

AMERICAN FORK CITY  
CITY COUNCIL MINUTES  
JULY 30, 2013

SPECIAL SESSION

The American Fork City Council met in a special session on July 30, 2013, in the American Fork City Hall, located at 31 North Church Street, commencing at 7:30 p.m. Those present included Mayor James H. Hadfield, Councilman Brad Frost, Councilman Craig Nielsen, Councilmember Heidi Rodeback, Councilman Robert Shelton, and Councilman Clark Taylor.

Staff present:       Administrative Services Director Melanie Marsh  
                          Associate Planner Wendelin Knobloch  
                          City Administrator Craig Whitehead  
                          City Attorney (Civil) Kasey Wright  
                          City Engineer Andy Spencer  
                          Deputy Recorder Terilyn Lurker  
                          Finance Officer Cathy Jensen  
                          Fire Chief Kriss Garcia  
                          Police Chief Lance Call  
                          Public Works Director Dale Goodman  
                          Technology Director George Schade

Also present:       Carlton Bowen, Barbara Christiansen, Eileen Miller, Brandon Lundin, Jim Price, Travis Jensen, John Schiess, and six additional people.

Mayor Hadfield welcomed those present. Everyone in attendance repeated the Pledge of Allegiance and Fire Chief Kriss Garcia offered a prayer. Roll call was taken and all council members were present.

Mayor Hadfield had the scouts introduce themselves.

Troop 821:           Jayden Bennett, Casen Lembke, Kyler Lembke

Troop 830:           Nikolas Belt

Mayor Hadfield stated that Early Voting started today. He gave the City Council candidates present a minute to introduce themselves.

Carlton Bowen stated he lived in the Val Vista area and was running for City Council. He wanted to keep American Fork great. Mr. Bowen was concerned with additional borrowing and proposed tax increases, but he did want to fund priorities and keep American Fork a great place to live.

Craig Nielsen stated he has been serving on the City Council for the last year and was also running for City Council. He wants to continue serving to keep things going that has been started. He has learned a lot from working with staff and appreciates working with them.

TWENTY-MINUTE PUBLIC COMMENT PERIOD – LIMITED TO TWO MINUTES PER PERSON

There were no public comments.

CITY ADMINISTRATOR'S REPORT

Mr. Whitehead had nothing to report.

COUNCIL REPORTS

Councilman Shelton stated that they have had a couple of fun weeks. The Youth City Council Dance was held at the Fox Hollow Golf Course; it was an event that went well without incident. He also reported the Chamber of Commerce had the Steak Fry at Evergreen Park during Steel Days and it was a great success. They also had a Business Expo during Steel Days; they brought in about \$450 to the City. The Chamber of Commerce would like to present that at the next City Council meeting.

Councilman Shelton stated it was great to have the Evergreen Park pavilion back.

Councilman Frost stated that he had a great love for Steel Days and had a great group of volunteers and staff to help Steel Days be successful. He wanted to thank all those involved. There were thousands of people who attended the events. Councilman Frost thought that Steel Days rose to a new level. They brought in new events, one was the Garden Tour and it was well attended. The rain interfered with the Soap Box Derby. There wasn't a time that staff or volunteers did not get something done. The Little River Band was detained in Las Vegas because of flooding and did not arrive on time; however, a volunteer picked them up at 3 a.m. at the airport. There were several people who went above and beyond the call of duty. Countless volunteer hours were spent putting this together. He could not thank the committee and employees enough. This was a special event that brought the community together. Councilman Frost commented that he had received many comments that the fireworks were the best.

Councilman Taylor stated that Steel Days was fantastic. From the symphony to the parade and all of the events, this was a fantastic event and he applauded all those who worked so hard to put this together. He knows there are those people who would like the carnival to go away, but our police department does a great job keeping it safe.

Councilman Taylor stated that Fox Hollow Golf Course hosted a senior amateur golf tournament which was a great success. Fox Hollow was in great shape and he would ask that the Chamber of Commerce be asked to give Fox Hollow a shot for their golf tournament.

Councilmember Rodeback stated that Steel Days was fantastic and thanked Councilman Frost and the committee for all their work putting this together. Steel Days is the heart and soul of the identity of the community and brings them together as a community.

