

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
OCTOBER 8, 2013

PUBLIC HEARING

The American Fork City Council met in a public hearing on Tuesday, October 8, 2013 in the American Fork City Hall, 31 North Church Street, commencing at 7:15 p.m. Those present included Mayor James H. Hadfield and Councilmembers Heidi Rodeback, Brad Frost, Robert Shelton, and Clark Taylor. Councilman Craig Nielsen was excused.

Staff present: Associate Planner Wendelin Knobloch
City Administrator Craig Whitehead
City Engineer Andy Spencer
City Recorder Richard Colborn
IT Director George Schade
Library Director Sheena Parker
Lt. Sam Liddiard
Public Works Director Dale Goodman

Also present: Four persons

7:15 p.m. - Receiving of public comment regarding the vacation of Grant Avenue & 30 South Street in Block 12 (Approximately 150 East)

Andy Spencer explained that the City had received petitions from the adjacent property owners to vacate Grant Avenue & 30 South Street in Block 12. The roadway to the river from 200 East Street would remain to accommodate maintenance on the river. The vacated property would be deeded to the LDS Church, the Miller Family, Superior Concrete, and to O'Reilly Auto Store.

Mayor Hadfield asked if there were comments from the public regarding the vacation of these streets.

There being no comment the hearing ended at 7:18 p.m.

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, October 8, 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 Heidi Rodeback, Brad Frost, Craig Nielsen, Robert Shelton, and Clark Taylor.

Staff present: Associate Planner Wendelin Knobloch
Battalion Chief/Fire Marshal Doug Bateman
City Administrator Craig Whitehead
City Attorney Kasey Wright
City Engineer Andy Spencer
City Planner Adam Olsen

Ross Welch commented that recently the City Council approved an Ordinance that designated the standard right-of-way for a road to be 64-feet. The majority of communities in this area designate a residential right-of-way of 56-feet. This was eight additional feet had many negative impacts. He focused on two.

1. It has a very negative impact on landowners. By this act the City has devalued the property owners who have developable land. With this roadway the developer will have less land now to develop and more costs to develop. Indirectly it was kind of a taking. There were a large percentage of members of the Republican Party in American Fork City. The Republican State Platform says in the third paragraph,

“...We resist any effort by government to take private property without an overwhelming need for public use...”

He did not see that and there were probably other ways it could be accomplished.

2. The second negative impact was to the City itself. By making a larger right-of-way it was being taken from taxable private land to government land and tax-exempt status. He promoted the example that if one looked at the City’s General Plan and there was conservatively 1000 acres still to develop and it stuck with a standard 64-foot right-of-way, it worked out to be \$11 million in today’s dollars that was taken out of private ownership and placed in City’s ownership that was tax exempt.

There were many ways that this could have been solved. In other communities, some have large planter strips and sidewalks and accomplish it by only designating the right-of-way to be curb to curb. That way they had a 32-foot right-of-way, maximizing the private ownership of property. Others put the sidewalks on easements. There were a variety of ways to accomplish the same thing.

Mr. Welch asked the City Council to reconsider the Ordinance.

Carlton Bowen commented that he was curious on the Road Bonds question regarding the process the City uses to prioritize the roads that get addressed and those that don’t. His take on how that should be done was to have an objective process in place. Maybe it was looking at the maintenance schedule and how much traffic was on that road. He would follow up with the Public Works Director.

Mayor Hadfield explained that several years ago the City started in consonance with the Utah State University and their senior engineering students working on Master’s Degrees, and through that talent they have every road in American Fork evaluated on its value. The results showed which roads needed attention. Public Works Director Dale Goodman could provide more educated reasoning as to the process.

Mayor Hadfield added that in the past two years the City had done a complete makeover of a number of roads.

- 500 South between 500 East and 100 East
- 220 North between 900 East and 1100 East

- 350 East between 700 North and 980 North

Craig Whitehead encouraged Mr. Bowen to talk with Public Works Director Dale Goodman as there was a rational approach. The streets were evaluated by an outside group every two years. The last time this was done was May of 2012.

CITY ADMINISTRATOR'S REPORT

Craig Whitehead had nothing to report at this time.

