$50 to everyone who came through that line, and \$50 to each volunteer. In all, the citizen donated \$12,000.

Mayor Frost would be giving the State of the City address virtually at the Fox Hollow Golf Course the following evening.

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 December 1, 2020 work session minutes.
2. Approval of the December 8, 2020 city council minutes.
3. Approval of the authorization to release the Improvements Durability Retainer of \$ 1,492,887.00 for 900 WEST 1.1, located at 900 West 200-350 South.
4. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$95,111.00 and issue a Notice of Acceptance for the GARDNER BATT WAREHOUSE construction of public improvements located at 398 East 1100 South.
5. Ratification of city payments (December 2, 2020 to January 5, 2021) and approval of purchase requests over \$25,000.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

ACTION ITEMS

1. Presentation and acceptance of the fiscal year ended June 30, 2020 audited annual financial statements.

Finance Officer Anna Montoya thanked Jon Haderlie for his work on the annual audit. She said that the process went well, and she was pleased by the outcome. City Administrator David Bunker echoed her comments.

Jon Haderlie noted that the CARES Act Funding added some complexity to the audit this year, which was why this was coming before the Council later than usual. As the City spent CARES Act Funding so early last year, the team had to wait for the Treasury to release the compliance supplement to ensure that everything was done correctly. There was some conflict between the Treasury and the State/County on what would be allowed, so Mr. Haderlie chose to wait until they received the report. He assured the Council that the City's audit would not be considered late.

Mr. Haderlie addressed each section of the audit in order, beginning with a statement listing what the audit contained. The City was ultimately responsible for the audit statement, but a third party was asked to verify the information in the audit. The third party would provide an opinion statement to be included in the audit. The report also included supplementary information, as required by the Federal Government. He addressed the "yellow book audit", which looked at internal controls. Based on their analysis, American Fork had sufficient controls in place and there were no negative findings. Also required this year was a fraud risk assessment, and Mr. Haderlie said he would be addressing this in more detail later. The report also included the single audit letter, the CARES Act Funding, Federal Grants, Findings of Schedules, and Major Programs. There was also a statement from City staff confirming that they were forthcoming with all the information provided.

Mr. Haderlie went over the findings. The first was that the Broadband Fund was in a deficit position, which the City was aware of. To address this issue, the City needed to include a line item in the upcoming budget that would help reduce that deficit. There were a couple of funds that were slightly over budget. These were minor concerns, but the City Council should be made aware of them.

Regarding the Fraud Risk Assessment, Mr. Haderlie explained that this new implementation was getting Cities to talk about internal controls, and how to protect employees and City funds. However, the current setup was "all or nothing", which he felt was risky. He stated that some cities have over-reported in the Fraud Risk Assessment, which was giving them a false sense of security. His recommendation was that the Mayor and City Council review the Fraud Risk Assessment, so they were fully aware of what was going on in the City. For American Fork City, he didn't see any major risks, but there was always room for improvement.

The Council thanked Mr. Haderlie and City staff for their report.

Council Member Taylor moved to accept the Fiscal Year Ended June 30, 2020 Audited Annual Financial Statements. Council Member Carroll seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
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MOVER:	Clark Taylor, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

2. Review and action on the Water Banking Agreement for Water Rights with Tace, LLC for 86.128 acre-feet of water.

Council Member Taylor moved to approve the Water Banking Agreement for Water Rights with Tace, LLC for 86.128 acre-feet of water. Council Member Shelton seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
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MOVER:	Clark Taylor, Council Member
SECONDER:	Rob Shelton, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

3. Review and action on the Water Banking Agreement for Water Rights with Millpond Apartments, LLC for 27.958 acre-feet of water.

Mayor Frost pulled this item from the agenda at the request of the applicant.

4. Review and action on a resolution indicating the City's intent to annex the AF Utah LLC Addition, consisting of 19.40 acres at approximately 1000 West 200 South.

Council Member Carroll noted she appreciated the addition of a note indicating the additional land being brought in.