Councilmember Rodeback also reported that she met with Reed Bromley and Jason Burningham and she thought they were now on the same page and will move forward with an RDA meeting in August.

Councilman Nielsen also wanted to say that Steel Days was great this year. He thanked Councilman Frost and the committee for their time and efforts. They did a great job.

### MAYOR'S REPORT

Mayor Hadfield added to the appreciation for Steel Days and all the work done by the committee. There were many events that were very successful. The support of the Police Department was great. He was sad that they had rain during the Soap Box, but everything went well. He was pleased with the Garden Tour and felt the Art Show was one of the best in the county. The Picnic in the Park was well attended and he felt they set some new standards; there were many activities and food vendors. Saturday started with the balloon lift, the 5K, band breakfast, and a wonderful Parade. All in all, it was an excellent program with amazing fireworks. He thanked everyone who makes things happen and he wanted to send appreciation letters to those involved.

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 by the Mayor or a Councilmember and placed in the action items.)

1. Approval of the July 11, 2013 City Council special session minutes.
2. Approval of the City bills for payment and purchase requests over \$1,000.
3. Authorization for the release of the Improvements Durability Retainer for the project known as Chick-Fil-A at 183 North West State Road in the amount of \$2,150.00.
4. Authorization for the release of the Improvements Durability Retainer for the project known as Xlear at 783 South Auto Mall Drive in the amount of \$21,681.98.

**Councilman Shelton moved to approve the Common Consent Agenda. Councilman Taylor seconded the motion. All were in favor.**

### ACTION ITEMS

#### REVIEW AND ACTION ON AN ORDINANCE APPROVING THE SITE PLAN FOR BILLY'S DRINK DEPOT LOCATED AT 700 E. STATE STREET IN THE SC-1 PLANNED SHOPPING CENTER ZONE – Staff

Mayor Hadfield stated they have met with the owners and this has been through the Planning Commission with a positive recommendation.

Councilman Frost asked what Billy's Drink Depot was all about. Brandon Lundin explained that this was a drive through for drinks including coffee, tea, soda, frosties, smoothies, etc. It was a convenience for a drive through and was similar to a business in the St. George area. They were looking at several locations in this valley, but this will be the first in northern Utah.

**Councilman Taylor moved to adopt Ordinance No. 2013-07-25 approving a commercial site plan for Billy's Drink Depot located at 700 East State Road with instructions to the City Recorder to withhold publication of the ordinance subject to (1) approval of a development agreement relating to the installation of pressurized irrigation, (2) posting of a performance guarantee to ensure the timely construction of required public improvements, (3) verification and conveyance of water right requirement, and (4) all conditions identified in the June 19, 2013 Planning Commission Meeting. Councilman Frost seconded the motion. All were in favor.**

REVIEW AND ACTION ON A DEVELOPMENT AGREEMENT REGARDING THE  
INSTALLATION OF A PRESSURIZED IRRIGATION LINE AT THE AMERICAN FORK  
SHOPPING CENTER LOCATED BETWEEN 600 EAST/860 EAST AND STATE STREET –  
Staff

Mr. Spencer stated that the Development Code requires pressurized irrigation to be installed with construction projects. He explained that Billy's Depot would be going in on property owned by Perry LLC. Perry LLC felt that the installation of the pressurized irrigation lines was too heavy of a burden for a small project compared to the overall project. They were requesting that the city allow them time to install the lines or postpone the requirement until they have a larger project come forward for approval. Mr. Spencer explained that there were two pressurized irrigation lines that would need to be installed in the future, one line would be on the American Fork Shopping Center property and another line on property owned by Perry and Associates that was just south of the shopping center. Mr. Spencer stated that he has been working with Mr. Swain from Perry and Associates and they are asking that the two lines be separated; however, Mr. Spencer felt the two lines should be tied together because of the potential of larger projects. Mr. Spencer stated they would pay just under \$10,000 down and then as progressive actions happen they would have to install the rest of the system.

Mayor Hadfield explained the location of the lines. He stated they had discussions with legal counsel concerning this agreement. This would allow the developer to put money on the table and hold off on the improvements with the city holding the money until such time as the development is completed.

