

AMERICAN FORK CITY COUNCIL
SEPTEMBER 27, 2022
REGULAR SESSION MINUTES

Members Present:

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

Staff Present:

David Bunker	City Administrator
Camden Bird	Assistant City Administrator
Patrick O'Brien	Development Services Director
Stephanie Finau	Deputy Recorder
Cherylyn Egner	Legal Counsel
Rebecca Andrus	City Engineer
Aaron Brems	Fire Chief
Cameron Paul	Police Chief
George Schade	IT Director

Also Present: John Woffinden, Ken Berg, and Nicholas Merrill

American Fork City Council met in a regular session on Tuesday, September 27, 2022, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

REGULAR SESSION

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

Mayor Frost welcomed everyone to the meeting. Those present recited the Pledge of Allegiance and an invocation was offered by Council Member Taylor. Roll call was taken.

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

Nicholas Merrill stated he recently moved to the city and was looking forward to tonight's meeting and working with the city.

3. City Administrator's Report

Mr. Bunker reported on "Bubble Day", which is when the bubble is installed over the pool at the fitness center. On October 8th the Pet-a-Palooza will be held at Art Dye Park, along with the grand opening of the dog park and a spike ball tournament. The Timpanogos Special Service District held their budget workshop where all the capital improvement projects and processes were discussed. They will be constructing egg-shaped digesters to aid in meeting discharge limits, which will change the landscape of the area. He noted the district has over \$1 billion dollars in projects to do over the next ten years, including an outfall line from the west and a line from Alpine/Highland.

4. Council Reports

Council Member Hunter reported the fire station construction is starting and he thought it should be done ahead of schedule.

Council Member Shelton stated he has been a volunteer coaching at Art Dye and how it benefits the community and how the park gets used. He reported he met with the Utah Communications Authority where they were able to work through some issues and discuss solutions. He reported that North Point put out a bid to haul waste to the dump and the hope was it would come back within the right range. He expressed his appreciation for staff on the work done on the fiber town hall meeting.

Council Member Barnes reported the cemetery has been doing some work around the cemetery to put in weed barrier, plants, and drip system in aiding in maintaining the park strips and water conservation. The Veterans Day program will be November 11th at 11 a.m. and he encouraged all to attend. Council Member Barnes expressed condolences to Jay Allen's family, who recently passed away. Mr. Allen was a teacher at American Fork High School and was loved by all.

Council Member Carroll reported on the Chamber is planning Halloween Main on Monday, October 31st.

Council Member Taylor stated he met with Fox Hollow Board and reported things were going well. He noted they allow tee times to be booked 10 days in advance, and 60% of the tee times are book 10 days in advance. They are having great success and great things are happening. He commented he had Jay Allen as a teacher in high school, as did 3 of his 4 kids. Mr. Allen's contribution to this community and to others is tremendous and he expressed his appreciation for Jay Allen.

5. Mayor's Report

Mayor Frost met with the Chamber of Commerce and Executive Committee, along with three other cities, where they were able discuss what was going on in the community. He mentioned Jay Allen was a great man who would be missed.

Mayor Frost invited Fire Chief Aaron Brems forward to talk about the ISO results. Chief Brems stated they received the ISO rating back, which is an evaluation of the fire responses, dispatch, and water system. This evaluation is a four-to-five-month process that takes place every three years. Out of a score of 1 to 10, American Fork City received a rating of 2 which is a great rating. That rating helps the residents and businesses with their insurance rates. He noted that as our fire department covers Cedar Hills, they were able to increase their rating to a 2 and that will help their residents as well.

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 July 26, 2022, city council minutes.
2. Approval of the August 2, 2022, special session/work session minutes.
3. Approval of the August 9, 2022, city council minutes.
4. Approval of the August 16, 2022, work session minutes.
5. Approval of the August 23, 2022, city council minutes.

6. Approval of the August 23, 2022, truth in taxation minutes.
7. Approval of the August 30, 2022, special session minutes.
8. Approval of the authorization to release the Improvements Durability Retainer of \$5,934.20 for Chidester Plat B, located at approximately 1400 North Center Street.
9. Ratification of city payments (September 7, 2022, to September 20, 2022) and approval of purchase requests over \$50,000.

It was noted there were minor changes to the August 30th minutes.

Council Member Taylor moved to approve the common consent agenda, noting the changes to the August 30th minutes. Council Member Shelton seconded the motion. Voting was as follows:

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

ACTION ITEMS

1. Review and action of a Reimbursement Agreement for AF Crossings Plats C, D, E2 and AF10 with White Horse Developers, LLC .

Council Member Shelton moved to approve the reimbursement agreement with White Horse Developers, LLC for an amount no greater than \$772,894.75 for system improvements along Lakeshore Drive, 620 South, 980 South, 1000 South, 1050 South, 1100 West and 1000 West. Council Member Barnes seconded the motion. Voting was as follows:

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

2. Review and action on the Water Banking Agreement for surface water shares with Deer Park LLC for 1.9 acre-feet of water.

Council Member Carroll moved to approve the water banking agreement for surface water shares with Deer Park LLC for 1.9 acre-feet of water and authorize the city to sign the agreement. Council Member Taylor seconded the motion. Voting was as follows:

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

3. Review and action on the Water Banking Agreement for Water rights with Deer Park LLC for 52.638 acre-feet of water.

This item was pulled from the agenda.

