

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
JUNE 25, 2013

PUBLIC HEARINGS

ATTACHMENT

The American Fork City Council met in three public hearings on Tuesday, June 25, 2013, in the American Fork City Hall, 31 North Church Street commencing at 7:00 p.m. Those present included Mayor James H. Hadfield and Councilmembers Brad Frost, Craig Nielsen, and Clark Taylor. Councilmembers Heidi Rodeback and Robert Shelton were excused.

Staff present: City Engineer Andy Spencer
City Recorder Richard Colborn
City Treasurer Melanie Marsh
Finance Director Cathy Jensen
IT Specialist George Schade
Library Director Sheena Parker
Police Chief Lance Call
Projects Engineer Howard Denney

Also present: John Woffinden, Carlton Bowen, and five additional persons

7:00 p.m. - Receiving of public comment regarding amendments to the FYE June 30, 2013 City Budget

Mayor Hadfield provided his copy of the proposed budget amendments to a member of audience to review and explained that it was mostly adjusting for overages with budgets that were under.

There being no further comment, the hearing ended at 7: 04 p.m.

7:10 p.m. - Receiving of public comment regarding the Woffinden-McDaniel Addition Annexation consisting of 5.35 acres at 980 East 50 South

Mayor Hadfield asked for comments regarding the Woffinden-McDaniel Addition Annexation.

There being no comment, the hearing ended at 7:12 p.m.

7:20 p.m. - Receiving of public comment regarding the Chertudi Addition Annexation consisting of 4.83 acres at 975 West 1100 North

Mayor Hadfield asked for comments regarding the Chertudi Addition Annexation.

There being no comment, the hearing concluded at 7:22 p.m.

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, June 25, 2013 in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m. Those present included Mayor James H. Hadfield and Councilmembers Brad Frost, Craig Nielsen, and Clark Taylor. Councilmembers Heidi Rodeback and Robert Shelton were excused.

Staff present: City Attorney Kasey Wright
City Engineer Andy Spencer
City Recorder Richard Colborn
City Treasurer Melanie Marsh
Finance Director Cathy Jensen
Fire Marshal Doug Bateman
IT Specialist George Schade
Library Director Sheena Parker
Police Chief Lance Call
Projects Engineer Howard Denney
Public Works Director Dale Goodman

Also present: John Woffinden, Carlton Bowen, and eight additional persons

Mayor Hadfield led the audience in the Pledge of Allegiance and Councilman Clark Taylor offered a prayer. He noted that with Councilmembers Rodeback and Shelton absent, any action in the affirmative would need to be a unanimous decision.

Mayor Hadfield invited the Scouts in attendance to come forward and introduce themselves.

Troop 332 Daniel Patterson Kade Wakefield Collin Thorpe

Troop 1184 Shandon Anderson

He encouraged the Scouts that when they were ready for an Eagle Project to come to the City. It has many projects for the betterment of the community.

Mayor Hadfield had those Candidates running for City Council in attendance to introduce themselves.

In attendance were

Carlton Bowen
R. Craig Nielsen

Also running were

Jeffrey Shorter
Donald A.B. Nelson
Glen Anderson

The Primary Election will be on August 13th. The top four vote getters would go on to the November Municipal General Election.

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

Chairman of the Planning Commission John Woffinden asked the status of the Landlord Registration Ordinance that they had been working on for a number of years.

Mayor Hadfield reported that he has met with Councilmember Rodeback and others. They were waiting on some input from the City Attorney. It was currently sitting on his desk.

CITY ADMINISTRATOR'S REPORT

Craig Whitehead was excused from the meeting as he was out of town.

COUNCIL REPORTS

Councilman Nielsen had nothing to report at this time.

Councilman Taylor reported that he was at the City's Monday Concert in the Park series where he had the privilege of introducing the Timpanogos Symphony Orchestra. Those weekly concerts at 7:00 p.m. also had concessions and a wonderful setting. Last night as there was a little bit of rain it became quite interesting as people came out of the audience to hold umbrellas over the instruments. It was a very professional but small town experience. Next week was the Wasatch Winds. As a bonus, at 6:30 p.m. the American Fork High School Drum Line would be performing. He invited all to attend.