Councilmember Shelton asked if the Vintaro project would have access to water if the Perry development does not go forward. Mr. Spencer stated that there were three locations they could pull the water from and that it was a reasonable expectation for developers to go to one of those locations to bring the water to their property.

Mayor Hadfield stated that as other properties develop in the area, they would have to extend the irrigation lines.

**Councilman Shelton moved to approve the Development Agreement with American Fork Shopping Center LLC and LH Perry Investments LLC for pressurized irrigation installation at the American Fork Shopping Center. Councilmember Rodeback seconded the agreement. All were in favor.**

REVIEW AND ACTION ON THE RESOLUTION APPROVING THE BIKE & PEDESTRIAN ELEMENT OF THE AMERICAN FORK CITY GENERAL PLAN – Staff

Mayor Hadfield stated there are two specialists present, Jim Price and Travis Jensen, to answer any questions. He noted that the Council had previously reviewed this as has the Planning Commission.

Councilman Shelton thanked them for their support and putting this together.

Councilman Frost stated this was a great effort that started from the basics and he thanked them for their time and effort.

Councilmember Rodeback also thanked them for their work as this was a comprehensive report and disparately needed. She stated that her son rides his bike to Marching Band and the route he takes was not very friendly to bikes and they have a lot of those issues throughout the community. They need the connectivity with the surrounding towns, and this plan addresses that. This was also about how they introduce this to the public. She wished they had the funding to go with it, but was pleased that they had this plan.

Mayor Hadfield stated that there were seven communities that had to work together on the Murdock Canal Trail and Jim Price was an important part of that. Some would say that trails wouldn't be used, but it was reported that there were between 30,000 and 35,000 user trips per week on the Murdock Canal Trail. Mayor Hadfield stated that they have made efforts to work on the trails for the last several years. Any time they can get a trail where it only costs 6.7% of the total amount, it was a great bargain. It was a good return on the investment.

Jim Price stated that with regards to the count of people using the Murdock trail, they have found that the Murdock Canal trail took away only 6% from the Provo River Trail users. This was a great investment, but also noted that there was a whole new set of people who were now active.

Councilman Taylor stated that he has used the canal for running. Last night he was on the trail and there was everything from big wheels to families to scooters to dogs. It was incredible to see the use on the trail.

Mayor Hadfield stated there are those who use the Murdock Canal trail to get to work in the Riverwoods center in Provo.

**Councilman Taylor moved to adopt Resolution No. 2013-07-13R approving the Bike and Pedestrian Element of the American Fork City General Plan. Councilmember Rodeback seconded the motion. All were in favor.**

Councilman Taylor left the meeting at 8:10 p.m.

REVIEW AND ACTION TO AWARD THE BID FOR ENGINEERING DESIGN WORK ASSOCIATED WITH THE 2013 STREET IMPROVEMENT BOND ELECTION - Staff

Mr. Spencer stated that in this recent budget, there was money set aside to go ahead and do the engineering for the Roadway Improvements Bond. In order for them to have the improvements

ready to go to bid if the bond passes, they need to do the work ahead of time. They asked for proposals and received three responses and an evaluation team recommended Horrocks Engineers and RB&G.

Councilman Frost stated that they were there to inform the citizens of the upcoming bond. Even if the bond election does not pass, this would give them some type of priority list. Mr. Spencer agreed and commented that this effort will not be wasted. It may take them longer to accomplish what needs to be done, but the engineering work was needed.

Councilman Shelton stated he has done a lot of research and wants to make sure they are fully informed on all issues.

**Councilman Shelton moved to award the bid for engineering design work associated with the street improvement bond to Horrocks Engineers Team with a concept bid of \$19,700; authorizing staff to negotiate the design portion up to a total concept and design cost of \$250,000; and if the bond passes, authorizing staff to negotiate the construction management within a 25% contingency of the pricing provided by the proposal. Councilman Frost seconded the motion.**

Councilmember Rodeback noted that while they are going with the lowest bidder, they have had a good history with Horrocks Engineers.

Mayor Hadfield stated that when they can deal with a local organization, there was some merit. The selection committee had decided that if the totals from the bidders were close, they would go with the local group to keep the jobs in American Fork. However, there are many Horrocks Engineers workers who live in American Fork. If they take the overall package, they felt the best bet was to deal with Horrocks Engineers.

