

AMERICAN FORK CITY COUNCIL
MAY 9, 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

Members Absent:

Clark Taylor	Council Member
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Staff Present:

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

Also present: Cameron Paul's family, Janessa Olson, Rachel Lamborne, Sandy Barney, Shannon Magleby, Mark Yoshimoto, Daniel Smidt, Marilyn Chadwick, Reece DeMille, Ashley Cawley, and 10 additional citizens.

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, May 9, 2023, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

PUBLIC HEARING

- Receiving public comment on the declaration of property to be surplus at approximately 1700 South and 100 West.

There were no public comments.

REGULAR SESSION

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

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

2. Recognition of the Sexual Assault Awareness Month (SAAM) Award given to Chief Paul from the Utah Coalition Against Sexual Assault (UCASA).

Mayor Frost called Police Chief Cameron Paul to the front for recognition of his receiving the Sexual Assault Awareness Month (SAAM) Award. Chief Paul has been recognized for his efforts in helping the Utah Coalition Against Sexual Assault (UCASA) achieve their goals.

3. Presentation by the Library Board.

Casandria Crane and the Library Board wanted to thank the City Council for their support of the Library. Two short videos were shown on the various events the library has had throughout the year. Rachel Lambourne, a member of the Library Board, expressed her appreciation for the city maintaining an important community gathering place. Shannon Magleby, Chairperson of the Library Board, commented she was impressed with all the city was able to accomplish and expressed her appreciation for Ms. Crane for all her hard work. Ms. Magleby also thanked the council for their support of the library. Sandy Barney, a member of the Library Board, commented she knows a well-run library when she sees it, and the American Fork Library was wonderful. She appreciated the council's continued support of the library and noted the funds received were wisely spent.

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

Shannon Magleby expressed her appreciation to the Chief of Police and thanked him and his family for their sacrifice so the citizens could feel safe.

5. City Administrator's Report

David Bunker thanked the library board for their hard work, stating he has been impressed with Ms. Crane and all her work. He stated Chief Paul was a humble man who does so much work to protect the innocent and to help those who have been abused get help. Mr. Bunker noted the Fire Department's swift water training is taking place and was requesting citizens stay away from the river as they don't want to have to use the skills they are training for. Last week, there was a budget open house where several residents came, and He thanked Anna Montoya for her hard work and the citizens for coming.

6. Council Reports

Council Member Hunter stated it has been a blessing to serve in this capacity and see people work, serve, and volunteer. He noted the library has been able to do many wonderful things with the PARC Tax funds received. Additionally, the WiFi packs have been in hot demand and reinforce the value of the programs offered at the library. Council Member Hunter reported he has been able to visit with the Parks Trails and Recreation Committee and has received many comments regarding Hunter Park, which

was another project paid for with PARC Tax funds. He stated the PARC Tax has been a blessing in which many projects have been a blessing to the citizens.

Council Member Shelton thanked Chief Paul for his work in keeping the community safe. He thanked the library board for their message. Council Member Shelton expressed his appreciation to Ben Foster for the wonderful Arbor Day Program and hoped they could continue to make this a great experience for the elementary students.

Council Member Barnes echoed the others and stated the library is a wonderful place and he appreciated all that was done there. He reported on Memorial Day at 6 a.m. the Fire Department will be hosting the annual Memorial Day Breakfast at the fire station, and he encouraged everyone to come. The Cemetery Committee has prepared the Memorial Day Program at 11 a.m. at the Alpine Tabernacle and noted the AF Marching Band will be playing and wonderful speakers have been lined up. He expressed his appreciation to staff for all they do.

Council Member Carroll also wanted to acknowledge staff, as all staff she interacts with are amazing and the city was lucky to have the employees they had. She noted the library is important to her and she appreciated all the work the library does, particularly with those in the Spanish speaking community. Council Member Carroll reported the Chamber of Commerce annual summit was held. The American Fork Chamber was in charge of the event, and they hit it out of the park with wonderful speakers and networking activities.

7. Mayor's Report

Mayor Frost stated the Library Director position was vital, and it was the best decision to hire Ms. Crane. He felt that success started at the top, and the city had the best in Ms. Crane, as well as wonderful supporting staff. The library is a blessing to his family and to the community, and they have been very innovative and set the standard. He thanked Ms. Crane, the board, and staff for their work. The Arbor Day event was a wonderful, well-organized event. Mayor Frost also thanked Chief Paul for what he does for the community. Mayor Frost stated there has been a lot of work that has gone into helping with water management and the city was prepared. He was confident he could mobilize an army of citizens with just a few phone calls.

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 April 25, 2023, work session minutes.
2. Approval of the April 25, 2023, city council minutes.