Council Member Christiansen moved to approve Resolution No. 2021-01-01R indicating the City's intent to annex the AF Utah LLC Addition, consisting of 19.40 acres at approximately 1000 West 200 South. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
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MOVER:	Barbara Christiansen, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

5. Review and action on a resolution indicating the City's intent to annex the Silverado Annexation consisting of 26.04 acres at approximately 1000 West 150 South.

Council Member Taylor moved to approve Resolution No. 2021-01-02R indicating the City's intent to annex the Silverado Annexation consisting of 26.04 acres at approximately 1000 West 150 South. Council Member Christiansen seconded the motion. Voting was as follows:

RESULT: APPROVED [UNANIMOUS]

MOVER: Clark Taylor, Council Member

SECONDER: Barbara Christiansen, Council Member

AYES: Barnes, Carroll, Christiansen, Shelton, Taylor

6. Review and action on a resolution indicating the City's intent to annex the North Binch Annexation consisting of 26.02 acres at approximately 800 West 500 South.

Council Member Carroll moved to approve Resolution No. 2021-01-03R indicating the City's intent to annex the North Binch Annexation consisting of 26.02 acres at approximately 800 West 500 South. Council Member Taylor seconded the motion.

Voting was as follows:

RESULT: APPROVED [UNANIMOUS]

MOVER: Staci Carroll, Council Member

SECONDER: Clark Taylor, Council Member

AYES: Barnes, Carroll, Christiansen, Shelton, Taylor

7. Review and action of a Reimbursement Agreement for 700 South with Woodside Homes of Utah.

Council Member Barnes asked if this work had already been completed, and staff said that it was not. The City would enter into the agreement to reimburse, but the actual reimbursement wouldn't take place until after the work was done.

Council Member Barnes moved to approve the Reimbursement Agreement with Woodside Homes of Utah, LLC for an amount no greater than \$62,701.30 for system improvements along 700 South. Council Member Christiansen seconded the motion.

Voting was as follows:

RESULT: APPROVED [UNANIMOUS]

MOVER: Kevin Barnes, Council Member

SECONDER: Barbara Christiansen, Council Member

AYES: Barnes, Carroll, Christiansen, Shelton, Taylor

8. Review and action on a revised agreement with Union Pacific Rail Road (UPRR) for the Construction of a Water Line in 200 South.

Public Works Director Scott Sensanbaugh explained that an agreement was approved by the City Council in September 2020, but UPRR noticed a mistake regarding the City's

responsibility for certain fees. The changes were significant enough to bring the agreement back to the City Council for approval. There were no financial changes from the original agreement.

Council Member Taylor moved to approve the revised agreement with UPRR and authorize the City to enter into the agreement, as presented. Council Member Carroll seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

9. Review and action on a Tier 1 Auto Dealership amended agreement with National Buick GMC.

Administrator Bunker explained that the amendments to this agreement simply adjusted the start and end dates to match up with the City's fiscal year rather than the calendar year.

Council Member Taylor moved to approve an amended agreement with National Buick GMC. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

10. Consideration and action to enter into a Closed Session to discuss items described in Utah State Code 52-4-204 and 52-4-205.

Council Member Taylor moved to enter into a Closed Session at 8:02 p.m. to discuss items described in Utah State Code 52-4-204 and 52-4-205. Council Member Christiansen seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

Mayor Frost explained the Council would meet in the Closed Session in a separate Zoom Meeting. At the end of the Closed Session, the Council would reconvene this meeting to adjourn the Regular Session.

The City Council entered into a Closed Session to discuss items described in Utah State Code 52-4-204 and 52-4-205 at 8:05 p.m. Those present included Mayor Frost, Council Member Barnes, Council Member Carroll, Council Member Christiansen, Council Member Shelton and Council

Member Taylor. Also present were City Administrator David Bunker, City Civil Attorney Cherylyn Egner, and City Recorder Terilyn Lurker.

Litigation and property acquisition were discussed, and audio recorded as required by law.

Council Member Shelton moved to reconvene the regular session at 9:06 p.m. Council Member Barnes seconded the motion. All were in favor.

11. Adjournment

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

The meeting adjourned at 9:07 p.m.



Terilyn Lurker, City Recorder