**Mayor Hadfield called for a vote on the motion. All were in favor.**

REVIEW AND ACTION ON A RESOLUTION INDICATING THE CITY'S INTENT TO ANNEX THE V & J GRAY ANNEXATION CONSISTING OF .56 ACRES AT APPROXIMATELY 865 EAST 50 SOUTH – Staff

Mayor Hadfield stated that as they look at the upcoming annexations, he wanted to give some background information. Years ago, American Fork took over the Manila water lines which provided culinary water to a number of homeowners near the city boundary. American Fork then ran water lines and connected those residents to the American Fork City lines. He found that there were some inconsistencies to the water rates being paid to the City; some were paying the residential rate while others were paying the county rate. He felt it was best to address this issue, so letters were sent to many residents who live near the American Fork City boundary lines to see if they would like to annex into the City. If they chose to annex into the City, they would be charged the residential rate but if they opted not to annex they would pay the county rate as of July 1. The city offered help in the annexation process and several residents took the opportunity to annex into American Fork City.

Mayor Hadfield stated this annexation was just left of 900 East on 50 South.

Councilman Shelton thanked Mayor Hadfield for that background information and he felt it was best that they be fair to charge the appropriate rates.

**Councilman Shelton moved to adopt Resolution No. 2013-07-14R indicating the City's intent to annex the V & J Gray Annexation consisting of .56 acres at 865 East 50 South. Councilman Frost seconded the motion. All were in favor.**

REVIEW AND ACTION ON A RESOLUTION INDICATING THE CITY'S INTENT TO ANNEX THE FOUR-WAY ANNEXATION CONSISTING OF 4.04 ACRES AT 1100 EAST APPROXIMATELY 300 NORTH – Staff

Mayor Hadfield explained that as a result of the county's widening of 1100 East, the county was required to purchase a number of the properties to get the width needed. Those pieces of property were not a part of the City. There are four separate parcels that belong to Utah County and one belonging to the Fausetts included in this annexation.

**Councilman Frost moved to adopt Resolution No. 2013-07-15R indicating the City's intent to annex the Four-Way Annexation consisting of 4.04 acres at 1100 East approximately 300 North. Councilman Shelton seconded the motion. All were in favor.**

REVIEW AND ACTION ON A RESOLUTION INDICATING THE CITY'S INTENT TO ANNEX THE QUEENS DRIVE ANNEXATION CONSISTING OF 10.71 ACRES AT QUEENS DRIVE AND APPROXIMATELY 1100 EAST – Staff

Mayor Hadfield stated this included several properties owned by Utah County, the Johnsons, the Greenwoods, as well as two additional pieces of property. This was also part of the cleanup of the Manila water issue.

**Councilman Shelton moved to adopt Resolution No. 2013-07-16R indicating the City's intent to annex the Queens Drive Annexation consisting of 10.71 acres at Queens Drive and approximately 1100 East. Councilman Nielsen seconded the motion. All were in favor.**

CONSIDERING AND ACTION ON ENTERING INTO AN EXECUTIVE SESSION TO DISCUSS LITIGATION – Mayor Hadfield

**Councilman Shelton moved to enter into an executive session at 8:21 p.m. to discuss litigation. Councilman Frost seconded the motion. All were in favor.**

The City Council entered into an executive session in a downstairs work room of the City Hall to discuss litigation at 8:24 p.m. Those in attendance included Mayor James H. Hadfield, Councilman Brad Frost, Councilman Craig Nielsen, Councilmember Heidi Rodeback and Councilman Rob Shelton. Others present included City Attorney Kasey Wright, City Administrator Craig Whitehead, Finance Officer Cathy Jensen, and Deputy Recorder Terilyn Lurker. Litigation was discussed. The meeting was audio tape recorded as required by statute. The executive session concluded at 8:55 p.m.

**Councilman Shelton moved to return to the special session at 8:55 p.m. Councilman Frost seconded the motion. All were in favor.**

ADJOURNMENT

**Councilman Frost moved to adjourn the meeting. Councilmember Rodeback seconded the motion. All were in favor.**

The meeting adjourned at 8:55 p.m.

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

Terilyn Lurker  
Deputy Recorder