3. Approval of a beer/alcoholic beverage license for Maverik, Inc. located at 1046 South 500 East.
4. Ratification of city payments (April 19, 2023, to May 2, 2023) and approval of purchase requests over \$50,000.

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

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

ACTION ITEMS

1. Review and action on approval of the city's fiscal year ending June 30, 2024 Tentative Budget.

Mayor Frost noted they had to pass a tentative budget, which was a living document, and stated the final budget will be passed in June.

Anna Montoya, Finance Director, stated a tentative budget was required by the state to be presented at the first council meeting in May. This is a culmination of several months' worth of work but can be changed if needed. Last week, they presented the citizens' budget at the open house. She went over a few statistics and noted this was a balanced budget. The city budgets conservatively and has anticipated a flat revenue; inflation is driving up the cost of goods and services. Ms. Montoya stated this will be brought back at a work session.

When asked if there would be a property tax increase, Ms. Montoya responded that based on direction and comments received, they have added about \$1 a month in property tax increase. This was about a 3% increase bringing in approximately \$200,000 for public safety and roads. It was noted that with the utility increases expected this upcoming budget year, the residents would see about a \$5 per month increase overall. There was a discussion on wages, where it was explained the budget included a merit increase and range adjustments for some of the positions within the city. It was also noted the fee schedule would be adopted separately the same evening the budget would be adopted.

Council Member Hunter moved to approve the fiscal year ending June 30, 2023, proposed budget and set the public hearing for June 13, 2023, for 7:00 p.m. Council Member Barnes seconded the motion. Voting was as follows:

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

2. Review and action on approval of an addendum to the solid waste collection agreement with Republic Services.

Council Member Shelton moved to approve addendum #8 to the solid waste collection agreement with Republic Services and authorize the city to sign the addendum. Council Member Hunter seconded the motion. Voting was as follows:

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

3. Review and action on an ordinance approving a Zone Change for approximately 6.22 acres of land located at approximately 383 S 500 E, from the Planned Commercial (GC-2) Zone to the General Commercial (GC-1) Zone.

Council Member Carroll stated the zone they are requesting allows for residential but doesn't require they have any commercial. She felt that 500 East needed to have a commercial component included in the project. Mr. O'Brien agreed that 500 East should be a commercial area and noted they need to address that issue in the GC-1 zone to make sure there is a requirement in key areas for commercial.

There was a discussion held regarding the desire for commercial on the property on 500 East. While it was private property and the property owners should be able to do what they want with the property, the zoning was controlled by the city. It was noted there was no residential allowed in the current zone, and if the zone changes that allows residential there were no assurances that residential would not be placed on the property. It was suggested they enter into a development agreement that would protect the city's interest.

Ms. Egner stated that if the council chooses to go with a development agreement, she asked that they table action until they can come up with that development agreement. Council Member Shelton stated he wanted to be able to trust staff with the condition of a development agreement but didn't want to delay the project and asked if the agreement would have to come back to the city for approval. Ms. Egner explained the agreement would have to go back through the planning commission and then would come before the city council. Mr. O'Brien noted the developers had asked about a development agreement, but staff asked them to work with what was allowed in the zoning.

Larry Myler, the applicant, stated they felt this was commercial property. They have already purchased the land and are fully committed to developing the property. They have been talking to some grocers about this property on the east side, but there is no commitment with a grocer. They have often build a balance of residential and commercial, but in their mind 500 East was commercial and would like to have the front two acres as commercial.

Council Member Hunter thanked them for their efforts to bring a grocer to that area. Council Member Carroll was encouraged by Mr. Myler’s comments and did not want to delay them, but they wanted commercial for that area and they wanted assurances.

Council Member Hunter moved to table this item pending a development agreement being approved by planning commission and coming back to the city council.

Council Member Shelton seconded the motion. Voting was as follows:

RESULT:	TABLED [UNANIMOUS]
MOVER:	Ryan Hunter, Council Member
SECONDER:	Rob Shelton, Council Member
YES:	Kevin Barnes, Staci Carroll, Ryan Hunter, Rob Shelton
ABSENT:	Clark Taylor

4. 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 a Final Plat for Chadwick Village Plat B Amended Plat, located at approximately 417 S 50 W, in the R2-7500 Residential Zoning designation.

Council Member Shelton moved to adopt the final plat for the Chadwick Village Plat B final plat amendment, located at approximately 417 South 50 West, in the R2-7500 zoning designation. Council Member Carroll seconded the motion. Voting was as follows:

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

5. Review and action on an ordinance approving a code text amendment of the American Fork Municipal Code amending Section 17.7.601 titled Planned Commercial Development Projects, to add language related to medical offices and medical clinics being a permitted use in the zoning district.

