

AMERICAN FORK CITY COUNCIL  
APRIL 11, 2023  
REGULAR SESSION MINUTES

Members Present:

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

Members Absent:

Staci Carroll	Council Member
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Staff Present:

David Bunker	City Administrator
Camden Bird	Assistant City Administrator
Derric Rykert	Community Service Director
Stephanie Finau	Deputy Recorder
Cherylyn Egner	Legal Counsel
Aaron Brems	Fire Chief
Cameron Paul	Police Chief
George Schade	IT Director
Susan Goebel-Canning	Public Works Director
Patrick O'Brien	Development Services Director

Also present: Shawn Lott (Detective), Shannon Magelby (Library), Mike Horan (White Horse Developer), and Tyler Horan.

The American Fork City Council met in a regular session on Tuesday, April 11, 2023, in the American Fork City Hall, 31 North Church Street, commencing at 7:02 p.m.

REGULAR SESSION

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

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

2. Presentation of the Utah Chiefs of Police Officer of the Year award to Shawn Lott.

Cameron Paul presented Shawn Lott with an award for his work on the Utah County Major Crimes Task Force. In 2022 Detective Lott resulted in the seizure of 21.69 pounds of heroin, 10.9 pounds of methamphetamine, 2.3 pounds of cocaine, 35 dosage units of fentanyl pills, 88.5 pounds of marijuana His statistics 88.5 pounds of marijuana 1.54 pounds of marijuana dab, 64.9 pounds of edible marijuana, .5 pounds of magic mushrooms, 14 grams of LSD, 3.6 grams of

ketamine, 49 dosage units of ecstasy, 49 1/2 dozen of units of Xanax, 12 firearms, and about \$89,000 in illegal proceeds. His work resulted in 40 arrests or arrests pending cooperation but also resulted in 12 federal indictments. He conducted 16 drug investigations that resulted in significant disruption and crippling of at least nine formal drug trafficking organizations. Chief Paul stated that the Utah Chiefs of Police Association awarded this award for the year 2022 to Officer Lott. Officer Lott expressed appreciation to the city for their support and appreciated his family for their support for the time he is away from home.

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

Shannon Magelby, Chairman of the Library Board, expressed appreciation to the police and fire department for all they do. She stated that she is willing to pay more taxes to have a dozen happier workers in the library. The library is very busy, she remarked and thanked the council for their time to listen to her.

4. City Administrator's Report

Mr. Bunker reported that on the 21st - 25th we will have what staff affectionately call “bubble day” and that is where we will take down the bubble off of the swimming pool. The fitness center will have some closure during that time and will be limiting admittance during the bubble takedown for safety reasons. He expressed gratitude to the storm drain division, noting they have been working hard to make sure that the American Fork River channel is clear on a consistent daily basis. They've been going through the river channels for months and recently they found that somebody dumped a mattress into the river channel. He stated how it could affect the flow and asked that if anyone sees people dumping things into the river channel, please contact the city so we can remove them before we have a problem. He urged residents to not put limbs, branches, grass clippings, and garbage back in the river because it causes more work for crews.

5. Council Reports

Council Member Hunter expressed appreciation to Officer Lott for the work he does and for the sacrifice his family makes for him to do his job. He thanked all the committees that work within the city for all their help.

Council Member Shelton congratulated Officer Lott and mentioned that in the last 5 years, 2 police officers from American Fork received that award. He expressed appreciation to David Bunker for sharing emails and concerns from residents about flooding potential. He was grateful for the work session that was informative on preparation for flooding and what the city plans are. He reported that the Beautification Committee is doing their annual clean up. He thanked Camden Bird for working in public relations in getting the word out about the annual clean up.

Council Member Barnes expressed appreciation to the police and fire department for their sacrifices and the sacrifices their families make. He mentioned how busy the libraries are and how much use they are getting. He expressed gratitude for the staff in all departments who help with the day-to-day duties to make the city function. He reported that on May 29<sup>th</sup>, Memorial Day, a program will be held at the Alpine Tabernacle at 11:00 am honoring our lost veterans for

their lives they've lost to protect our freedoms and encouraged residents to participate. He added that the American Fork High School band will be part of the program.