COUNCIL REPORTS

Councilman Shelton reported that there were two Meet and Greet the Candidates who were running for election in November.

- October 17, 6:30 p.m. at Shelley Elementary School sponsored by the Rotary Club
- October 23, 6:30 p.m. at the Senior Center sponsored by the Youth City Council.

There was further information on the City's website.

Mayor Hadfield reported that he has received names for the Youth Court. He asked that the appointment and swearing in of the Youth Court be placed on the October 22 City Council Agenda.

Councilman Frost reported that one of his assignments was to serve on the Cemetery Committee which was full of great people. The Committee has been working toward the Veterans Day Program that would be held on November 11, at 11:00 a.m. at the American Fork National Guard Armory this year. All were invited.

Councilman Taylor reported that last week he met with the Arts Governing Board and the Architect who has been doing some preliminary work and design for a possible Arts Center in the Harrington Building. The group was working very hard and from past alumni and citizens of American Fork have raised \$25,000 toward architectural drawings. It was something to look forward to and to get behind.

Councilmember Rodeback announced Road Bond Town Meetings where questions would be answered would be held on

- Tuesday, October 15, 7:00 p.m. at Shelley Elementary School
- Wednesday, October 16, 7:00 p.m. at Legacy Elementary School
- Thursday, October 24, 7:00 p.m. at Greenwood Elementary School
- Tuesday October 29, 7:00 p.m. at Barratt Elementary School

She invited persons to attend any or all of the meetings.

With regard to prioritizing the roads, she pointed that she had pitched the idea of "Road Makeover, the Reality TV Show" but it was rejected. The humor was appreciated by the audience.

Councilman Nielsen commented that he was looking forward to the Meet the Candidates Nights and appreciated Councilman Shelton putting them together. He reminded everyone to get their friends and neighbors and vote on November 5 or to early vote.

MAYOR'S REPORT

Mayor Hadfield reported that last Thursday a Ribbon Cutting was held at Rita's Italian Ice at 598 West Main Street. It was well attended and well received.

As far as the Road Bond goes he noted that there was a great deal of sacrifice on his part. Every year without fail he has driven to Franklin, Idaho, and bought a lottery ticket in hopes of winning to fix the roads. He would not give up. Likewise, the humor was appreciated.

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 September 19, 2013 work session minutes.
2. Approval of the September 24, 2013 city council minutes.
3. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$1,000.
4. Review and consideration regarding authorization for the release of the Improvements Durability Retainer for the project known as American Heritage School Plat C in the amount of \$21,172.44. – *Staff*
5. Review and consideration regarding authorization for the release of the Improvements Durability Retainer for the project known as Shoe Carnival in the amount of \$45,858.38. – *Staff*
6. Review and consideration regarding authorization for the release of the Improvements Construction Guarantee and issuance of a Notice of Acceptance of the improvements for the project known as Doug Smith Expansion 2012 in the amount of \$22,070.00. – *Staff*
7. Review and consideration regarding authorization for the release of the Improvements Construction Guarantee and issuance of a Notice of Acceptance of the improvements for the project known as Old Mill Estates Plat B in the amount of \$3,741.58. – *Staff*

**Councilmember Shelton moved approval of the common consent items as presented.
Councilmember Frost seconded the motion.**

Councilmember Rodeback disclosed that as a part time employee of the American Heritage School she had a conflict of interest but it was not sufficient to require her to abstain from the vote.

Voting was unanimous in favor of the motion.

ACTION ITEMS

ACTION REGARDING EXTENSION OF THE PARKING LOT AGREEMENT WITH THE BANK OF AMERICAN FORK – *Bank of American Fork*

President and CEO of the Bank of American Fork Rick Beard and Vice-President David Anderson were present to request an extension of the current parking lot agreement to 50-years.

Councilman Shelton understood that this would not hinder a sale of the Administration Building.

Councilmember Rodeback expressed that this was a win for the City. The Bank of American Fork has been very good to maintain that parking lot. Aside from that, they were appreciated in the community and it was a pleasure to continue this partnership.

Councilman Frost added that the Bank of American Fork has always been a generous contributor to the City's Committees. They carried the name of American Fork well.

