

AMERICAN FORK CITY COUNCIL  
JANUARY 10, 2023  
REGULAR SESSION MINUTES

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
Patrick O'Brien	Development Services Director
Camden Bird	Assistant City Administrator
Terilyn Lurker	City Recorder
Brian Freeman	City Treasurer
Anna Montoya	Finance Officer
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Cameron Paul	Police Chief
Derric Rykert	Community Services Director

Also present: Spencer Stevens, John Miller, Crystal Pyne, Reggie Walker, Keith Hall, Gary Steele, Linda Robledo, Nick Merrell, Carol Bell, Tom Lemle, plus 15 additional citizens.

The American Fork City Council met in a regular session on Tuesday, January 10, 2023, in the American Fork City Hall, located at 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 the invocation was offered by Council Member Taylor. Roll call was taken.

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

Spencer Stevens, Vice President of Harrington Center for the Arts, thanked the mayor and council for supporting arts and culture in the community, specifically Harrington Center for the Arts. Their organization has grown significantly over the last few years. They supported many artists and have had many people attend their events and support them.

John Miller, Wasatch Music Alliance, and retired band teacher at American Fork High School, wanted to thank the city council and the PARC Tax Board for providing the arts in American Fork. Music and art are so important to the community. He stated one of the Wasatch Winds tuba players passed away unexpectedly, but he wrote a letter to Mr. Miller about the positive effects of music in his life. Music has had a huge impact on several people and was proud to be part of the city that is so supportive of the arts.

Crystal Pyne, Regalo Theater Company, stated she and her husband started the theater company this last year because they saw the benefits that the theater can bring to people, who become the best versions of themselves. She commented that American Fork has a great history of supporting the arts and they are appreciative of that. Ms. Pyne stated their rehearsal space is in American Fork but noted performing venues in American Fork are booked. They would love to bring more performing options to the city and would love to do that with the city.

Reggie Walker, Executive Director of the Timpanogos Arts Foundation, expressed his appreciation for the arts in this city. He stated the visual arts started in the 1940s and they are still going strong, and the Timpanogos Symphony started their 30th year. They all believe there is a need for the arts, and it will continue to grow. They wanted to thank the city for the support of the arts, as the arts makes a difference every day in the lives of people.

Commander Keith Hall, of American Legion Post 49, stated they have been around since 1919. He thanked the mayor and council for their support for the American Legion and Veterans Hall. He can feel a special spirit when he enters the building. They combine with the Veterans of Foreign War and Timpanogos Honor Guard to serve at veteran's funerals. He invited everyone to attend a flag retirement on April 19<sup>th</sup> at the Amphitheater. He and Gary Steele had something for the mayor and council.

Linda Robledo stated she is a mom who bikes, and one thing she loves are the bike paths throughout the TOD area. As she has biked around with her kids it was obvious the city took bikers into account. She asked the city to consider adding in bike parking for future developments in the TOD area, as there are no places for bikes. She does not live in the TOD area but feels like it would impact the residents of that area greatly.

Nick Merrell thanked the Public Works department for repainting a crosswalk he frequently uses. He indicated he knows that 200 South was slated for redevelopment, but there was about 50 feet where there was no sidewalk close to Millpond Road. He requested the city consider connecting the sidewalk on 200 South to Lehi.

### 3. City Administrator's Report

David Bunker, City Administrator, had nothing to report.

#### 4. Council Reports

Council Member Hunter reported the Parks and Trails Committee met last week where they discussed a bike rack program. He noted the library's 100th anniversary was this year and invited all to celebrate on January 23rd from 6 p.m. to 8 p.m. Council Member Hunter stated that his uncle, Mel Frandsen, recently passed away. He played a big role in his life and served on the city council years ago. He expressed his appreciation for Mel Frandsen's service. He also expressed his appreciation for Jess Green's service, a past mayor who recently passed away.

Council Member Shelton noted the passing of Mel Frandsen and Jess Green commented that he was the recipient of the hard work and dedication of the two men.

