

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
NOVEMBER 12, 2013

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, November 12, 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, Robert Shelton, and Clark Taylor. Councilmember Heidi Rodeback was excused.

Staff present: Associate Planner Wendelin Knobloch
City Administrator Craig Whitehead
City Attorney Kasey Wright
City Engineer Andy Spencer
City Planner Adam Olsen
City Recorder Richard Colborn
City Treasurer Melanie Marsh
Finance Director Cathy Jensen
Fire Chief Kriss Garcia
Library Director Sheena Parker
Police Chief Lance Call
Public Works Director Dale Goodman

Also present: Planning Commission Chairman John Woffinden, Pastor Sam Gonzales, Richard C. Tolton, Leonard Hight, Melvin Kitchen, Mr. & Mrs. Grant Parker, Danny Crivello, Carlton Bowen, Jeffrey Shorter, Leslie Mascaro, and 13 additional persons.

Mayor Hadfield led the audience in the Pledge of Allegiance and Pastor Sam Gonzales of the Calvary Mountain View Church offered a prayer.

Mayor Hadfield recognized Councilman-elect Carlton Bowen in attendance. (Councilman-elect Jeffrey Shorter arrived shortly thereafter)

Mayor Hadfield invited the Scout in attendance to come forward and introduce himself.

Troop 1254 Ian Stimpson

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

Melvin Kitchen noted that when the pressurized irrigation system was put in, one of the reasons was to ease the pressure on the culinary water system and there was a fee given at that time. There was a fee increase in July 2012 in both the culinary water and pressurized irrigation system. There was another increase in August 2013. Those two increases amounted to 27 percent. He asked what the basis was for those increases.

Councilman Shelton explained that the secondary water bond was to be funded by impact fees and with the economic downturn in 2008 the impact fees were not coming in to be able to pay for the bond. The City still had the obligation to pay that. That was part of the reason for raising those fees. The other part of that was that the City had a Firm do a study and reported that there were water lines that needed attention. Some of the water lines were over 70+ years old and need to be replaced. The City has for a number of years been undercharging on the water service and not collecting the amount needed to keep up the waterlines. As for himself that was one reason why he voted for it.

Mr. Kitchen appreciated that explanation but as far as the pressurized system it was the impact fees. Was there that much needed?

Mayor Hadfield explained that impact fees were charged when someone moved into the community and built a new structure. They would pay their appropriate share of their impact to the system. Prior to 2007 they were issuing about 180 to 200 building permits a year and those impact fees would be enough to carry a portion of that burden on that bond. In 2008 they were down to 10 or 15, less than a tenth of the year before and as a result there was no choice but to raise user fees to off-set the cost of that bond. In looking at all the issues, there were 90-year old water lines in 66 blocks in the City that were aged, leaking, had lead joints, and only 4-inches in diameter that did not provide adequate fire flow. They have started replacing those aged water lines and were about 25 percent done with those 66 blocks.

Mr. Kitchen stated that he understood the problem with the old water system. With the pressurized irrigation system, he did not understand simply because impact fees should be paid by new development in the City. Everyone was paying into it. It looked to him like an unjustified tax.

Councilman-elect Carlton Bowen publicly expressed to the Council and the Mayor that he looked forward to working with them to address the City's needs. He publicly thanked the citizens who placed their trust in him and Mr. Shorter. He thanked Mr. Kitchen for his comments and he was respectful of them and any citizen input.

CITY ADMINISTRATOR'S REPORT

Craig Whitehead had nothing to report at this time.

COUNCIL REPORTS

Councilman Shelton reported that he had the great opportunity in his line of work to travel around the country and talk with some great economists and some great economic business developers. One was Jeff Edison who ran an investment firm and retail commercial districts around the country and what they looked for in a community. It was interesting from a professional stance and also from a City Council stance. There were many things that American Fork was doing right and some things that it could do to improve on that. It was a real good education. Working together with state and county officials was very important. It had not always been that way. Businesses now expected that.

Councilman Frost thanked the Cemetery Committee for the Veterans Program. It was a treat to be there and there was a great spirit of Patriotism. The Fifth Grade from Greenwood School was in attendance on the first row and he watched them look at those in the American Fork High School Choir as they sang. As a community, gratitude was expressed to the Veterans.

Councilman Frost noted that it had been one week since the elections and he had gone thru quite a range of thoughts. He tried to interpret what it meant. He knew what “no” meant. He was disappointed but not of the “no.” He expressed that he wanted to vent something publicly. He felt that as a City it abided by some very straight rules and those that were against had no rules. They were interpreting things halfway and worked whatever advantage they could. He learned a lot. He learned a lot about individuals. He learned a lot about people who could claim things without any name behind it, who were very anonymous. The City was very forthright saying this was who we were. Others were not.