Councilman Shelton moved to approve the agreement as proposed. Councilman Taylor seconded the motion.

Councilman Taylor declared that the Bank of American Fork was a client of his and much like Councilmember Rodeback there was not enough of a conflict to have him not vote.

Voting was unanimous in favor of the motion.

REVIEW AND ACTION ON AN IRU AGREEMENT FOR DARK FIBER WITH VERACITY NETWORKS, LLC. – *George Schade*

George Schade explained that IRU stood for, Indefeasible Right of Use. This was good for the City. Veracity could provide a lot of services. They would be located in the City's NOC (Network Operations Center) Center.

Councilman Taylor moved to approve the IRU Agreement for Dark Fiber with Veracity Networks, LLC. Councilman Nielsen seconded the motion.

Councilmember Rodeback understood that the \$330,000 realized from this agreement would be put in the Broadband account. She asked if that would help clear the deficit.

Mr. Schade responded that they would meet as Staff and the Finance Director and discuss the use of that money. It would be set aside and could be used for that purpose.

Councilmember Rodeback clarified that even though they have retired the Broadband Bond they were still carrying a deficit in that account.

Councilman Shelton appreciated Mr. Schade and his hard work. American Fork was better off than other communities around American Fork that had a broadband network.

Mayor Hadfield added that it was now a resource for the City and was producing revenue. He also complimented Mr. Schade.

All were in favor of the motion.

REVIEW AND ACTION ON AN AGREEMENT BETWEEN THE DEPARTMENT OF
HOMELAND SECURITY AND THE CITY OF AMERICAN FORK – Chief Garcia

Mayor Hadfield explained that this was a 2012 Homeland Security Grant Program.

Battalion Chief Doug Bateman explained that they would be reimbursed for training.

Councilmember Rodeback noted that it was about \$1,000 annually. She asked what strings were attached.

Battalion Chief Bateman explained that it was similar to LEPC (Local Emergency Planning Committee) money but this money is used for reimbursement of hours spent in training.

Councilman Frost noted that there was now a fire pole at the station.

Mayor Hadfield explained that some years ago the upstairs of the Fire Station was finished. There was now a full-time department with individual sleeping quarters as some firefighters were male and some were female. From the upstairs to the ground level there was now a pole to use instead of the stairs. However, it was hard to get some of the older guys to get the finesse of sliding down the pole and some had been accused of being ‘pole dancers.’ It had been an inside joke with the Fire Department and the Council. Some recognized the humor.

Councilman Shelton moved approval of the Agreement as it has been reviewed by Legal and the Fire Chief. Councilman Taylor seconded the motion.

Councilman Taylor stated that he did slide down the pole and reported everything was working well.

All were in favor of the motion.

REVIEW AND ACTION REGARDING RENEWAL OF CONTRACT WITH PUBLIC
DEFENDER, K. SHAWN PATTEN – K. Shawn Patten

Mayor Hadfield welcomed John Jacobs and K. Shawn Patten from the law firm of Jacobs & Patten. He asked if there were any questions.

Kasey Wright explained that his office worked with them on a regular basis and they did their job. For the most part they were great for the City. They did not artificially increase the City’s costs but they aggressively represented their client. From a Prosecutor’s standpoint, they appreciated their working relationship.

Councilman Shelton felt the City was getting a very good price on good legal services.

Councilmember Rodeback noted that the price was under \$35 per hour.

Mayor Hadfield stated that the Fourth District Court was in American Fork and when an individual came before the Judge and did not have the finances to hire his own attorney the

Judge then appointed a Public Defender and American Fork City pays for that Public Defender. The past agreement with K. Shawn Patton has worked well for the City.

Councilman Shelton moved to approve the contract between American Fork City and K. Shawn Patten for public defender services. Councilmember Rodeback seconded the motion. All were in favor.

REVIEW AND ACTION TO ENTER INTO A CONTRACT FOR GENERAL TREE REMOVAL SERVICES WITH SEVEN TREES COMPANY – Staff

Andy Spencer explained that the Public Works Department and the Parks and Recreation Department had put out a bid for an on-call Tree Removal Service. Several companies looked at it but only Seven Trees Company responded with a bid. Staff recommended approval.