Council Member Barnes reported there was an incident on 700 North involving a storm drain. Due to all the rain, there was water flowing up out of a storm drain and flowing down the street. City employees, including David Bunker, spent a lot of time working to fix the problem and he was grateful for their work. He stated this is a great community in so many ways, with so many citizens willing to step up and help.

Council Member Carroll mentioned the State of the City luncheon hosted by the Chamber of Commerce would be held next week, where the mayor will give a report on the happenings in the city.

Council Member Taylor had nothing to report from committees. In 1996, he was elected to the city council when Jess Green was mayor. Mayor Green gave him multiple assignments which helped give him experience. While he didn't always agree with Mayor Green, Mayor Green had what he felt was the best interest of American Fork in mind. His condolences go out to his wife and family and expressed his appreciation for Jess Green's service. He stated Mel Frandsen has also done so much for the city, as does his family now. He was a great man, and he will be missed. His thoughts and prayers go out to his wife and family.

#### 5. Mayor's Report

As he reflected on the new year, Mayor Frost wanted to highlight one success the city has had. The city focused on Tabitha's Way throughout December, and they were able to collect over 1100 pounds of food and several thousand dollars in donations from citizens. He thanked the community for their support.

Mayor Frost stated he has known Mel Frandsen for several years, and recently he was able to spend time with him where Mr. Frandsen gave wise advice. He will receive military honors for his service to our country. Mayor Frost stated the city will be showing support for Jess Green's service as mayor with emergency personnel accompanying him to the cemetery. He stated these men were two pillars of the community who had great stakes in the TOD area.

## 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 November 15, 2022, work session minutes.
2. Approval of the December 13, 2022, work session minutes.
3. Approval of the December 13, 2022, city council minutes.
4. Approval of the January 3, 2023, work session minutes.
5. Approval of the authorization to release the Improvements Construction Guarantee and issue a Notice of Acceptance for the AF Crossing Plat A construction of public improvements located at 900 West 800 South.
6. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$2,550.00 and issue a Notice of Acceptance for the Rockwell Ranch Block 4 Phase 1 construction of public improvements located at 480 South 1000 West.
7. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$16,286.50 and issue a Notice of Acceptance for the Meadows at American Fork Phase 2 construction of public improvements located at 751 West 200 South.
8. Approval of the authorization to release the Improvements Durability Retainer of \$51,352.16 for 860 Place Plat A, located at 480 South 860 East.
9. Approval of the authorization to release the Improvements Durability Retainer of \$247,264.91 for Roderick Catalyst Phase 1, located at 300 East 1600 South.
10. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$94,061.08 and issue a Notice of Acceptance for the Roderick Catalyst Phase 2 construction of public improvements located at 1600 South 450 East.
11. Ratification of the approvals made by the American Fork City Council on November 22, 2022, including all conditions, to wit:
  - a. Approval of the October 11, 2022, city council minutes.
  - b. Approval of the October 25, 2022, city council minutes.
  - c. Approval of the acceptance of a sewer utility easement at 1000 South 350 West.
  - d. Approval of the acceptance of a utility easement at 500 East 330 South.
  - e. Approval of the authorization to release the Improvements Construction Guarantee and issue a Notice of Acceptance for the AF Crossing Plat A construction of public improvements located at 900 West 800 South.
  - f. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$2,493.54 and issue a Notice of Acceptance for the Greenwood Creek construction of public improvements located at 900 North 640 West.
  - g. Ratification of city payments (October 18, 2022, to November 15, 2022) and approval of purchase requests over \$50,000.
  - h. Review and action on the water banking agreement for Water Rights with Woodside Homes of Utah LLC for 36.2522 acre-feet of water.