Mayor Hadfield congratulated the Timpanogos Symphony Orchestra as well.

Councilman Frost commented on the volunteers that served in the community. It was blood, sweat, and tears for some. He reported that the Steel Days Committee was more in the blood mode right now. He thanked Lone Peak High School who had granted permission for the Steel Days Big Show to be held there. He announced that as it turned out the Big Show would be able to be held at the American Fork High School. He was excited about some new events. A magazine would be coming out shortly that would be a great resource. He thanked those volunteers. He was supportive of them.

MAYOR'S REPORT

Mayor Hadfield reported that last Saturday was the grand opening of Michaels in The Meadows. The City was happy to have them.

Mayor Hadfield reported that American Fork was well and healthy and continued to do better with the sales tax numbers. That was why there was not a property tax increase in the upcoming fiscal year budget.

Mayor Hadfield asked the City Recorder to report on the change of days for the next three City Council and Finance Committee meetings.

Richard Colborn reported that the Finance Committee and City Council for

- Tuesday July 9 is changed to Thursday July 11 because of the lack of a quorum on the 9th.
- Tuesday July 23 is changed to Tuesday July 30 because of the 23rd being the evening prior to Pioneer Day.
- Tuesday August 13 is changed to Thursday August 15 because of Primary Election Day being on the 13th.

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 June 11, 2013 City Council minutes
2. Approval of the City bills for payment and purchase requests over \$1,000.
- 3- Authorization for the release of the Improvements Construction Guarantee and issuance of a Notice of Acceptance of the improvements for the subdivision recorded as Harbor Village at 750 South 150 West in the amount of \$422,652,11.
- 4- Authorization for the release of the Improvements Durability Retainer for the subdivision recorded as Jolley Subdivision at 160 West 1120 North in the amount of \$7,060.00.

Councilman Frost moved approval of the common consent items as presented. Councilman Nielsen seconded the motion. All were in favor

ACTION ITEMS

REVIEW AND ACTION ON THE ADOPTION OF A RESOLUTION APPROVING AMENDMENTS TO THE FYE JUNE 30, 2013 CITY BUDGET - Cathy Jensen

Mayor Hadfield noted that this was the matter of a public hearing at 7:00 p.m. He asked if there were any questions. There were none.

Councilman Taylor moved to adopt Resolution No. 2013-06-10R approving the budget adjustments to the fiscal year ending June 30, 2013 budget. Councilman Frost seconded the motion. All were in favor.

REVIEW AND ACTION ON A RESOLUTION TO IMPLEMENT OUTDOOR WATER RESTRICTIONS ON THE CITY PRESSURIZED IRRIGATION USERS – Dale Goodman

Mayor Hadfield referred to an American Fork River Flow Chart. (It is included in these minutes as an ATTACHMENT)

Howard Denney explained that the flows were significantly down. Also, the City would get only 30 percent of the water normally received from the Provo Reservoir Water Users Association. Some needs could be met through the use of wells at a very high expense. Conservation was needed. Staff has proposed entering into restrictions. A method of enforcement and a waiver for

new construction has been requested and that had been provided separately. He asked if there were questions.

Mayor Hadfield noted that the revisions regarding enforcement and a waiver for new construction had been reviewed and the City Attorney has given a positive recommendation. They were asking the residents of American Fork to comply with the restrictions beginning the First of July.

Councilman Frost asked why and how the Provo Reservoir Water Users were able to reduce the amount of water the City would be getting.

Howard Denney explained that it was essentially an irrigation company. American Fork has shares in that organization. They did not have all the water that usually was available. Everyone therefore received a percentage of the water that they had right to. The Unita Mountains had been hit harder than the Wasatch Front.

A gentleman in the audience asked about the enforcement mechanism.

Howard Denney explained that staff had suggested

1. There would first be contact with the individual and a copy of the written regulations provided and a reinforcement of the need for conservation.
2. For the second offense there would be a written citation issued which was a Class 3 Misdemeanor and they would appear before a judge who would determine the penalty.
3. A third offense would result in them being locked out of the PI system.

