

AMERICAN FORK CITY COUNCIL
NOVEMBER 23, 2021
REGULAR SESSION MINUTES

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Staci Carroll	Council Member
Rob Shelton	Council Member

Members Absent:

Ryan Hunter	Council Member
Clark Taylor	Council Member

Staff Present:

David Bunker	City Administrator
Rebecca Andrus	City Engineer
Camden Bird	Community Services Director
Terilyn Lurker	City Recorder
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Stuart Fore	Police Sergeant

Also present: Lynne Johnston

The American Fork City Council met in a regular session on Tuesday, November 23, 2021, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

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

Mayor Bradley Frost welcome everyone to the meeting. Those present recited the pledge of allegiance and the invocation was offered by Council member Shelton. Roll call was taken. Council Members Ryan Hunter and Clark Taylor were excused.

2. Recognition of city employees for the efforts on water conservation management.

Mayor Bradley Frost invited staff members from public works to come forward and had them introduce themselves. Mayor Bradley Frost expressed his appreciation for the water department and all their hard work with water conservation. He called those who deliver basic services the unsung heroes.

This year was unprecedented. Before the year even started, they were under a declaration of emergency by the Governor's office. On April 15th the city turned the water on. The city collectively asked residents to hold off on watering until May 1st to help save water for those two weeks. Things were critical throughout the year, however, through the efforts of staff and the

residents, the city was able to save 980 million gallons of water over last year compared to the year previously. The goal was to save 1 billion gallons of water, which seemed ambitious at the time. He lamented that they just barely missed that goal. This endeavor required daily record keeping and he expressed his appreciation for these heroes of the city. We learned lessons from this year, such as the parks don't need that much water, and hope we can transfer them to next year. On behalf of the city, he thanked staff.

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

Ms. Lynn Johnston represented Just Serve.org for Lehi City and American Fork. She thanked American Fork for posting service projects on justserve.org. She said the city's posting made their *Day of Service* in September successful. She found pockets of people who serve without recognition all over and provide things that are needed throughout the world. Things from American Fork go to Afghanistan, Jordan, and Africa, and she feels American Fork is a great city. She stated a lot of people are moving to this area from California, as well as all over the nation and they love Utah.

In Utah, people tend to ask members of the Church of Jesus Christ of Latter Day Saints to volunteer but if they consider working with justserve.org they may find those who are not members of the church who are willing to serve. She hopes to have an even better community by doing so. She thanked American Fork City for the spirit of volunteerism they have.

Mayor Bradley Frost replied that the Presbyterian Church regularly served the EMS and police department by bringing meals and things like that. He thanked Ms. Johnston for recognizing what a great community they have.

4. City Administrator's Report

City Administrator David Bunker also wanted to also recognize the efforts of the water department for their water conservation. He acknowledged that they worked very hard and were in constant communication about what the status of the systems were, and how they could manage their resources the very best way. He said they were brilliant in the way they managed the water that they had.

They have a community survey that will be sent out to the community within the next week. This is an annual survey they do year after year with similar questions so they can benchmark where the community sits, what their thoughts are, and to see if things are changing. They want to know if there are issues they need to be aware of. They invite the community to participate in the community survey. They bring the feedback to the city council. He considers it a very important survey.

City Administrator David Bunker reported on Timpanogos Special Service District, which is a board to which he is appointed. They passed their annual budget which was about \$20 million operating budget and \$37 million capital improvement budget. There are a lot of capital improvements that are happening. A lot of the projects are centered around the growth that is happening. He mentioned they will be changing the processing of the treatment plant so they can meet discharge criteria because a lot of the flow goes to Utah Lake. There will be more discussion of how they will be funding those improvements in the future. The plant is doing well and the manager is doing a great job.

Mayor Bradley Frost said one thing he's always been fascinated with is the discharge of the affluent water and asked what it was on a daily basis. City Administrator David Bunker explained it was about 20 million gallons per day. The water leaves the plant treated and it's actually cleaner than the water in Utah Lake. He says you can actually see the difference in the color of the water as it enters into the lake because it's cleaner. In the next ten years they anticipate it going to 30 million gallons a day.

5. Council Reports

Council Member Rob Shelton began by wanted to thank the city and mayor for the respect and honors they gave Mr. Vern Pyne with his passing. Mr. Pyne was one person who made a huge impact in a relatively short period of time, and service was ingrained in the family. He noted that the city has benefitted quite a bit from Mr. Pyne's daughter-in-law, Crystal, volunteering with the police department in the victim's advocate program. Council Member Rob Shelton also reported North Pointe adopted the annual budget. The biggest thing for American Fork to note is that there was no increase on tipping fees. They are looking at facility expansion. He brought up possibly doing a clean-up day in American Fork. Unfortunately, due to supply chain issues there is a shortage of roll-off containers, so those wouldn't be available. He mentioned spring clean-up and asking people to prune their trees back to eight feet to clear the public rights-of-way. He mentioned in past years the National Guard helped with clean-up.