Councilmember Rodeback was glad to see this. One of the requirements of being a Tree City USA was that it proactively cared for its trees.

Councilmember Rodeback moved to approve the contract with Seven Trees Company for tree removal and pruning services for a term of two years with the option to renew for an additional third year.

Councilman Frost stated that he was not going to vote in favor of this. As he looked at this, he made a phone call to one of the persons that would be affected by this and their trees and asked if they had been contacted to which it was responded that they had not been. He felt it would be good public policy to speak to every homeowner that was going to have their tree removed.

Councilmember Rodeback noted that she made the motion assuming that this was to take place in the public parks. She asked what he was referring to.

Councilman Shelton expressed that he thought this was just approving the contract and not work to be done.

Andy Spencer commented that they had been discussing with the Council the repairing of the sidewalks on 100 East. The State Forester came to American Fork and looked at the trees to determine which ones could be saved and which ones needed to be removed. One of the places to use Seven Trees Company was on 100 East.

Mr. Spencer continued that the City has not yet proactively reached out to those homeowners but they will insure that occurred. This was an on-call situation.

Councilman Nielsen asked if the City was going to replace the trees when they were removed.

Mr. Spencer answered in the affirmative. It may take place this fall, if the weather holds, or in the spring.

Councilman Taylor's understanding was that this was just for Seven Trees to say that they had the capability to remove those trees on 100 East, but also other trees throughout the City. It was not a contract for those trees specifically.

Andy Spencer added that this was a unit price, on-call contract.

Councilmember Rodeback commented that it was just like the contract with Concrete Concrete for sidewalk to be replaced.

Mr. Spencer answered that was correct.

Councilman Shelton liked the idea of contract work. It was a great thing because the City did not have to keep that equipment in house and did not have to keep that training in house.

Councilman Shelton recognized the motion on the floor and seconded that motion with the stipulation that they stipulate that the trees on 100 East would not be removed without notification to the residents with a chance to respond.

Councilmember Rodeback accepted the amendment.

Councilman Taylor noted that the trees on 100 East were going to have to come out whether the City signed this contract or not.

Mr. Spencer answered that was correct.

Councilman Frost concurred. He recommended that they use replacement trees with at least a 3-inch caliper and have them on site for immediate placement.

All were in favor of the motion.

REVIEW AND ACTION ON AGREEMENTS FOR THE FOLLOWING ANNEXATIONS:

- a. Four-Way Annexation on 1100 East at approximately 300 North consisting of 4.04 acres

Adam Olsen stated that the motivating factor of these three annexations was the ability of those being annexed to be assured of paying the cheaper in-City water and sewer rates.

Mayor Hadfield added that some of the properties were purchased by Utah County to widen the North County Boulevard. Utah County was desirous to have their parcels annexed as well.

Adam Olsen reported that Ron Fausett called today to state that he would not be in attendance but he was in support of this action.

Councilman Shelton moved to approve the agreement for the Four-Way Annexation, consisting of 4.04 acres, located at approximately 300 North 1100 East. Councilman Frost seconded the motion. All were in favor.

- b. Queens Drive Annexation at Queens Drive at approximately 1100 East consisting of 10.71 acres

Mayor Hadfield noted this annexation also involved some Utah County property. He recognized Hal and Andrea Johnson in attendance.

Adam Olsen stated this had received the recommendation of approval of the Planning Commission.

Councilman Taylor moved to approve the agreement for the Queens Drive Annexation, consisting of 10.71 acres, located in the vicinity of 500 and 600 North from 900 East to approximately 1175 East. Councilman Nielsen seconded the motion. All were in favor.

- c. V & J Gray Annexation at 865 East 50 South consisting of 0.56 acres

Councilman Shelton moved to approve the agreement for the V&J Gray Annexation, consisting of .56 acres, located at 865 East 50 South. Councilman Frost seconded the motion. All were in favor.