Council Member Taylor also expressed appreciation to the police officers and for the great work they do. He related the time when he was first on the council and all the work it took to make the library what it is today. He thanked Casandria Crane and her staff for making the library what it is today.

#### 6. Mayor's Report

Mayor Frost wanted to reassure the residents of American Fork, those that are present in the meeting and those that will hear this on a public record, that American Fork city is doing everything within their power to protect property and life. He wanted to reassure residents that meetings are taking place in coordinating efforts with all branches of government from the Forest Service, federal agencies, surrounding cities and the irrigation company. The county officials will meet tomorrow with the city at 1:00 pm in the administration building where everybody will come together and report back on the meeting that took place about three weeks ago to make sure that we're not missing anything that efforts. He reported that the National Guard will be in the meeting tomorrow also. He reported that he'll be meeting with all faith leaders in the city of all denominations of faith, emergency personnel and city staff at 6:30 pm to discuss plans and how to best execute them in case of a flood.

Mayor Frost shared that the peak time the river overflows is around 2:00 am and that there are crews around the clock monitoring every portion of the channel from the mouth all the way to the link itself.

#### 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 March 21, 2023, work session minutes.
2. Approval of the March 28, 2023, city council minutes.
3. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$79,789.02 and issue a Notice of Acceptance for the American Fork Tower construction of public improvements located at 802 East 1050 South.
4. Approval of the authorization to release the Improvements Construction Guarantee and issue a Notice of Acceptance for the Goldfish Swim School construction of public improvements located at 348 South 500 East.
5. Approval of the authorization to release the Improvements Construction Guarantee and issue a Notice of Acceptance for the Savage Apartments Phase 2 (Parc on 5th) construction of public improvements located at 540 & 620 South 600 East.
6. Approval of the authorization to release the Improvements Durability Retainer of \$27,581.66 for Alvera at the Meadows, located at 700 West Pacific Drive.

7. Approval of the authorization to release the Improvements Durability Retainer of \$102,063.57 for Stonecreek Plat F, located at 370 West 870 South.
8. Approval of the authorization to release the Improvements Durability Retainer of \$80,277.00 for Stonecreek Plat G, located at 840 South 290 West.
9. Approval of a beer/alcoholic beverage license for Costa American Fork LLC, DBA La Costa, located at 852 East State Road.
10. Ratification of city payments (March 22, 2023, to April 4, 2023) and approval of purchase requests over \$50,000.

**Council Member Taylor moved to approve the common consent agenda as listed. 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>	Taylor, Barnes, Hunter, Shelton

**ACTION ITEMS**

1. Review and action on a resolution approving a Land Use Map Amendment for property located at approximately 96 North 350 West, from the Residential High Density to the General Commercial Land Use designation.

**Council Member Taylor moved to approve Resolution No. 2023-04-16R approving a Land Use Map Amendment for property located at approximately 96 North 350 West, from the Residential High Density to the General Commercial Land Use designation. Council Member Shelton seconded the motion. Voting was as follows:**

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

2. Review and action on a resolution approving a Land Use Map Amendment for approximately 0.60 acres of land located at approximately 401 West Main Street, from Design Commercial to the General Commercial Land Use designation.

**Council Member Taylor moved to approve Resolution No. 2023-04-17R approving a Land Use Map Amendment for approximately 0.60 acres of land located at approximately 401 West Main Street, from Design Commercial to the General Commercial Land Use Designation 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>	Shelton, Hunter, Taylor, Barnes

3. Review and action on an ordinance approving a Zone Change for approximately 0.60 acres of land located at approximately 401 West Main Street, from the R2-7500 Residential Zone to the Central Commercial (CC-2) Zone.

**Council Member Barnes moved to adopt Ordinance No. 2023-04-13 approving a Zone Change for the Smith property approximately 0.60 acres of land located at approximately 401 West Main Street, from the R2-7500 Residential Zone to the Central Commercial (CC-2) Zone. Council Member Taylor seconded the motion. Voting was as follows:**

Council Member Shelton asked for a timeline on a zone change backing up to residential and doing an amendment on that. Patrick O’Brien replied they were looking to tackling that on a city-wide basis with the general plan update and try to get as many as possible.