Council Member Kevin Barnes commented that the Historic Preservation Committee was alive and well. He jokingly mentioned that for those who know who's on the committee, that's "pretty good," because he's the youngest member of the committee. They're interested in doing some things and they were hoping to get some grant money to help with projects. There are members who have served for many years as there aren't term limits but they are looking for additional members. They are also looking for volunteers.

Mayor Bradley Frost explained the council will be receiving an email on the committees and making sure that list is current.

Council Member Staci Carroll said she's become a bit of a water geek. She's learned about some of the management practices that it takes to have clean water. She noted that it's been really educational and eye-opening to see how much the work it takes. The Chamber of Commerce had their budget meeting. The American Fork Chamber of Commerce is officially the largest in the county. The Chamber of Commerce often helps with community events and the next Monday they will be having a Christmas event in conjunction with the city. They will have a tree lighting ceremony at 5:30 p.m. at Robinson Park with hot chocolate, entertainment, and Santa. She would like every council member to attend.

6. Mayor's Report

Mayor Bradley Frost followed up to Council Member Rob Shelton's remarks on Mr. Vern Pyne's funeral. The funeral was held at the tabernacle, and he doesn't know how many people were watching online. He felt very fortunate to participate in a small way, and felt it was a very humbling experience. Mr. Vern Pyne will be very missed in the community.

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 October 12, 2021, city council minutes.
2. Approval of the October 19, 2021, work session minutes.
3. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$133,353.38 and issue a Notice of Acceptance for the BONNEVILLE VISTA TOWNHOMES PLAT C construction of public improvements located at 990 East 50 South.
4. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$2840.00 and issue a Notice of Acceptance for the DOUG SMITH SUBARU construction of public improvements located at 501 West Main Street.
5. Approval of the authorization to release the Improvements Durability Retainer of \$194,680.42 for STONECREEK PLAT B, located at 400 South 100 West.
6. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$2,940,634.40 and issue a Notice of Acceptance for the STONECREEK PLAT C construction of public improvements located at 250 West 700 South.
7. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$908,688.22 and issue a Notice of Acceptance for the STONECREEK PLAT D construction of public improvements located at 290 West 700 South.
8. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$2,214,259.36 and issue a Notice of Acceptance for the STONECREEK PLAT E construction of public improvements located at 425 West 720 South.
9. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$1,122,699.28 and issue a Notice of Acceptance for the STONECREEK PLAT F construction of public improvements located at 370 West 870 South.
10. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$31,025.50 and issue a Notice of Acceptance for the QUICK QUACK CAR WASH construction of public improvements located at 352 North West State Street.
11. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$44,844.80 and issue a Notice of Acceptance for the WALMART ACADEMY construction of public improvements located at 949 W. Grassland Drive.
12. Ratification of city payments (November 3, 2021, to November 16, 2021) and approval of purchase requests over \$50,000.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Kevin Barnes, Staci Carroll, Rob Shelton
ABSENT:	Ryan Hunter, Clark Taylor

ACTION ITEMS

1. Review and action on the Water Banking Agreement for Water Shares with Layne Downs for 12.70 acre-feet of water.

Council Member Shelton moved to approve the water banking agreement for water shares with Layne Downs for 12.70 acre-feet of water. Council Member Carroll seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Kevin Barnes, Staci Carroll, Rob Shelton
ABSENT:	Ryan Hunter, Clark Taylor

2. Review and action on the water banking agreement for water rights with White Horse Developers, LLC, for 48 acre-feet of water.

Council Member Carroll moved to approve the water banking agreement for water rights with White Horse Developers LLC, for 48 acre-feet of water. Council Member Shelton seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Rob Shelton, Council Member
AYES:	Kevin Barnes, Staci Carroll, Rob Shelton
ABSENT:	Ryan Hunter, Clark Taylor

3. Review and action on acceptance of bid for Well Rehabilitation Projects and Authorization to Sign Contract Documents.

Mayor Frost noted the hospital well was currently under repair and they have a very good contractor doing the work.

Council Member Rob Shelton asked if in the budget impact on the RCAs they can put down what was approved in the budget so they can compare and see what was saved and what was not. He would like line items detailed out.

Council Member Shelton moved to approve the city accept the bid submitted by Currio Construction Inc, for \$1,047,022.49 for the rehabilitation of the Hospital and Country Club well projects and authorize the city to sign the contract and all other related documents. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Kevin Barnes, Staci Carroll, Rob Shelton
ABSENT:	Ryan Hunter, Clark Taylor

4. Review and action on acceptance of bid for Library Children's Room Project and Authorization to Sign Contract Documents.

Council Member Barnes moved to accept the bid submitted by Entelen Design-Build LLC for the amount of \$346,462.00 for the library room project and authorize the city to sign the contract and all other related documents. Council Member Carroll seconded the motion.