Councilman Frost continued that he looked forward to working with the two new Councilmembers. The things that they portrayed in their campaigns would be incredibly beneficial to the Council including the money that could be saved, the things they could do, the taxes that could be cut, and the programs they could continue. He looked forward to that. Everybody in this community has always had a seat at the table. When the budgetary process was being gone through it was always open door, announced, and he hoped that everybody that was involved in this election would come and sit at the table, give input, and come with a face and a name saying this is what we think and this was what we believe. He would respect that and would always take that under consideration.

Councilman Frost appreciated working with Mayor Hadfield. He congratulated Mr. Bowen and Mr. Shorter on their election. American Fork had a great Council and will continue to have a great Council and Mayor and staff as we move forward.

Councilman Taylor echoed what Councilman Frost said regarding the Veterans Day Program. There were so many wonderful things. There cannot be too many reminders about what has been sacrificed in our behalf. It was a great honor to watch men and women stand up and be recognized. Mr. Kevin Barnes was a wonderful speaker. His son, Army Sgt. Nathan S. Barnes lost his life in the Line of Duty in Iraq.

Councilman Taylor was extremely encouraged by the two young men and the young woman who won the Mary Kawakami Speech Contest talk about their Country and things that were important. He thanked the Cemetery Committee and to all those who had served our Country so willingly.

Councilman Taylor reported that a week ago Saturday he represented the City at the Grand Opening of the Quilted Bear by the new Cal Ranch building. It was wonderful to hear them express their appreciation for American Fork and for all that was going on in the City. They were tickled to be here doing business. They recently closed their store in Provo. It had been a family-run business for a long time. They paid a marvelous tribute to a couple of Veterans. It showed how welcome the City was to the business and to the business climate that was here.

Councilman Taylor commented that with the election he too was looking forward to the insight and the knowledge that the new council people would bring. He was excited to see some of the statements that were given come to pass. To this point, going through the budget and looking for the things would make a difference in ways they could cut and all that they absorbed this year and the millions of dollars they had cut in the past two years and saved the City money, it was going to be exciting for him to see.

Councilman Taylor continued that Councilman-elect Bowen stated to him at the last Meet the Candidate Night that he could find \$3 million in reductions by just scratching the surface. He was excited to see that come to pass and actually see those figures so that they could enact those and do the things that would help get the City on track. Now, was a wonderful opportunity. The statements and different things that had been said, all the accountability was here now as it had always been for the Council. He was excited to see that kind of progress and see those things identified. If it was just scratching the surface he was excited to see the depth of what was beyond that and he believed the rest of the citizens by virtue of their vote were excited to see that as well.

Councilman Taylor noted that this was a great City and a unique community and a wonderful place to live and there was so much good to be had here. He looked forward to making in better.

Councilman Nielsen had nothing to report at this time.

MAYOR'S REPORT

Mayor Hadfield thanked Mayor Pro-Tem Taylor for attending the Grand Opening at the Quilted Bear as he was in St. George with the American Fork Marching Band where they participated in the State Championship on Friday. There were 44 bands. American Fork Marching Band being 220 strong made them a 5A band and they took Best in the State and were recognized as the Outstanding Band in Utah. Because of that award, on Saturday, they were included in the Red Rocks Competition which was the Western Regionals where bands participated from six western states. The American Fork Marching Band came out on top and would now participate in the Bands of America Grand National Championships this Thursday, Friday, and Saturday in Indianapolis, Indiana. He wished them well.

Mayor Hadfield reported that the Mary Kawakami Speech Contest was held last Saturday and he had the pleasure of awarding \$1,000 Scholarship to the first place winner, \$500 Scholarship to the second place winner, \$300 Scholarship to the third place finisher and \$100 Scholarship to each of the honorable mention recipients. That was a sizeable contribution that came from a Foundation and a Trust. They also reported at the Veterans Day Program.

Mayor Hadfield stated that he was very pleased Tracy Warby and the American Fork High School Chamber Choir as they were outstanding. A letter of thanks was sent today from the Mayor's Office.

Mayor Hadfield thanked the people of American Fork that had faith and trust in him enough to vote for him for another 4-year term. It had been his pleasure to serve for 4-years and he looked forward to another 4-years.

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 October 17, 2013 work session minutes.
2. Approval of the October 22, 2013 city council minutes.
3. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$1,000.
4. Approval of a Settlement Agreement resolving litigation initiated by Perry Homes Utah, Inc., in relation to impact fees allegedly overpaid.
5. Approval of a Resolution No. 2013-11-26R adopting new fire inspection fees for home base and low impact based businesses.