A gentleman in the audience asked, based on current usage, if the City expected the PI system to run dry this year.

Howard Denney responded that they did not expect it to run dry. With this action they were trying to put in balance the inflow and the out outflow of the system.

The gentleman asked if there was any concern with culinary water.

Mr. Denney answered that there was not. There was only concern regarding surface rights.

Mayor Hadfield commented that he felt there had been a lot of misinformation in the paper. American Fork had sufficient water for culinary use. The City did not like to use surface storage water this early in the year. That was for later in the year.

John Woffinden asked for clarification about the times for watering.

Councilman Taylor explained that it was between the hours of 6:00 p.m. the assigned day and 10:00 a.m. the following day.

Another gentleman explained that he worked for a landscaping company out of Salt Lake and they took care of Northgate. Up to three weeks ago they had great water pressure. They talked some of the public works guys who told them that two of the PI ponds were dry. They called the

City when they heard about water restrictions and talked to Kim. Kim told them that the City had cut back from watering from 10:00 p.m. to 6:00 a.m. and that they were not allowed to water in that window. He felt they were going against State Law, at least as far as his company was concerned, because they were to water from 7:00 a.m. to 9:00 p.m. because they were using the secondary irrigation for farmers and whatever else.

Howard Denney asked if Northgate was a PUD.

The Association President for Northgate answered that it was.

The previous gentleman continued that during the day they did not have enough pressure to do a test. He asked why they were watering during the day when the ponds should be filling.

Howard Denney stated that they were trying balance the inflows and the outflows. They could allow everyone to water at the same time but that would not work. Residential would be watering at night and large users would be watering during the day.

The gentleman and Howard Denney discussed methods of conserving.

Carlton Bowen expressed that threatening citizens with jail time was heavy handed, should never be done for secondary water, culinary maybe, and was premature. He understood they had a water situation but 90 percent or more of the citizens if they were just asked, without threatening them, were going to comply and solve the problem.

Mayor Hadfield asked about the penalties associated with a Class C misdemeanor.

Kasey Wright responded that a speeding ticket was a Class C misdemeanor. The penalties were up 90 days in jail and/or a fine of up to \$1,000.

Councilman Taylor responded to the question of the adequacy of the culinary water system and noted that it was okay. There was not a shortage. Use of the culinary water is metered and outside use was costly and went against the use of water in the culinary system. This Resolution would go into effect on July 1. It was proposed that the mechanics of the flows would be worked out so that by July 1, large water users watering in the daytime would have sufficient water.

Councilman Nielsen stated that he had heard people comment, why was the City having people water during the day. They did not think that was the way to conserve. They did not understand the inflow and outflow. A better job at educating residents was needed.

Councilman Frost commented that a PUD was a large water user but with residents that had odd and even addresses but probably a centralized clock. The rise and fall in pressure and flow was due to the rise and fall in the level of the ponds. He felt there needed to be some teeth in the law. For this year the City needed to do this.

Councilman Taylor thought it incumbent upon all of us to help others that did not understand the need for conservation by way of a friendly reminder.

A lady stated that the Northgate PUD was supportive of restrictions. She asked if it had been considered to have days of no watering to allow the ponds to fill up or was that the next thing.

Howard Denney explained that the City has chosen Sunday to be the make-up day to hit the brown spots.

Mayor Hadfield added that they have asked the large water users to water during the daytime when they would be able to see if there was something broken, like a head or pipe, and it was watering on the asphalt. There was some logic to it. They did not know all the answers. If there was a better way they would like to hear about it.

Mr. Bowen felt that the City was making some assumptions with these restrictions as to how people used their water, namely that it was being used to water grass. He had flower beds and by 12:00 p.m. or 1:00 p.m. they were pretty dry and if they did not get water, they did not look so great. Watering the flowers for ten or fifteen minutes should not justify a ticket or potential jail time. He felt it was heavy handed. It should be made voluntary initially.

Mayor Hadfield noted the suggestion.

Mr. Bowen asked when this Ordinance would expire.

Mayor Hadfield responded that it would continue in force through this water year. When they did not have a problem anymore, then they would take those restrictions off.

