

AMERICAN FORK CITY COUNCIL  
FEBRUARY 14, 2023  
REGULAR SESSION MINUTES

Members Present:

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

Members Absent:

Ryan Hunter	Council Member
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Staff Present:

David Bunker	City Administrator
Camden Bird	Assistant City Administrator
Terilyn Lurker	City Recorder
Patrick O'Brien	Development Services Director
Anna Montoya	Finance Officer
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Cameron Paul	Police Chief
Susan Goebel-Canning	Public Works Director

Also present: Tori Bahoravitch, Gary Brems, Cheer Brems, Terry Mills, Heather Allen, David Thorne, Eileen Miller, and two additional attendees.

The American Fork City Council met in a regular session on Tuesday, February 14, 2023, 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 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 Carroll. Roll call was taken.
2. Twenty-minute public comment period - limited to two minutes per person.  
Tori Bahoravitch expressed her gratitude to the council and mayor for their responsiveness to citizens and willingness to listen. She expressed her opposition to the zoning change at 285 North County Boulevard, as it will add noise and traffic, as well as blocking their mountain view. While she was not in favor of a three-story building, she

would be okay with a single-story building which she felt would fit in better. Ms. Bahoravitch was dismayed to see the developers mislead the council that the neighbors were okay with the change as the neighbors were opposed.

Cheer Brems also expressed her concern on the project at 285 North County Boulevard. They attended the planning commission meeting but were unable to attend the January 24<sup>th</sup> city council meeting to let the council know they were never contacted by the developer. She felt this property could be developed into something that would make everyone happy. Ms. Brems stated no one would want a three-story building in their backyard.

Terry Mills stated he lives adjacent to the property at 285 North County Boulevard. He was happy that the land would be developed as it was currently an eyesore; however, he thought they would build a one-story building like other single-story offices on North County Boulevard. He was opposed to having a three-story building in his backyard and would like to see something that would match the area.

3. City Administrator's Report

David Bunker had nothing to report.

4. Council Reports

Council Member Shelton reported that dispatch went over their budget, and information had been given to the Police and Fire Chiefs. He indicated he would be happy to answer any questions they may have.

Council Member Barnes had nothing to report.

Council Member Carroll had nothing to report.

Council Member Taylor had nothing to report.

5. Mayor's Report

Mayor Frost wanted to take a minute to honor his wife, who has been a huge support to him while he serves as Mayor. The council could not serve without the support of their spouses.

Mayor Frost reported the Chamber of Commerce installation lunch was held where they swore in new officers and paid tribute to past members. He gave the Mayor's Award to Humphries Welding Supply, which has been in business for 100 years. He paid tribute to Bruce Cook, the owner, who recently passed away.

**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 January 24, 2023, city council minutes.
2. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$0.00 and issue a Notice of Acceptance for the AF Crossing Plat D construction of public improvements located at 1000 West 1100 South.
3. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$361,748.20 and issue a Notice of Acceptance for the Autumn Crest Plat E construction of public improvements located at 930 East 1040 North.
4. Approval of the authorization to release the Improvements Durability Retainer of \$2,048,322.48 for the 1100 West 350 South Roadway Improvements Phase 2 project.
5. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$65,102.50 and issue a Notice of Acceptance for the AF Crossing E1 construction of public improvements located at 900 West 1000 South.
6. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$0.00 and issue a Notice of Acceptance for the Lakeshore Landing Block 4-6 construction of public improvements located at 900 West 560 South.
7. Review and action on the acceptance of a Utility easement at 174 North Grant Ave.
8. Ratification of city payments (January 18, 2023, to February 7, 2023) and approval of purchase requests over \$50,000.

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

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

**ACTION ITEMS**

1. Review and action on the appointment to the PARC Tax Board.  
**Council Member Barnes moved to appoint Kimberlie Paulson to the PARC Tax Advisory Board. Council Member Shelton seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kevin Barnes, Council Member
<b>SECONDER:</b>	Rob Shelton, Council Member
<b>YES:</b>	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
<b>ABSENT:</b>	Ryan Hunter

2. Review and action of a Reimbursement Agreement for Corner of 500 E & Automall Drive with Maverik, Inc.  
**Council Member Taylor moved to approve the Reimbursement Agreement with Maverik, Inc. for an amount no greater than \$7,342.50 for system improvements for the corner of 500 E & Automall Drive. Council Member Carroll seconded the motion. Voting was as follows:**

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

3. 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 an extension of the final plat approval for 43 North Apartments, located in the area 43 North 100 East, in the Central Commercial (CC-1) Zone.

