

AMERICAN FORK CITY COUNCIL
JUNE 14, 2022
PUBLIC HEARING AND REGULAR SESSION AGENDA

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Staci Carroll	Council Member
Ryan Hunter	Council Member
Rob Shelton	Council Member
Clark Taylor	Council Member

Staff Present:

David Bunker	City Administrator
Camden Bird	Community Services Director
Stephanie Finau	Deputy Recorder
Cherylyn Egner	Legal Counsel
Cameron Paul	Police Chief
Aaron Brems	Fire Chief
Scott Sensanbaugher	Public Works Director
Patrick O'Brien	Development Services Director
Anna Montoya	Finance Director

Also present: Kraig Thorne (Commander of American Fork Veterans of Foreign Wars), Josh Walker (Chamber of Commerce)

The American Fork City Council held a public hearing in conjunction and met in a regular session on Tuesday, June 14, 2022, in the American Fork City Hall, 31 North Church Street, commencing at the conclusion of the Redevelopment Agency meeting at 7:11 p.m.

PUBLIC HEARINGS

- The Redevelopment Agency of American Fork City, Utah (the “Issuer”) and the City Council of American Fork City, Utah jointly called a public hearing to receive input from the public with respect to the issuance of the Tax Increment and Sales Tax Bonds, in one or more series, in the aggregate principal amount not to exceed \$30,000,000 for improvements to the Patriot Station Project Area, and related improvements.
- The City Council will receive public comments on amendments to the Fiscal Year Ending 2022 budget (July 1, 2021, to June 30, 2022)
- The City Council will receive public comments on the Fiscal Year Ending 2023 budget (July 1, 2022, to June 30, 2023)

No public comments were made.

REGULAR SESSION

1. Pledge of Allegiance; Invocation by Council Member Carroll; roll call.
Mayor Frost welcomed everyone to the meeting. Those present recited the Pledge of Allegiance and an invocation was offered by Council Member Staci Carroll. Roll call was taken.

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

Kraig Thorne (Commander of Timpanogos/American Fork Veterans of Foreign Wars) announced that they will be holding their 2nd Annual First Responder award dinner for outstanding Police and Firefighters of Utah County on Friday, August 12th. He mentioned he would like American Fork police and fire chief to nominate an outstanding officer to be honored at the dinner. The officer nominated will be given an award, gift basket and bring a plus one to the dinner. He added that the Mayor Frost is invited and if he's not able to attend that a City Council representative may attend in his absence. Utah County Commissioner will be in attendance along with Representative Burgess Owens will be the keynote speaker and mentioned there will be a surprise guests attending also (BYU football players). Deadline to register is June 27th and he will be the main contact person.

Mayor Frost asked Mr. Thorne if he has communicated the information on to the chiefs of the Fire and Police departments. Mr. Thorne replied that announcing it was their first notice because in the past they've emailed it and it was ignored and he expressed that he wanted to let the Council know so that they could inform the Fire and Police Chief. He extended an invitation to the city council also.

3. City Administrator's Report

David Bunker stated that it is 3 weeks away from Steel Days happening on July 5th – 9th. He added that he is excited to see Council Member Barnes get out the bubbles with all the kids.

4. Council Reports

Council Member Hunter reported that he sent out a letter he received to the council and staff regarding a letter about a mom who mentioned her son getting math help from the library even though he didn't want it. The mom stated that after the first day of the math program it changed her sons view on math. Council Member Hunter expressed appreciation to Casandria Crane and staff for what they've been able to do and the impact it has for the youth in our community. He thanked the council for the PARC funding that helps programs like that.

Council Member Shelton reported that the Beautification Committee has been out in yards to selecting yards for the garden tour for Steel Days activities.

Council Member Barnes reported he is preparing for the bubbles for Steel Days. He mentioned the Memorial Day breakfast activity at the fire department turned out wonderful. He stated that the program at the Tabernacle was wonderful, and a number of people mentioned how great the program was. He added that Fork Fest had their annual program last Saturday. There were a lot of bands and people who attended.