Council Member Barnes moved to adopt Ordinance No. 2023-05-16 approving the code text amendment for Section 17.6.601(B) of the American Fork City Municipal Code, titled Planned Commercial Development Projects, relating to medical offices and medical clinics being permitted in the GC-2 zone, with instructions to the city recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the April 19, 2023, planning commission meeting. Council Member Hunter seconded the motion. Voting was as follows:

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

6. Review and Action on the Award of American Fork City 2023 Road Overlay Project to Kilgore Constructing.

Council Member Hunter moved to accept the bid by Kilgore Constructing for construction of the American Fork 2023 Road Overlay Project in the amount of \$2,680,909.00 and approve the construction contract as presented. Council Member Shelton seconded the motion. Voting was as follows:

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

7. Review and action on an Engineering Services Agreement Contract for the State Street Watermain Project from 200 East to 500 East.

There was a discussion regarding installing new laterals at the time the city was replacing the main lines so the laterals would not fail after the project was done and the road completed. It was noted that this project does include the replacement of 15 laterals.

Council Member Shelton moved to approve the engineering services agreement for the State Street Water Main Replacement Project at 200 East to 500 East and authorize the city administrator to enter into the contract with Horrocks Engineers. Council Member Hunter seconded the motion. Voting was as follows:

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

8. Review and action on the award of a contract for the State St Watermain Replacement 200 E to 500 E with Condie Construction Co.

It was noted the original engineers estimate was much lower than what the bid came in at. Condie Construction was the only bidder, but staff was comfortable with the company. This project was expensive but staff evaluated this project to see if there were any options to make this less expensive and to make sure this was the right time for the city to do this. This was a very complex project. They took a thoughtful approach to this decision and are recommending moving forward.

Council Member Carroll moved to accept the bid submitted by Condie Construction Co. for the construction of the State Street Waterline from 200 East to 500 East in the amount of \$2,362,562.00 and authorize staff to proceed with the preparation of contract documents. Council Member Barnes seconded the motion. Voting was as follows:

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

9. Review and action on approval of a contract with Holbrook Asphalt for the pavement preservation surface treatments.

Council Member Shelton appreciated the detail in this and noticed they have white boxes around areas included in this plan. Susan Goebell-Canning explained there will be some patchwork to be done prior to the work being done. She also explained they would be doing some crack seal now and then come back with HA5.

Council Member Hunter moved to approve the Holbrook Contract and authorize the city to sign the agreement. Council Member Shelton seconded the motion. Voting was as follows:

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

10. Review and action on approval of a variance in the cross section of the sidewalk located at 570 West and 330 South for the Fenn Farms subdivision.

Parker McGarvey, of Visionary Homes, explained this variance would not impact any homes and was being applied to 330 South and 570 West adjacent to the wetlands.

Council Member Carroll moved to approve the request for variance in the cross section of the sidewalk located at 570 West and 330 South for the Fenn Farms subdivision to reduce the impact on the wetlands and authorize the city to sign the variance. Council Member Shelton seconded the motion. Voting was as follows:

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

11. Review and action on the 2023 Utah County Municipal Recreation Grant Application.
Council Member Shelton moved to approve the mayor to sign the application for the 2023 municipal recreation grant. Council Member Carroll seconded the motion. Voting was as follows:

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

12. Review and action on approval of a resolution adopting fireworks restrictions for American Fork City.
Council Member Hunter moved to approve Resolution No. 2023-05-22R adopting fireworks restrictions in American Fork City. Council Member Barnes seconded the motion. Voting was as follows:

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

13. Review and action on a resolution declaring property to be surplus and authorize the mayor to execute a stipulation of settlement for boundary between American Fork City and the Division of Forestry, Fire & State Lands for property adjacent to the boat harbor.
Council Member Carroll asked if this would affect the boat harbor. It was explained this would finalize the boundary between the city and the state as shown in the agreement. It would not affect the boat harbor and the city still has the agreement in place to manage the boat harbor.

Council Member Shelton moved to adopt Resolution No. 2023-05-23R declaring property to be surplus and authorize the mayor to execute the stipulation of settlement for boundary between American Fork City and the Division of Forestry,

Fire & State Lands. Council Member Hunter seconded the motion. Voting was as follows:

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

14. Adjournment.

Council Member Shelton moved to adjourn the meeting. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	APPROVED
MOVER:	Rob Shelton, Council Member
SECONDER:	Kevin Barnes, Council Member
YES:	Mayor Frost, Kevin Barnes, Staci Carroll
NO:	Ryan Hunter, Rob Shelton
ABSENT:	Clark Taylor

The mayor broke the tie. The meeting adjourned at 8:49 p.m.



Terilyn Lurker, City Recorder