Patrick O'Brien explained this project had previously been approved by the council, but the developers have not had the time to begin this project. They anticipate starting in the next few months, and the construction of the project will be built as originally approved.

There was a discussion regarding the length of time the extension would be for and if the applicants would have to follow any new code that may be approved prior to their starting construction. It was noted that unless the council approved a different length of time, it would be for one additional year. At the end of that, it would expire, and the applicant would have to go back through the approval process. If the applicant begins construction prior to the end of the extension, they will construct the project according to what was originally approved.

**Council Member Shelton moved to approve the extension of the final plat for 43 North Apartments located in the area of 43 North 100 East, in the CC-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 January 18, 2023, Planning Commission meeting, for a period of three months. Council Member Taylor seconded the motion. Voting was as follows:**

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

- b. Review and action on an ordinance approving the site plan for the redevelopment of a property for use as the Children’s Justice Center, located at 96 South 100 East in the CC-1 zone, subject to any conditions found in the staff report and specify the minimum number of stalls as seven.

Mr. O’Brien explained the CC-1 zone reads that the Planning Commission approves the site plan but can recommend a reduced number of parking stalls which would then have to be approved by the City Council. The code required 14 parking stalls for this project, but the applicant has 7 spaces. There would be six stalls on the street and one on-site handicap parking stall. In the future, if the use changes from governmental use to another use such as an office, the parking requirements would then have to be met.

Ms. Allen, the applicant, explained they have put a lot of time and energy into this, and they do not plan on leaving as long as there are children that need them. It was noted the county typically signs 20-year leases.

**Council Member Taylor moved to adopt Ordinance No. 2023-02-05 approving the site plan with reducing parking stalls from the required 14 stalls to a recommended 7 stalls, for the redevelopment of a property for use as the Children’s Justice Center, located at 96 South 100 East in the CC-1 zone, subject to any conditions found in the staff report, with instructions to the City Recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the January 4, 2023 Planning Commission meeting. Council Member Barnes seconded the motion.**

David Thorne clarified the site plan that was approved by the planning commission was not the current site plan that exists as per staff’s recommendations. He clarified there were three parking stalls on the property and four on the street because of the angled parking. He noted they would like to ask for a reduction to six required spaces so they could utilize more on-street parking and not have to alter the landscaping to accommodate the three stalls onsite. It required extensive work to accommodate two parking stalls onsite. If they had known about the possibility of a reduction, they would have requested everything be on-street parking to reduce the cost to the justice center.

A discussion ensued regarding the number of parking stalls and whether the council could reduce the number of stalls to six. It was noted the site plan was approved at the planning commission and the approval tonight was limited to the reduction of parking spaces. If the council chooses to reduce that number to six, they could do that, but the site

plan would have to be approved through the planning commission again. Mr. O'Brien stated they could put this on the next planning commission agenda for approval.

**Council Member Taylor amended his motion to reduce the parking stalls from the required 14 stalls to 6 stalls. Council Member Barnes seconded the amended motion. Voting was as follows:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Kevin Barnes, Council Member
<b>YES:</b>	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
<b>ABSENT:</b>	Ryan Hunter

4. Review and action on approval of a betterment agreement with UDOT for the watermain replacement on State Street and 500 East between 600 East to 400 East.

Council Member Shelton brought up concerns about the major trail corridor on the north side of the road being included in the plans. It was pointed out this project was a UDOT project, and while UDOT contractors were doing the work the city would have them replace the watermain on State Street between 600 East and 400 East. The city did not have control over the plans. It was explained that the water line in the road must be re-done, and the betterment addresses the construction of that line. UDOT's contractor would do the work and the city would pay. This project was part of the capital projects and funding had been set aside a couple of years ago.