Council Member Carroll reported on the Miss American Fork pageant, that the mayor and council was invited to attend on June 25th at 7:00 p.m. at the junior high school and how they would appreciate the support.

Council Member Taylor reported that a group from the Church of Jesus Christ of Latter-Day Saints reached out about the National Day of Service in commemoration of 9/11, which will be held on Sept 10th for day of service. They had asked for projects that city had that they could help with. He added that if they could get some projects together to be able to report back to the group. He also reported on the Memorial Day activities with the fire house breakfast how wonderful that is for the community. He mentioned an event that takes place every year in the

Tabernacle program called the “Call to Arms” while the band is playing in the background to honor to the men and women who served in our armed forces. He expressed his appreciation for them and for American Fork how proud he was to be a part of this community and how they honor our military.

5. Mayor's Report

Mayor Frost reiterated what Council Member Taylor stated and challenge everyone to go if they haven't been to the Memorial Tabernacle program. He mentioned that to hear the American Fork High School band play live it was incredibly moving and spiritual. Mayor thanked everyone that organized and planned the Memorial events.

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 April 19, 2022, work session minutes.
2. ~~Approval of the April 26, 2022, city council minutes.~~
3. ~~Approval of the May 3, 2022, work session minutes.~~
4. ~~Approval of the May 10, 2022, city council minutes.~~
5. ~~Approval of the May 17, 2022, work session minutes.~~
6. ~~Approval of the May 24, 2022, city council minutes.~~
7. **Motion to:** Ratification of city payments (May 18, 2022, to June 7, 2022) and approval of purchase requests over \$50,000.

Council Member Shelton moved to approve items 1 and 7 of the common consent agenda. Council Member Hunter seconded the motion. Voting was as follows: Council Member Carroll abstain stating she has not read all the minutes.

RESULT:	APPROVED [4 TO 0]
MOVER:	Rob Shelton, Council Member
SECONDER:	Ryan Hunter, Council Member
AYES:	Kevin Barnes, Ryan Hunter, Rob Shelton, Clark Taylor
ABSTAIN:	Staci Carroll

ACTION ITEMS

1. A resolution of the City of American Fork, Utah authorizing an interlocal sales tax pledge agreement with the Redevelopment Agency of American Fork City, Utah related to the issuance and sale of the subordinated sales tax revenue and tax increment revenue bonds, Series 2022, to be issued by the Redevelopment Agency of American Fork City in the principal amount up to \$30,000,000 for the purpose of financing a portion of certain development costs, including in particular, the upgrading 200 South related to the Patriot Station Project area, including widening it, adding signals, upgrading utilities, and related matters, all within the project area and paying certain costs associated therewith; and related matters.

Council Member Taylor motioned to approve Resolution No. 2022-06-16R authorizing the interlocal sales tax pledge agreement. Council Member Shelton seconded the motion. Voting was as follows:

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

2. Review and action on approval of an alcoholic beverage license for Lovebirds Hot Chicken, LLC. at 66 North West State Road.

Council Member Taylor motioned to approve the alcoholic beverage license for Lovebirds Hot Chicken, LLC. at 66 North West State Road. Council Member Shelton seconded the motion. Voting was as follows:

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

3. Review and action on approval of an Economic Development and Services Agreement with the American Fork Chamber of Commerce for the term fiscal year 2023.

Council Member Shelton asked if the chamber could organize, educate, and promote our downtown and inquired why was that no longer being done. Council Member Carroll stated that was part of her recommendation and part of it was from the reaction from business owners themselves. Josh Walker mentioned that the feedback they got from the business owners was that they don't have time for additional things and would prefer that the chamber organize it and they could participate in it oppose to creating an official group. He stated that it is not off the table, it is just feedback they have now and as downtown grows, redevelops, new businesses comes in, and the nature of downtown business changes they may see more interest in a downtown plan.