**Voting was unanimous.**

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

4. Review and action on a resolution to accept/deny the petition for annexation of the Deer Park-Thomson Annexation located at approximately 50 West 1100 South and consisting of 4.35 acres.

Mr. O’Brien reported that the applicant is looking to annex some additional property in. They also own additional property to the south of it. He reported that the staff’s perspective is that annexing the northern portion could leave a landlocked area to the South and that they were looking to hopefully trying to convince them to bring in the southern portion of the property along with this. He stated that he had a conversation with the applicant about some of the staff concerns.

Mike Horan with White Horse Developer replied that he had talked to Mr. O’Brien about their concern of not creating an island. He stated that they have worked with UDOT for 10 months for land they’re going to need for future roadways through that area, which has been identified. He reported that other buildings are near completion, and they wanted to move forward the north half and get the annexation moving forward so they don’t slow down some of the tenants coming into the building. He asked if they were willing to make a condition of this approval on the north portion that within 30 days they could make an application to bring in the South half.

Mr. O’Brien replied that the staff preference is that all comes in one as makes it a tidier process. He added that it does create a little issue, bringing in two on separate timelines and how that would work.

There was a discussion between city council, staff, and the applicant on the division of the process and whether the property was divided legally, creation of an island, and approval with the condition of the annexation for the southern portion being started within 30 days.

The applicant also requested that they be given 30 days to get the necessary forms filled out and submitted to the city for the south half, continuing with the notice period and processes with the north half. Council Member Hunter had concerns about the 30 days and wanted a legal opinion that would help him get past that hurdle. Ms. Egner felt that 14 days would be preferable and that they could work on the annexation agreement for both parcels together.

Regarding the subdivision of land, Tyler Horan stated they received a letter from their attorney regarding Utah State Code 10-9A-103(65)(c)(v), noting there were three provisions that had to be met. He stated a property owner could deed themselves a portion of their own parcel as long as it is made in anticipation of future land use approvals, it does not confer a land use approval, and it has not been approved by the local Land Use Authority. Ms. Egner replied with concern that it would be taking less than 5.25 and annexing just that portion would be where the concern comes in.

Discussion ensued on various reasons of what could happen with this annexation. Mr. Bunker added that this is a petition to start the annexation.

**Council Member Hunter moved to approve Resolution No. 2023-04-18R to accept the petition for annexation of the Deer Park-Thomson Annexation located at approximately 50 West 1100 South and consisting of 4.35 acres contingent upon the application with the 14-day application of the Southern parcel. Council Member Taylor seconded the motion. Voting was unanimous.**

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

5. 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 Site Plan for the Perfect Dress Project, located at 424 West Main Street, in the Central Commercial (CC-2) Zone.

**Council Member Taylor moved to approve Ordinance No. 2023-04-14 approving a Site Plan for the Perfect Dress Project, located at 424 West Main Street, in the Central Commercial (CC-2) Zone with instructions to the city recorder to withhold publication of the ordinance subject to all conditions identified in the public record for the March 22,**

**2023 Planning Commission meeting. Council Member Shelton seconded the motion. Voting was unanimous.**

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

- b. Review and action on a final plat for Meadowbrook Plat A seeking approval of a final plat consisting of 14 lots, located in the area of 620 South 850 West, in the Transit Oriented Development Zone.

**Council Member Taylor moved to approve a final plat for Meadowbrook Plat A seeking approval of a final plat consisting of 14 lots, located in the area of 620 South 850 West, in the Transit Oriented Development Zone with instructions to the city recorder to withhold publication of the plat subject to all conditions identified in the public record for the December 7, 2022 Planning Commission meeting. Council Member Barnes seconded the motion. Voting was unanimous.**

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

- c. Review and action on a Final Plat for Meadowbrook Plat B, seeking approval of a final plat consisting of 46 lots, located in the area of 460 South 740 West, in the Transit Oriented Development Zone.