4. Review and action on the Water Banking Agreement for surface water shares with Layne Downs for 32.14 acre-feet of water.

Council Member Taylor moved to approve the water banking agreement for surface water shares with Layne Downs for 32.14 acre-feet of water 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:	Hunter, Shelton, Taylor, Barnes, Carroll

George Brown asked if these shares were being conveyed to the city or the Metropolitan Water District. He was told it would be to the city. Mr. Brown expressed some concern regarding a water deed and asked that they investigate that.

5. Review and action on an ordinance approving an amendment to Section 17.7.503, titled "Planned Unit Developments - Conservation Subdivision Project" amending the lot size requirements for corner lots.

Council Member Taylor expressed his appreciation for the clarity of the planning commission minutes. Council Member Barnes also appreciated the minutes and stated it showed how the community can come together to solve issues.

Council Member Taylor moved to adopt Ordinance No. 2022-09-43 amending Section 17.7.503 of the city code titled "Planned Unit Developments - Conservation Subdivision Project" amending the lot size requirements for corner lots. 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, Hunter Shelton Carroll Taylor

6. Review and action on an ordinance approving amendments to Sections 17.16.250, 17.16.260, and 17.16.270 of the city code within the Floodplain Management chapter related to construction within flood hazard areas and enforcement of the amendment.

Council Member Taylor moved to adopt Ordinance No. 2022-09-44 amending Sections 17.16.250, 17.16.260, and 17.16.270 within the Floodplain Management chapter related to construction within flood hazard areas and enforcement of the amendment. Council Member Hunter seconded the motion.

Council Member Carroll appreciated the clarification of the wording and questioned how hard it was to obtain a base flood elevation if there wasn't one. Mr. Bunker responded there were groups that does that, such as Army Corp of Engineers and FEMA. Rebecca Andrus explained the flood studies are done for the lake and along the river. There are sections that have a flood elevation along the river and if you are in between those lines then an engineer will calculate that. She noted the elevations along the lake are more set.

Council Member Barnes stated this does impact people as their homeowner's insurance is affected by the flood plain.

Council Member Shelton expressed his concern on the "defend, no defend" elevation line and allowing development with livable space below that line. He questioned how FEMA's study connects to that defend, no defend line. Ms. Andrus explained the "no defend" line was based on an elevation that was shown by the shoreline protection area, but that the floodplain could be affected by where they raise the elevation. Ms. Andrus replied that this code change specifically helps with our flood insurance and the city's floodplain management based on an elevation. She

noted that FEMA has a map where they have drawn a line based on the elevation of the existing ground surfaces, however, a map revision can be made when a property is filled and an elevation certificated obtained for the units. Ms. Andrus stated that this elevation certification would be based on this code. There were some gaps, which is why they were bringing forward this code text amendment.

Voting was as follows:

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

7. Review and action on an ordinance approving amendments to Section 15.01.140 titled "Sewage System" amending the elevation drop in a manhole.

Council Member Taylor moved to adopt Ordinance No. 2022-09-45 approving amendments to Section 15.01.140 titled "Sewage System" amending the elevation drop in a manhole. Council Member Carroll seconded the motion. Voting was as follows:

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

8. Review and action on an ordinance amending Section 15.01.610.C titled "Manholes" amending the elevation drop in a manhole.

Council Member Hunter moved to adopt Ordinance No. 2022-09-46 amending Section 15.01.610.C titled "Manholes" amending the elevation drop in a manhole. Council Member Taylor seconded the motion. Voting was as follows:

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

9. Review and action on a resolution adopting the Moderate-Income Housing Element of the General Plan.

Council Member Shelton stated he was passionate about the detached accessory units. He would love to see the timeline proposed move up, as this would help generate additional income for residents to help make housing more affordable.

Patrick O'Brien noted he would have to send the resolution tomorrow, if approved. He explained this was to address affordable housing and to get clear and direct strategies for cities to adopt. There was a long list of strategies, and a number of strategies were picked at the staff level based on the direction the city was already going. The Station Area Plan had to be first on the list as there was an approval deadline, but they will move things forward on the list as they accomplish the prioritized items.

When asked if there are any repercussions if the goals are not met, Mr. O'Brien explained it would impact the funding received from the state. Mr. Bunker further explained it would affect the grants that the city applies for.

Mr. O'Brien stated this was meant to be flexible, so they could change priorities or select different strategies and adopt a different strategy. The city was required to adopt this every five years and annual reports needed to be submitted.

Council Member Shelton moved to approve Resolution No. 2022-09-35R adopting the Moderate-Income Housing Element of the General Plan with the modification to move the accessory dwelling units to year one rather than year two.

The motion died for lack of second.

Council Member Taylor moved to approve Resolution No. 2022-09-34R adopting the Moderate-Income Housing Element of the General Plan. Council Member Hunter seconded the motion. Voting was as follows:

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

10. Review and action on a resolution approving the American Fork MS4 Annual Report for 2021-2022.

Council Member Hunter moved to approve Resolution No. 2022-09-35R approving the American Fork MS4 Annual Report for 2021-2022. Council Member Shelton seconded the motion. Voting was as follows:

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

11. Adjournment.

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

The meeting adjourned at 7:58 p.m.



Stephanie Finau, Deputy Recorder