Conversations amongst the council ensued pertaining to what is the best plan for downtown using the chamber, getting the businesses involved, and what can be done about it to help motivate businesses to participate in some type of business alliance or committee group and what language to use in the contract.

Mayor Frost talked about shopping local and how the city can drive people to do business with the downtown businesses. He suggested they keep the contract the way it is and make it as part of the motion that the chamber comes back to council in 90 days with specific action having to do with the Main Street corridor and define what that is.

Mayor Frost asked the council what would be considered downtown. Council Member Hunter stated it was best to have the chamber come up with that.

Council Member Shelton motioned to approve the Economic Development and Services Agreement with the American Fork City Chamber of Commerce for fiscal term 2022/2023 with replacing section K with “that the Chamber create a communication/business plan for the downtown area and present that back to the City Council in 90 days. Council Member Hunter seconded the motion.

Council Member Barnes voted no due to the definition of what area defines “downtown” that it may leave other businesses out of that area because of being on the wrong side of the street.

RESULT:	APPROVED 4 to 1
MOVER:	Rob Shelton, Council Member
SECONDER:	Ryan Hunter, Council Member
AYES:	Carroll, Hunter, Shelton, Taylor
NAY:	Barnes

4. Review and action on a resolution adopting Outdoor Water Management measures.
Council Member Shelton inquired about putting in the resolution that there are different circumstances that may require doing something different than suggested watering schedule. He expressed that he would love to have an exception that is built in the resolution also about enforcement.

Council Member Barnes referred to Section 3 where it mentions “exceptions” and asked if that section does not cover what Council Member Shelton was referring to. Council Member Shelton replied that it would require someone to have to come to the office, apply for a waiver (which will take up more staff time), and get that processed. Then the city administration will review the application and let you know if you qualify for not. Council Member Carroll and Council Member Shelton discussed different options that would work better for “exceptions” in water use and how to better manage that. Council Member Hunter added his concern for residents who may get cited for reasons they feel they should have an exception.

Mr. Bird explained that the language of the resolution anticipates both scenarios. When we communicate any kind of restrictions or water management to residents there will be some residence that will feel that they have special exception on a variety of things and will come to the city staff to discuss it, and the resolution will allow for that. He added that when the door hangers go out noting the day and time of the violation, those residents will feel that they have an exception to and will come to the city and from there we will hear them out and then decide if they qualify or not.

Council Member Taylor asked if there was anything to accommodate users that use water during and after a rainstorm. Mr. Bird added that there is a lot of variations in which that can be included. As in Section 1 where it states that the water must be conserved and not and not wasted. We are trying to educate residents and not be punitive, which is why they get two warnings for violating it. Council Member Taylor asked if it could require large water users to have the ability to have the ability to turn off the water. Mayor Frost replied that every type of user is represented in the Conservation Committee. We don’t need to require them; we just ask them to turn it off. We can say in times of droughts that we are in this together and give us some tools to help residents understand it.

Mr. Bunker added that once we go to metering, and the water is being overused or consumed it will hit them in their pocketbook and they will make some changes. He explained by then the residents will understand it. Right now, it’s hard to tell how much water residents are using, but when it is metered, we can show how much they use vs. how much they should be using.

Consensus among the council was to educate the residents on water use and not be punitive. Mayor Frost commended the residents for saving water and felt most of them understand the importance of conserving and scheduling their water use.

Council Member Taylor moved to approve Resolution No. 2022-06-17R adopting outdoor water management measures. 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, Hunter, Shelton, Taylor

5. Review and action on subdivisions, commercial projects, condominiums, and PUD's including 1) plat approval; 2) method of satisfaction of water rights requirements; 3) posting of an improvement bond or setting of a time frame for improvement installation; and 4) authorization to sign the final plat and acceptance of all dedications to the public and to have the plat recorded.