**Council Member Shelton moved to approve a final plat for Meadowbrook Plat B, seeking approval of a final plat consisting of 46 lots, located in the area of 460 South 740 West, in the Transit Oriented Development Zone with instructions to the city recorder to withhold publication of the plat subject to all conditions identified in the public record for the December 7, 2022 Planning Commission meeting. Council Member Hunter seconded the motion. Voting was unanimous.**

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

6. Review and action on approval of a Master Landscape Maintenance Agreement with UDOT.

**Council Member Taylor moved to approve a Master Landscape Maintenance Agreement with UDOT. Council Member Hunter seconded the motion. Voting was unanimous.**

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Clark Taylor, Council Member

**SECONDER:** Ryan Hunter, Council Member  
**YES:** Shelton, Taylor, Hunter, Barnes

7. Review and action on a Cooperative Agreement for Local Agency Performing Work for UDOT for the 700 North/740 North Connection Road signal on 100 East.

**Council Member Shelton moved to approve a Cooperative Agreement for Local Government Performing Work for UDOT as presented and moving for authorization by the city administrator entered a contract with UDOT. Council Member Hunter seconded the motion. Voting was unanimous.**

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

8. Review and action on the award of the CDBG 10 300 West Waterline and Infrastructure Improvements Construction to Newman Construction, Inc.

**Council Member Barnes moved to accept the bid by Newman Construction, Inc. for the construction of the CDBG 10 at 300 West Waterline and Infrastructure Improvements Projects in the amount of \$698,000 and approve the construction contract as presented and authorize the city to sign the associated documents. Council Member Shelton seconded the motion.**

Council Member Taylor mentioned that there is a \$42,000 gap between these guys who are clearly the lowest bid and a difference of \$90,000 between the other bids. He questioned if they knew why there was such a difference and how staff deciphered what the best bid was to go with. Mr. Bunker replied that it was a public bid, and unless there is a reason to disqualify the low bidder, the city needed to accept the low bid. He added that the bidder does have to meet the specifications of the city and of the project. It was noted the city does require a bond from the contractor.

**Voting was unanimous.**

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

9. Review and action on a Government Account Form and Letter of Agency Agreement with Granite Telecommunications, LLC., to provide EPIK Phone Services to replace the city's current analog phone services.

**Council Member Shelton moved to authorize the Government Account Form and Letter of Agency Agreement with Granite Telecommunications, LLC. Council Member Barnes seconded the motion. Voting was unanimous.**



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

10. Review and action on a Government Account Form and Letter of Agency Agreement with Granite Telecommunications, LLC., to provide Mobility Cellular Phone Services.  
**Council Member Taylor moved to authorize Granite Communications LLC to manage all city-owned cellular devices under this letter of authorization agreement. Council Member Hunter seconded the motion.**

Council Member Shelton and George Schade discussed which departments will be going with the cellular service. Council Member Shelton had some concerns he shared about AT&T and making sure it is secure for safety reasons.

**Voting was unanimous.**

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

11. Review and action on a resolution providing for the continuity of government pursuant to the provisions of the Emergency Interim Succession Act.  
**Council Member Shelton moved to adopt Resolution No. 2023-04-19R providing continuity and government pursuant to the provisions of the Emergency Interim Succession Act. Council Member Taylor seconded the motion. Voting was unanimous.**

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

12. Review and action on a resolution approving an amendment to the General Fee Schedule to include a Candidate Filing fee.

Mayor Frost commented that adding a candidate filing fee should be considered for the city and it would be in the best interest for the city to be revenue neutral and to compensate for the time of the city recorder. He noted that other cities felt it was appropriate and asked how the council felt about that.

Discussion ensued amongst the council regarding the fee and whether it would make a difference or if there was a need for it, as well as how it may prevent candidates from applying just to drop out later. It was noted that it costs the city \$45,000 to run a primary election.

**Council Member Taylor moved to adopt Resolution No. 2023-04-20R approving an amendment to the General Fee Schedule to include a Candidate Filing fee. Council Member Barnes seconded the motion. Voting was unanimous.**

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

13. Adjournment.

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

Meeting adjourned at 8:08 pm



Stephanie Finau  
Deputy Recorder