**Council Member Carroll moved to accept the betterment agreement with Utah Department of Transportation for the watermain infrastructure on State St and 500 East, between 400 East and 600 East. Council Member Shelton seconded the motion. Voting was as follows:**

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

5. Review and action on granting TSSD a perpetual Utility Easement located at approximately 150 West 1200 South.

**Council Member Taylor moved to approve granting the perpetual Utility Easement to the Timpanogos Special Services District located at approximately 150 West 1200 South. Council Member Barnes seconded the motion. Voting was as follows:**

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

6. Review and action on a resolution approving an amended to the interlocal agreement with Utah County for the Communities that Care program.

**Council Member Shelton moved to adopt Resolution No. 2023-02-07R approving the amendment to the interlocal agreement with Utah County for the Communities that Care program. Council Member Taylor seconded the motion. Voting was as follows:**

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

7. Review and action on the approval of a lease agreement with the State of Utah for the lease of a portion of the Police/Courts building at 75 East 80 North.

Mr. Bunker explained the square footage for the two floors needs to be changed. The correct numbers are 16,358 for the 2<sup>nd</sup> floor and 12,427 square feet for the 3<sup>rd</sup> floor. The lease agreement will need to reflect that in the appendices, which would alter the overall monthly payment. It was noted the courts will lease both floors for three years, after which they would only lease the 2<sup>nd</sup> floor. The contract shows a dramatic increase from the first year due to the contract only being for a portion of the year.

**Council Member Taylor moved to approve the lease agreement with the State of Utah and authorize the city to execute said agreement with the noted changes on the square footage to floor 2 at 16,358 square feet and floor 3 at 12,426 square feet for a total of 28,784 square feet. Council Member Barnes seconded the motion.**

There was a brief discussion on the default section of the lease agreement and whether to include additional language to structure it like a commercial lease. This lease agreement matched the previous agreement, which states there was a \$50 a day late penalty.

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

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

8. Review and action on a resolution authorizing the city to sign a technical services agreement between Mountainland Association of Governments (MAG) and PSOMAS for the American Fork FrontRunner Station Area Plan.

Mayor Frost this would help to generate the station area plan so they would have the tools needed to do so.

**Council Member Shelton moved to adopt Resolution No. 2023-02-08R approving the authorization for the city to sign Attachment C of the technical services agreement between Mountainland Association of Governments and PSOMAS for the Station Area Plan. Council Member Taylor seconded the motion. Voting was as follows:**

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

9. Review and action on a resolution adopting the Timpanogos Special Service District (TSSD) impact fee.

It was noted this was a pass-through impact fee that was assessed to a builder at the time the building permit was issued. The city collected the impact fee and then passed it through to Timpanogos Special Service District.

**Council Member Shelton moved to approve Resolution No. 2023-02-09R amending the TSSD Impact Fee, noting this was an impact fee collected for TSSD. Council Member Barnes seconded the motion. Voting was as follows:**

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

10. 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 Shelton moved to enter into a closed session at 8:20 p.m. Council Member Barnes seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Kevin Barnes, Council Member
<b>YES:</b>	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
<b>ABSENT:</b>	Ryan Hunter



Mayor Frost noted they will meet the downstairs workroom for the closed session, after which they would adjourn the meeting from that location.

The City Council entered into a closed session to discuss the sale and/or purchase of real property at 8:25 p.m. Those present included Mayor Frost, Council Member Barnes, Council Member Carroll, Council Member Shelton, and Council Member Taylor. Council Member Hunter was excused. Also present were City Administrator David Bunker, City Attorney Cherylyn Egner, and City Recorder Terilyn Lurker. The sale and/or purchase of property was discussed, and audio recorded as required by law.

**Council Member Shelton moved to return to the regular session at 8:43 p.m. Council Member Taylor seconded the motion. All were in favor.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Clark Taylor, Council Member
<b>YES:</b>	Kevin Barnes, Staci Carroll, Rob Shelton, Clark Taylor
<b>ABSENT:</b>	Ryan Hunter

11. Adjournment

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

The meeting adjourned at 8:44 p.m.



Terilyn Lurker, City Recorder