- a) Review and action on approval of the final plat for Autumn Crest Plat F subdivision, located in the area of 950 East Circle and 1060 North, in the R1-9,000 Residential zone.

Council Member Shelton move to approve the Autumn Crest Plat F subdivision, located in the area of 950 East Circle and 1060 North in the R1-9,000 Residential zone and authorize the Mayor and City Council to sign the plat and accept the dedications instructions to the City Recorder withhold the recording of the plot subject to all conditions identifying the public record associated with the May 18, 2022 Planning Commission Meeting. Council Member Carroll seconded the motion. Voting was as follows:

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

6. Review and action on a resolution adopting fireworks restrictions for American Fork City.

Council Member Taylor move to approve Resolution No. 2022-06-18R adopting the annual fireworks restrictions in American Fork City. Council Member Hunter seconded the motion. Voting was as follows:

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

7. Review and action on a resolution approving an interlocal agreement with Utah County for CDBG participation.

Mayor Frost stated how fruitful this has been for the city. He mentioned a lot of water lines have been replaced with the CDBG grants and recommended to continue with this progress.

Council Member Taylor moved to approve Resolution No. 2022-06-19R entering into an interlocal agreement with Utah County for CDBG Participation and authorize the city to sign the agreement. Council Member Shelton seconded the motion. Voting was as follows:

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

8. Review and action on an ordinance amending Section 15.01.050 and repealing Section 17.13.202 of the city code relating to enforcement procedures.

Cherylyn Egner explained that going forward this ordinance is to enforce various portions of development code and the building codes. She mentioned that there was a provision where if there was a violation that was seen, it could be presented to the Council and legal counsel to direct code enforcement to go enforce the code. She added that it was being taken out as an extra step and that there is a catch-all in the code that says code enforcement and the law enforcement have the right to enforce any code that the City has unless it otherwise designated.

Council Member Shelton moved to approve Ordinance No. 2022-06-25 amending Section 15.01.050 and repealing Section 17.13.202 of the city code relating to enforcement procedures. Council Member Taylor seconded the motion. Voting was as follows:

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

9. Review and action on a resolution adopting an amended fiscal year ending June 30, 2022 budget.

Council Member Shelton had a question pertaining to the PARC Impact Fee on the Art Dye Expansion for 6.2 million and the explanation of 30-acres of open space. He saw it as being mislabeled due to it was based on the south side of town.

Ms. Montoya replied that originally \$3 million was budgeted for the purchase of the 30-acres on the south side of town, the additional amount was to allocate those funds from the PARC tax impact funds.

Council Member Shelton mentioned that the GL account description was what he was referring to where it says Art Dye Expansion, he thought it was for parking and wanted to make that correction to which Ms. Montoya replied it was for open space.

Council Member Barnes moved to approve Resolution No. 2022-06-20R adopting an amended fiscal year ending June 30, 2022 budget. Council Member Taylor seconded the motion. Voting was as follows:

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

10. Review and action on a resolution approving the 2022-2023 General Fee Schedule.

Council Member Taylor moved to approve Resolution No. 2022-06-21R establishing the Fiscal Year 2022-2023 General Fee Schedule. Council Member Barnes seconded the motion.

Council Member Shelton mentioned looking at the Art Dye and doing a fixed fee schedule. He also added that other facilities that are not mentioned in the fee schedule as in the Senior Citizen Center, the Veterans Hall, or any other building, to have it included in the General Fee Schedule. He stated how the Veterans Hall is being used without a charge and would like clarification of when that is, whether it's used by a non-profit group or veterans' group, so it won't seem arbitrary. He perceived it to be that if it is not written it gives the perception that any person can use it or be there.