Council Member Rob Shelton paused to say he didn't see where this went back to the PARC Tax committee for allocation of funds. Community Services Director Camden Bird explained they did notify the PARC Tax committee of the issue and they were in favor of reallocating the funds. Council Member Rob Shelton felt they needed to have this go back to the committee so they would have a public record.

Mayor Frost called for a vote on the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Barnes, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Kevin Barnes, Staci Carroll, Rob Shelton
ABSENT:	Ryan Hunter, Clark Taylor

5. Review and action on an ordinance allocating \$114,000 from the PARC tax fund to the Library's Children's Room Expansion Project.

Council Member Staci Carroll asked for clarification on whether these available funds were not coming from next year's but from previous years. Community Services Director Camden Bird said this would have been part of next year's budget, but it won't be anymore because of the reallocation. Legal Counsel Cherylyn Egner explained it is estimated every year what's going to come in but they typically underestimate that. There are also funds returned back to the PARC tax fund that weren't used every year and these funds are part of prior years' collections. There was further discussion on the funds and where they came from. Council Member Rob Shelton said he thought there was \$127,000 overall in the total fund, and they were expensing \$114,000 for this project. Council Member Kevin Barnes said he considers it rollover.

Council Member Barnes moved to adopt Ordinance No. 2021-11-55 approving the allocation of \$114,000 from the PARC Tax fund to the Library's Children's Room Expansion Project. Council Member Carroll seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Barnes, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Kevin Barnes, Staci Carroll, Rob Shelton
ABSENT:	Ryan Hunter, Clark Taylor

6. Review and action on approval for participation in the National Opioid Settlement.

It was asked what the estimation of how much would be collected from the settlement. Legal Counsel Cherylyn Egner replied that the state of Utah was not a party at origination of the lawsuit but has since joined the litigation as part of the settlement. The amount that the state of Utah would receive will increase or decrease depending on how many political subdivisions join the settlement. There have already been several that have come out and said they would not be joining. Those are counties that are a part of this litigation or are a part of a separate litigation. She doesn't foresee American Fork receiving very much, but she does imagine the amount will funnel into existing grants for police services and EMS.

Council Member Rob Shelton asked if American Fork wouldn't receive the check directly, but the money would go to the state of Utah and then they would apply for grants. Legal Counsel Cherylyn

Egner answered that was the way she understood it. What the state gets is dependent on how many political subdivisions agree to the settlement.

Council Member Carroll moved to authorize the city to sign all necessary documents pertaining to the National Opioid Settlement. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Kevin Barnes, Staci Carroll, Rob Shelton
ABSENT:	Ryan Hunter, Clark Taylor

7. Review and action on an ordinance approving Chapter 3.14 of the American Fork City Code regarding the implementation of the Parks, Arts, Recreation, and Culture Sales and Use Tax.

Council Member Shelton moved to adopt Ordinance No. 2021-11-56 approving Chapter 3.14 of the city code relating to the implementation of the PARC Sales and Use Tax with the addition in Section 3.14.060 of to add after 10 years to begin April 2023. Council Member Carroll seconded the motion.

Council Member Rob Shelton asked how they were adopting and implementing the program over the next ten years. Legal Counsel Cherylyn Egner said they need to address that and have that before the council in the future.

Mayor Frost called for a vote on the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Kevin Barnes, Staci Carroll, Rob Shelton
ABSENT:	Ryan Hunter, Clark Taylor

8. Review and action on a pioneering agreement with Roderick Enterprises for system improvements along 1700 South of the Roderick Catalyst development.

Council Member Kevin Barnes said he thought they'd already done several of these for Roderick. Legal Counsel Cherylyn Egner clarified the legal descriptions had to be included with the agreements: they were approved but these had updated parcel numbers.

Council Member Carroll moved to approve the pioneering agreement with Roderick Enterprises for system improvements along 1700 South of the Roderick Catalyst development. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Kevin Barnes, Staci Carroll, Rob Shelton
ABSENT:	Ryan Hunter, Clark Taylor

9. Review and action on a Pioneering Agreement with Phelon Lakeland, LLC for system improvements along 500 East and 1700 South of the Lakeland Industrial Park project.

Council Member Barnes moved to approve the pioneering agreement with Phelon Lakeland, LLC for system improvements along 500 East and 1700 South of the Lakeland Industrial Park project. Council Member Carroll seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Barnes, Rob Shelton
SECONDER:	Staci Carroll, Council Member
AYES:	Kevin Barnes, Staci Carroll, Rob Shelton
ABSENT:	Ryan Hunter, Clark Taylor

10. Review and action on an ordinance amending Section 17.5.133 of the American Fork City Municipal Code entitled "Off-Street Parking Standards".

Mayor Frost pulled this from the agenda.

11. Adjournment.

Council Member Shelton moved to adjourn the meeting. Council Member Barnes seconded the motion. All were in favor.

The meeting adjourned at 7:50 p.m.



Terilyn Lurker
City Recorder