- i. Review and action on an ordinance approving a site plan for 500 E. Automall Business Center for development of a business center in the PI-1 (Planned Industrial) zone, located at 450 E. Automall Drive.
  - j. Review and action on an ordinance approving a site plan for Reagan Digital Signs for the upgrade of an existing billboard to an electronic billboard sign, in the Planned Commercial (GC-2) zone, located at 854 E. Sam White Lane.
  - k. Review and action on an ordinance approving a final plat for Stonecreek Plat J, consisting of 33 lots in Plat J of the overall Stonecreek Development, in the PR-3.0 zone and located in the area of 1000 South 380 West.
  - l. Review and action on an ordinance approving a final plat for Stonecreek Plat K, consisting of 58 lots in Plat K of the overall Stonecreek Development, in the PR 3.0 zone, located in the area of 1000 South 380 West.
  - m. Review and action on an ordinance approving a final plat and site plan for Pando Lake City for a warehouse development, in the PC (Planned Community) zone, located in the area of 860 East 930 South.
  - n. Review and action on approval of a final plat for Beck Hillside Estates located in the area of 757 North 200 East, in the R1-9000 Residential zone.
  - o. Review and action on an ordinance approving the final plat for AF PD South Plat B consisting of 1 lot, located in the area of 700 South 850 West, in the PR-3.0 zone.
  - p. Review and action on an ordinance approving the final plat for AF PD South Plat C consisting of 2 lots, located in the area of 700 South 850 West, in the PR-3.0 zone.
  - q. Review and action on approval of a final plat for Edgewater Phase 2 Plat 4, consisting of 52 lots, located in the area of 350 South 1100 West, in the TOD zone.
  - r. Review and action on approval of a final plat for Edgewater Phase 2 Plat 5, consisting of 44 lots, located in the area of 350 South 1100 West, in the TOD zone.
  - s. Review and action on approval of a final plat for Edgewater Phase 2 Plat 6, consisting of 46 lots, located in the area of 350 South 1100 West, in the TOD zone.
  - t. Review and action on approval of a final plat for Edgewater Phase 3 Plat 7, consisting of 54 lots, located in the area of 450 South 1100 West, in the TOD zone.
  - u. Review and action on approval of a final plat for Edgewater Phase 3 Plat 8, consisting of 34 lots, located in the area of 450 South 1100 West, in the TOD zone.
  - v. Review and action on a resolution approving the fiscal year ending June 30, 2023, amended budget.
12. Ratification of city payments (December 7, 2022, to January 3, 2023) and approval of purchase requests over \$50,000.

Mayor Frost explained that due to a technical error, items from the November 22, 2022, were added to the common consent agenda.

**Council Member Carroll moved to approve the common consent agenda as listed. Council Member Taylor seconded the motion. Voting was as follows:**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Staci Carroll, Council Member
<b>SECONDER:</b>	Clark Taylor, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

#### ACTION ITEMS

1. Presentation and acceptance of the Fiscal Year Ending June 30, 2022, annual audited financial statement.

Anna Montoya, Finance Director, explained annual audits are required by independent auditors, which has been performed by Larson and Company. The annual financial report and the results of the audit are posted the state’s website and city’s website. She turned the time over to Jon Haderlie, who would present the audit and answer any questions.

Jon Haderlie stated their responsibility on the audit and the standards were laid out in the engagement letter in the audit. It also includes the plan, scope, and timing of the audit. Compliance with ethical requirements and independence was on his staff to make sure his team was independent, as well as his firm. New this year, they needed to communicate any significant risks. The three overarching risks identified were improper revenue recognition and cash disbursement, potential management bias, and management’s ability to override controls. The city has not done anything to warrant these risks, as these areas have high rates of fraud. Mr. Haderlie explained each of the risks and noted they perform specific tests to address the risks to make sure there are no misstatements caused by those risks. Mr. Haderlie stated the financial disclosures are neutral and clear, there weren’t any difficulties or disagreements that would affect the disclosures, and there were no internal control or state compliance findings. He stated Anna Montoya does a great job and puts together the financial report, which has been very well prepared. There were not any budget issues this year.