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

ACTION ITEMS

REVIEW AND ACTION ON APPOINTMENTS TO CITIZEN COMMITTEES AND BOARDS

- a. Senior Citizen Board – *Richard C. Tolton*
- b. Alternate Planning Commission member – *Leonard Hight*
- c. Steel Days Committee – *Mike & Stacey Privett*

Mayor Hadfield appointed Richard C. Tolton to the Senior Citizen Board and Leonard Hight as an Alternate Planning Commission member. He would make an appointment to the Steel Days Committee at a later date.

Councilman Shelton moved approval of the appointments. Councilman Frost seconded the motion. All were in favor.

REVIEW AND ACTION ON THE AWARD OF A CONTRACT FOR THE 2013-14 SEWER REHABILITATION PROJECT TO INSITUFORM TECHNOLOGIES, LLC – *Andy Spencer*

Mayor Hadfield explained that Insituform was a National Company. They had manufactured a system to refurbish sewer pipe without having to dig it up. It was about a tenth of the cost of replacement. This project was for about 7,000 lineal feet. It would extend through Columbia Village. The bid was about \$20,000 less than the engineer's estimate.

Councilman Frost asked how it was chosen which pipe to do.

Mr. Spencer responded that these lines were picked because they were within roads that were to be reconstructed in the near future and they were old. These same streets had also had the waterlines replaced.

Councilman Shelton noted that a lot had been brought up about utility bills over the last few months. This was one proactive approach the City was doing to aggressively to address the sewer and saving money by reconditioning pipes and not having to pay for groundwater infiltration.

Councilman Shelton moved to accept the bid submitted by Western Slope Utilities for the construction of the FY 2014 Sewer Rehabilitation Project in the amount of \$161,081.25, with a five percent contingency allowance of \$8,054.06 for a total project budget of \$169,135.31, and authorize staff to proceed with the preparation of contract documents. Councilman Taylor seconded the motion. Councilman Taylor seconded the motion.

Mayor Hadfield stated that in the past five years there have been zero sewer backups in basements. That was because of a very good crew working for the City and the fact that they now TV every foot of sewer line in the City every year so they know where the difficulties were and correct them. It had not been uncommon to have \$400,000 a year in bills for sewer in basements. As they moved into the next budget he was going to recommend that they reduce the utility fee on sewer because of their very proactive program.

All were in favor.

REVIEW AND ACTION ON AN ORDINANCE ADOPTING NEW SECTION 10.04.120 OF THE AMERICAN FORK MUNICIPAL CODE ALLOWING FOR THE USE OF STREET LEGAL ALL-TERRAIN VEHICLES ON CERTAIN STREETS WITHIN THE CITY LIMITS – Chief Call

There have been requests from certain citizens in the community for this Ordinance that was common in many of the surrounding communities.

Chief Call emphasized the fact that they anticipated no impact to the citizens and residents of the City. State Law allowed this upon approval of the local City Council. The vehicles needed to be upgraded to be street worthy. The cost to the owners was anywhere from \$500 to \$700. They did not see a large increase in their use. The police supported the Ordinance.

Councilman Taylor moved to adopt Ordinance No. 2013-11-44 approving the newly created section of the American Fork Municipal Code (10.04.120) allowing the use of street legal all-terrain vehicles within the City. Councilman Frost seconded the motion. All were in favor.

REVIEW AND ACTION ON A CONTRACT WITH CITY OF FUN CARNIVAL TO PROVIDE A CARNIVAL MIDWAY FOR AMERICAN FORK STEEL DAYS CELEBRATIONS – Melanie Marsh

Mayor Hadfield explained that this was a five-year contract from 2014 thru 2018 listing the specific dates of Steel Days.

Councilman Frost commented that he was involved in negotiation with Kevin Bissegger from City of Fun Carnival. They have been very good to American Fork and it was the greatest

sponsor of Steel Days. City of Fun has honored a family commitment to American Fork City that dated way back.

Mayor Hadfield added that the City recognized Lou Melendez with an award prior to his passing.

Councilman Frost moved to approve the contract with City of Fun Carnival to provide a carnival midway for American Fork Steel Days Celebrations. Councilman Shelton seconded the motion.

Mayor Hadfield explained that the City of Fun Carnival allowed American Fork City businesses to sell tickets and the Carnival and the City each received 50 cents from the pre-sold tickets. This was a practice that has gone on in excess of twenty-five years.

Councilman Frost stated that everyone knew it was Steel Days when the Carnival showed up.

Councilman Taylor remembered growing up that the Carnival was a big deal and working for the City when he was 16, 17, & 18 years old and was assigned to help clean the park after the Carnival left. Now, the Carnival took care of everything and cleaned up afterwards. He had talked with neighboring cities who struggle with the situation of the Carnival. American Fork Police handle it extremely well and the time the Carnival closed. Just as Mr. Melendez made a commitment to us, American Fork City has made its commitment back.