Voting was as follows:

RESULT:	APPROVED [4 TO 1]
MOVER:	Clark Taylor, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Kevin Barnes, Staci Carroll, Ryan Hunter, Clark Taylor
NAYS:	Rob Shelton

11. Review and action on a sewer treatment services contract and collection maintenance agreement.

Council Member Shelton questioned the size of the pipe was being put in. Mr. Bunker replied that it depends on where it is; coming from the Saratoga and Eagle Mountain area that pipe will be either a 66 "or 72". Council Member Shelton mentioned looking at the color-coding diagram, our city took a huge brunt of those improvements because it has to come through American Fork. He was concerned that doing that kind of upsizing, the city can't burst for it so it will be a full-on trench at 72" and to make a trench for that it takes up a huge swath of growth. He didn't want the roads of the city being torn up and then patched over and felt a discussion with the sewer treatment plant was needed.

Mr. Bunker replied that it would be project specific, and the district mains are not located in roads or outside roadways. He added that the 66" pipeline that comes from Saratoga is actually south of any roadway that it hugs the shoreline, and a portion of that alignment will parallel the existing pipeline. He did add that any project that goes through the city roadways, will be project specific and the city will require them to consider repaving the roadway if that is what they need to do. Mr. Bunker explained that it was a general service agreement not a project specific agreement and the city wouldn't know what those conditions are until they get into the design of the project. He continued that every city is approving this service agreement.

Council Member Shelton's concern was to protect the city side by putting in a provision in the agreement since it looks like the TSSD service agreement was written through their legal counsel. Mr. Bunker replied that the city attorney and several other cities reviewed the agreement and did send back revisions and it was updated to reflect that.

Council Member Shelton mentioned a section of the agreement that states the city will hold the TSSD harmless and they will not be liable and that was not something he would agree to. Ms. Egner replied she did not recall reading that section but did question a provision where it stated it was "hold harmless for work that the city was doing with assistant of TSSD" and they did question TSSD on that verbiage.

Council Member Shelton stated Section 303 Item A “as the collection systems maintenance parties further agree to the district should have no liability, city assumes all liability for flooding and damage resulting from condition and proper cleaning the sewer line, this city assumes all responsibility and liability for such flight and damage.”

Ms. Egner replied that the collection system means the sewage facilities of the city and stated that was one of the provisions they discussed and had revised the definition of the collection system because it was not in there prior. Mr. Bunker added that TSSD contracts with every city as part of the master service agreement that they will give so much time from TSSD to come clean our systems. To which TSSD is saying if we clean your systems and there is flooding due to it, it is not on them since the city does not want to clean the systems themselves.

Council Member Hunter moved to approve the amended and restated sewer treatment services contract and collection maintenance agreement with Timpanogos Special Service District. Council Member Taylor seconded the motion. Voting was as follows:

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

12. 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 motioned to enter into a closed session in the downstairs workroom. Council Member Shelton seconded the motion. Voting was follows:

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

The City Council entered into a closed to discuss pending litigation and the professional character and competence of individuals at 8:42 p.m. Those present included Mayor Frost, Council Member Barnes, Council Member Carroll, Council Member Hunter, Council Member Shelton, and Council Member Taylor. Also present were City Administrator David Bunker, Legal Counsel Cherylyn Egner, and Deputy Recorder Stephanie Finau.

Pending litigation was discussed and audio recorded as required by State Law and ended at 9:36 p.m. The professional character and competence of individuals was then discussed (see attachment).

Council Member Taylor moved to end the closed session and move into regular session at 10:05 p.m. Council Member Hunter seconded the motion. Voting was as follows:

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

13. Adjournment.

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

The regular session adjourned at 10:06 p.m.



Stephanie Finau
Deputy Recorder


**AMERICAN FORK CITY
MAYOR'S AFFIDAVIT
Bradley J. Frost, Mayor**

I, Mayor Bradley J. Frost, do solemnly swear and affirm that a portion of the closed session of the American Fork City Council meeting on Tuesday, June 14, 2022, was to discuss the professional character and competence of individual(s).


Bradley J. Frost, Mayor

State of Utah
County of Utah

Subscribed and sworn to before me this 22 day of June 2022.


Signature of Notary Public

My Commission Expires: 2/4/2024