Mr. Haderlie continued that they have given an unmodified or unqualified opinion, which is a clean opinion. The responsibilities of management are outlined in the audit report. If during the year, there are conditions or events identified as a concern they must report that to the auditors, perform an analysis, noting what the problem was and what they did to fix it.

They remain independent, professional, and skeptical. They trust that staff is doing it right; their job is to verify what is in the financial statements. There are parts of the financial report that does not fall under their opinion, which is the management discussion analysis and the required supplementary information. Also included is a report that states they performed the audit according to government auditing standards and that they didn’t identify any deficiencies or material weaknesses. The next report is given to the state auditor, where they give their opinion which is unmodified or unqualified on the areas they test. Mr. Haderlie noted they do look at other compliance issues such as the 3-day deposit rule.

Council Member Shelton loved to see the well put-together reports and he expressed his appreciation to Ms. Montoya and Mr. Haderlie. His favorite section is the financial notes. He would like to have a better understanding of the uninsured cash and checking account. Council Member Shelton commented they did approve a property tax increase this last year, and the financial report did include a visual that did a great job in pointing out the property tax information from 2013 compared to this year. He noted they were trying their best to manage things from the fiscal side.

Council Member Hunter indicated he sat on the audit committee, and he was grateful for the experience and professionalism of the other members on the committee. He appreciated Ms. Montoya's time and effort.

Ms. Montoya was thanked for all her hard work, with it noted that she prepared the document on her own while short-staffed.

**Council Member Taylor moved to accept the fiscal year ended June 30, 2022, audited Annual Comprehensive Financial Report. Council Member Hunter seconded the motion. Voting was as follows:**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Ryan Hunter, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

2. Review and action on the appointment of a City Treasurer.

Ms. Montoya introduced Brian Freeman, who has been hired as the Senior Accountant/City Treasurer and they were grateful to have him here. Mr. Freeman has a bachelor's degree and master's degree in accounting. He started as an auditor but has been with local governments since 2009.

**Council Member Barnes moved to approve the appointment of Brian Freeman as City Treasurer. Council Member Taylor seconded the motion. Voting was as follows:**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Kevin Barnes, Council Member
<b>SECONDER:</b>	Clark Taylor, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

3. Review and action on the appointment of Blaine Wilson and Leroy Overstreet to the Senior Center Board, with a term ending 2026.

**Council Member Taylor moved to approve the appointment of Blaine Wilson and Leroy Overstreet to the Senior Center Board, with terms ending 2026. Council Member Hunter seconded the motion. Voting was as follows:**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Ryan Hunter, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

4. Review and action on the Water Banking Agreement for surface water shares with Layne Downs for 5.56 acre-feet of water.

**Council Member Shelton moved to approve the water banking agreement for surface water shares with Layne Downs for 5.56 acre-feet of water and authorize the city to sign the agreement. Council Member Hunter seconded the motion. Voting was as follow:**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Ryan Hunter, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

5. Review and action on a Performance-in-Lieu Agreement with HVAF 2, LLC regarding actual construction in lieu of providing an Improvements Construction Guarantee associated with Edgewater Townhomes Phase 2.

**Council Member Taylor moved to approve the performance-in-lieu agreement with HVAF 2, LLC for Edgewater Townhomes Phase 2, removing conditions previously required, and authorize the mayor to execute the documents. Council Member Hunter seconded the motion.**

Council Member Shelton appreciated the memo clarifying the wall was bonded for. Since the agreement does not list out the improvements nor does it state that the wall was bonded for, he suggested clarification to the motion that agreement was excluding the wall as it has been bonded for.

Cherylyn Egner, Legal Counsel, indicated it wouldn't hurt to include clarification that the wall is part of the overall development and that it was not included in the public improvements designated for phase 2 and 3. The bond posted was for all three phases, and that the developer for phase 2 and 3 would be correcting the wall.