Mayor Hadfield congratulated Melanie Marsh and her staff on securing those dates for five successive years.

All were in favor.

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 an Ordinance adopting the final plat and project documentation of Bonneville Vista Townhomes PUD Plat A, consisting of 20 units, located in the area of 990 East 50 South, in the R4-7,500 Residential zone. – Jon Davis

Adam Olsen reported that the Planning Commission reviewed this about a month ago and recommended approval.

Mayor Hadfield noted that this was in the northern most section of the property. A major sewer outfall line took much of the sewer and sent it to TSSD without going to the west thru the rest of the City.

Councilman Shelton moved to adopt Ordinance No. 2013-11-45 approving the final plat and project documentation of Bonneville Vista Townhomes PUD Plat

A, consisting of 20 units, located in the area of 990 East 50 South, in the R4-7,500 Residential zone, and to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat and publication of the ordinance subject to:

- **Posting of a performance guarantee to ensure the timely construction of required public improvements.**
- **All conditions as identified in the October 16, 2013 Planning Commission meeting.**

Councilman Nielsen seconded the motion. All were in favor.

- b. Review and action on an Ordinance adopting the final plat and project documentation of Bonneville Vista Townhomes PUD Plat B, consisting of 32 units, located in the area of 990 East 50 South, in the R4-7500 Residential zone. – Jon Davis

Adam Olsen reported that this also received recommendation of approval.

Councilman Frost stated that as they reviewed these documents and plats they appreciated the Planning Commission and asked that appreciation be passed on to them.

Councilman Frost moved to adopt Ordinance No. 2013-11-46 approving the final plat and project documentation of Bonneville Vista Townhomes PUD Plat B, consisting of 32 units, located in the area of 990 East 50 South, in the R4-7500 Residential zone, and to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat and publication of the ordinance subject to:

- **Posting of a performance guarantee to ensure the timely construction of required public improvements.**
- **All conditions as identified in the October 16, 2013 Planning Commission meeting.**

Councilman Shelton seconded the motion. All were in favor.

- c. Review and action on an Ordinance adopting the final plat and project documentation of Eddington Estates PUD Plat A, consisting of 28 lots, located in the area of 950 West 1000 North, in the R1-12,000 Residential zone. – Henry Walker Homes

Adam Olsen stated that this was off of 900 West and south of 1100 North and was a PUD. There was sufficient open space as designated as parcels A and B. The Planning Commission has recommended approval.

Mayor Hadfield reported that Henry Walker Homes was one of the premier builders in the area and this would be a nice addition to the City. This finished the annexation of property in the North West portion of the City.

Andy Spencer explained that there were several lots where fill would be imported and basements not allowed. Mr. Gallo has worked with them on the detail. Henry Walker Homes was working on a storm water discharge agreement with Mitchell

Hollow Irrigation Company. That did not necessarily involve the City but his office was monitoring that agreement.

Councilman Shelton stated that he liked to see bigger developments.

Councilman Shelton moved to adopt Ordinance No. 2013-11-47 approving the final plat and project documentation of Eddington Estates PUD Plat A, consisting of 28 lots, located in the area of 950 West 1000 North, in the R1-12,000 Residential zone, and to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat and publication of the ordinance subject to:

- **Posting of a performance guarantee to ensure the timely construction of required public improvements.**
- **All conditions as identified in the October 16, 2013 Planning Commission meeting.**

Councilman Frost seconded the motion. All were in favor.

REVIEW AND ACTION ON A DEVELOPMENT AGREEMENT FOR THE EDDINGTON ESTATES SUBDIVISION TO ALLOW THE ACTUAL CONSTRUCTION OF IMPROVEMENTS IN-LIEU OF POSTING OF A PERFORMANCE GUARANTEE IN ACCORDANCE WITH REQUIREMENTS SET FORTH IN CITY ORDINANCE 2009-08-29
– Henry Walker Homes

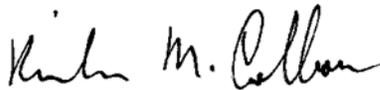
Andy Spencer explained that Henry Walker Homes desired to construct improvements prior to recording the plat as was allowed by Ordinance.

Henry Walker Homes representative Leslie Mascaro was aware of the time frame constraints.

Councilman Taylor moved to approve the Development Agreement for the construction of improvements at the Eddington Estates Subdivision as presented, and authorize the Mayor to execute the agreement in behalf of the City. Councilman Shelton seconded the motion. All were in favor.

ADJOURNMENT

Councilman Frost moved adjournment at 8:22 p.m. Councilman Taylor seconded the motion. All were in favor.



Richard M. Colborn
City Recorder