Councilman Nielsen moved to adopt Resolution No. 2013-06-11 R establishing outdoor watering restrictions. Councilman Taylor seconded the motion. All were in favor.

Councilman Frost asked that some adjustments be made to the mailer.

Mayor Hadfield agreed and there would be adjustments.

MODIFICATION OF LOW RISK STANDALONE AND HOME BASED BUSINESS FIRE INSPECTIONS TO AN OCCUPANT INSPECTION PROGRAM (OIP) – Chief Garcia

Mayor Hadfield explained that the Fire Department has proposed to implement a Self-inspection system for home businesses and businesses of low impact. Fire Marshal Doug Bateman was present to answer any questions.

Mayor Hadfield added that Governor Herbert has asked that cities review their practices to see how they could be streamlined and how to reduce some of the redundancy. He asked Mr. Bateman how many home based businesses were in the City.

Doug Bateman responded that there were between 300 and 400.

Councilman Taylor moved approval of the Occupant Self-inspection Program and associated fees. Councilman Frost seconded the motion. All were in favor.

REVIEW AND ACTION ON THE ADOPTION OF AN ORDINANCE UPDATING VARIOUS BUILDING AND CONSTRUCTION CODES – Chief Garcia & Dan Rojas

Mayor Hadfield stated that this is the updating of the City Code.

Dale Goodman explained that this was a routine action taken every few years.

Richard Colborn reported that he talked with Chief Building Inspector Dan Rojas today and he recommended approval of this Ordinance.

Councilman Frost moved to adopt Ordinance No. 2013-06-24 amending Title 15 of the American Fork City Code entitled “Buildings and Construction” specifically adopting,

- 2012 International Building Code
- 2011 National Electrical Code
- 2012 International Plumbing Code
- 2012 International Mechanical Code
- 2012 International Fire Code
- 2012 International Energy Conservation Code
- 2012 International Residential Code
- 2012 International Fuel Gas Code
- 2013 NFPA Fire Sprinkler Installation Standard

Councilman Nielsen seconded the motion. All were in favor.

APPROVAL OF CHANGE ORDER #3 TO STAKER PARSON LLC, CONTRACTOR FOR THE 1350 NORTH/1270 EAST RIGHT-OF-WAY RECONSTRUCTION PROJECT, WHICH IS THE FIRST CHANGE ORDER FOR THE 220 NORTH, 900 TO 1100 EAST PROJECT, TO ADD THE ADDITIONAL WORK FOR THE REMOVAL OF SOFT NATIVE SOIL UNSUITABLE TO SUPPORT NEW CONSTRUCTION - Staff

Councilman Taylor moved to approve Change Order # 3 with Staker Parson LLC on the 1350 North/1270 East Right-of-Way Reconstruction Project, for the reconstruction of 220 North from 900 to 1100 East, in the amount of \$113,035.80, plus authorizing a five percent contingency in the amount of \$5,651.79, for a total authorized amount of \$118,687.59. Councilman Frost seconded the motion. All were in favor.

APPROVAL OF CHANGE ORDER NO. 2 TO FRANSON CIVIL ENGINEERS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE 2012 CULINARY WATER LINE REPLACEMENT PROJECT – Staff

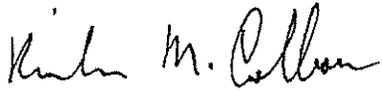
Mayor Hadfield commented that this had been a large undertaking and it was coming to a close. Franson Civil Engineers has done some additional work for the City and have requested a change order in the amount of \$27,000.

Mayor Hadfield added that 2013 money would be available on the first of July and asked that work begin on the engineering for the next project upgrading the culinary water lines.

Councilman Frost moved to approve Change Order No. 2 for Franson Civil Engineers in the amount of \$27,000 for additional services associated with construction management services for the 2012 Culinary Water Line Project. Councilman Taylor seconded the motion. All were in favor.

ADJOURNMENT

Councilman Taylor moved adjournment at 8:19 p.m. Councilman Nielsen seconded the motion. All were in favor.

A handwritten signature in cursive script, appearing to read "Richard M. Colborn".

Richard M. Colborn
City Recorder