REVIEW AND ACTION ON AN ORDINANCE VACATING GRANT AVENUE & 30 SOUTH STREET IN BLOCK 12 (approximately 150 East) – LDS Church

Leif Harris from BHD Architects representing the LDS Church explained that they were providing approximately one acre of new parking at the Tabernacle. Not a part of this project the Tabernacle was being remodeled including some structural upgrades. The projects were taking place concurrently.

Mayor Hadfield commented that a new access would be added to 100 East.

Councilman Frost moved to adopt Ordinance No. 2013-10-37 vacating Grant Avenue & 30 South Street (approximately 150 East). Councilman Taylor seconded the motion. All were in favor.

Councilmember Rodeback really would like this vote to be contingent on finally fixing the organ in the Tabernacle.

Mayor Hadfield commented that was spoken like a true organist who had played that organ more times than he could count.

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 the final plat of American Fork Tabernacle Subdivision, consisting of six lots, located in the vicinity of 110 East Main in the CC-2 Central Commercial Zone – LDS Church

Leif Harris with BHD Architects was present representing the project.

Councilman Shelton moved to approve the final plat of American Fork Tabernacle Subdivision, consisting of six lots, located in the vicinity of 110 East Main in the CC-2 Central Commercial 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 subject to:

- **Posting of a performance guarantee to ensure the timely construction of required public improvements.**
- **Vacations of 30 South Street and Grant Avenue**

Councilman Taylor seconded the motion. All were in favor.

- b. Review and action on an Ordinance amending the Inner Block Cottage Overlay Map and adopting the final plat of Heritage Park Inner Block Cottage Development Project, consisting of four lots, located in the vicinity of 76 North 330 East in the R2-7,500 Residential zone – Pentalon Homes/Benchmark Civil

Dale Bennett from Benchmark Engineering was representing the project.

Councilman Frost moved to adopt Ordinance No. 2013-10-38 amending the inner block cottage overlay map and to adopt the final plat of Heritage Park Inner Block Cottage Development Project, consisting of four lots, located in the vicinity of 76 North 330 East in the R2-7,500 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.**
- **Verification and conveyance of water right requirement.**

Councilman Nielsen seconded the motion. All were in favor.

- c. Review and action on the final plat of Live Oak Estates Subdivision Plat B, consisting of two twin home lots located at 340 West Mahogany Drive in the R2-7,500 Residential zone – Roger Dudley/Bryant Stafford

Property owner Bryant Stafford was in attendance representing the project.

Mayor Hadfield noted that this was the second half of this project. He participated with the City in placing a chain link fence against Lions Park. He asked if there were any questions.

Councilman Taylor moved to approve the final plat of Live Oak Estates Subdivision Plat B, consisting of two twin home lots, located at 340 West Mahogany Drive in the R2-7,500 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 subject to:

- **Posting of a performance guarantee to ensure the timely construction of required public improvements.**

Councilman Shelton seconded the motion. All were in favor.

CONSIDERATION AND ACTION ON ENTERING INTO AN EXECUTIVE SESSION TO DISCUSS LITIGATION – *Mayor Hadfield*

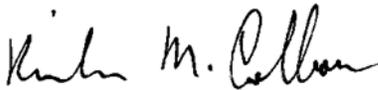
Councilman Taylor moved to enter into an executive session to discuss litigation at 8:26 p.m. Councilman Shelton seconded the motion. All were in favor.

The City Council entered into an executive session in a downstairs work room of the City Hall to discuss litigation at 8:34 p.m. Those in attendance included Mayor James H. Hadfield and Councilmembers Heidi Rodeback, Brad Frost, Craig Nielsen, Robert Shelton, and Clark Taylor. Others present included City Administrator Craig Whitehead, City Attorney Kasey Wright, Finance Director Cathy Jensen, City Planner Adam Olsen, and City Recorder Richard Colborn. Litigation was discussed. The meeting was audio tape recorded as required by statute. Adam Olsen was excused at 8:58 p.m. The executive session concluded at 9:22 p.m.

Councilmember Rodeback moved to return to regular session at 9:22 p.m. Councilman Taylor seconded the motion. All were in favor.

ADJOURNMENT

Councilman Taylor moved adjournment at 9:22 p.m. Councilman Frost seconded the motion. All were in favor.



Richard M. Colborn
City Recorder