**Council Member Taylor amended his motion to include that the improvements exclude the wall which has been bonded for outside this agreement. Council Member Hunter agreed to the amendment. Voting was as follows:**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Ryan Hunter, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor



6. Review and action on a Performance-in-Lieu Agreement with HVAF 2, LLC regarding actual construction in lieu of providing an Improvements Construction Guarantee associated with Edgewater Townhomes Phase 3.

**Council Member Shelton moved to approve the performance-in-lieu agreement with HVAF 2, LLC for Edgewater Townhomes Phase 3, and authorize the mayor to execute the documents with the clarification that the improvements exclude the wall which has been bonded for outside this agreement. Council Member Taylor seconded the motion. Voting was as follows:**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Clark Taylor, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

7. Review and action of a Reimbursement Agreement for 9 West & 42 East 1100 South with Deer Park, LLC.

**Council Member Shelton moved to approve the reimbursement agreement with Deer Park, LLC. for an amount no greater than \$167,520.89 for system improvements along 1100 South. Council Member Barnes seconded the motion. Voting was as follows:**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Kevin Barnes, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

8. Review and action of a Pioneering Agreement for Deer Park, LLC- 9 West & 42 East 1100 South.

**Council Member Taylor moved to approve the pioneering agreement with Deer Park, LLC for system improvements along 1100 South. Council Member Barnes seconded the motion. Voting was as follows:**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Kevin Barnes, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

9. 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 approving a Commercial Site Plan for a Wireless Facility for AT&T Wireless located at approximately 74 E Frontage Rd, located in the PI-1 Zone.

**Council Member Carroll moved to approve Ordinance No. 2023-01-01 approving the commercial site plan for AT&T Wireless, located in the area of 74 East Frontage Road in the PI-1 zone, with instructions to the city recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the December 7, 2022, planning commission meeting. Council Member Taylor seconded the motion.**

It was noted the condition of approval included the submission of the Geotech report.

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

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Staci Carroll, Council Member
<b>SECONDER:</b>	Clark Taylor, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

10. Review and action on a resolution adopting the American Fork City Sanitary Sewer Management Plan.

**Council Member Shelton moved to approve Resolution No. 2023-01-01R adopting the American Fork City Sanitary Sewer Management Plan as presented and authorize the city to sign all necessary documents. Council Member Taylor seconded the motion. Voting was as follows:**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Clark Taylor, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

11. Review and action approving the Field Turf COOP Pricing Proposal for the construction of (6) lighted pickleball courts at Hindley Park.

**Council Member Shelton moved to approve the FieldTurf COOP pricing proposal and authorize the city to sign said proposal. Council Member Taylor seconded the motion.**

When asked for the installation timeframe of the pickleball courts, Derric Rykert explained this would get them on the schedule for a spring/summer build.

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

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Clark Taylor, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

12. Review and action on a resolution indicating the intent of the City Council of American Fork, Utah, to adjust the common boundary with Pleasant Grove City, Utah, located at

approximately 1485 East 300 North, American Fork, for Parcel Number 14:018:0067 consisting of .0729 acres.

Council Member Shelton pointed out that the acreage listed appeared to be incorrect, as it looked to be larger than .0729 acres. Staff looked on the county website and found the correct acreage of the parcel was 0.729 acres.

It was noted this parcel had been included in the city’s annexation policy plan but could not be accessed by property within American Fork.

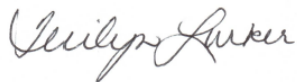
**Council Member Taylor moved to approve Resolution No. 2023-01-02R indicating the city’s intent to adjust the common boundary with Pleasant Grove City, Utah, located at approximately 1485 East 300 North, American Fork, for Parcel Number 14:018:0067 consisting of 0.729 acres; authorizing a Public Hearing thereon; and provide notice for said hearing. Council Member Hunter seconded the motion. Voting was as follows:**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Ryan Hunter, Council Member
<b>YES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

14. Adjournment.

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

The meeting adjourned at 8:12 p.m.



Terilyn Lurker, City Recorder