

AMERICAN FORK CITY COUNCIL
MAY 23, 2023
PUBLIC HEARING AND 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
Camden Bird	Assistant City Administrator
Stephanie Finau	Deputy Recorder
Anna Montoya	Finance Officer
Cherylyn Egner	Legal Counsel
Patrick O'Brien	Development Services Director
Aaron Brems	Fire Chief
Stuart Fore	Police Lieutenant

Also present: Ken Berg, Rio Honaker, Audrey Honaker, Eduardo, Martin Jensen, Gabby Curtis, Adam Della-Piana, Marge Worthington, Scott Warren,

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, May 23, 2023, in the American Fork City Hall, 31 North Church Street, commencing at 7:07 p.m.

PUBLIC HEARING

- Receiving public comment on the declaration of property to be surplus and disposed at approximately 960 South and 300 West.

No comments were made.

REGULAR SESSION

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

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

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

Audrey Honaker discussed dust, roads, speed limit and the so called “swamp” in the area of her neighborhood. She discussed how dust is a health concern that comes from the construction in the area. She asked the city if they could request the construction companies to stop dumping their excessive materials in the residential areas causing all the dust and debris. She asked if speed bumps could be placed in multiple areas located on 800 South and 620 South or in the

county address of 7300 North and 700 West. She stated how bad the road damage is along those roads and vehicles swerving to miss it.

Marie Worthington had concerns regarding the speeding that goes on at 620 South and the county road known as 7300 North. She stated that there are potholes in the road that vehicles must swerve to miss it, or it holds up traffic due to letting other cars pass so they don't hit the potholes. She inquired if a city park was being built behind her home on 800 South and wanted to know when that would happen. She spoke of the little swamp/pond/lake that is behind her home that is fenced off, yet it is still dangerous and of concern due to many little children that live in the area.

Adam Della-Piana also lives in the area where the "swamp" is. He wanted to know if the swamp could have been prevented. He's worried about his dog and spoke of how dangerous the fence is surrounding the "swamp" and wanted to know what solutions were available to the residents to get rid of the "swamp" behind their home.

Gabby Curtis reported the same concerns as the others referring to the water "swamp" behind their home. She has a 10-month-old that will soon be walking, and she won't be able to let her go outside in the back because of the "swamp". The bottom of the fence around the water has a gap that a little kid can fit through. She was concerned and would not want a kid to wander in there and drown.

Rio Honaker spoke of the wetlands by his house. He commented on when it was dug out and stated that it was dug without notifying him. He mentioned he had spoken to the developer and architect about the area and was told it wasn't supposed to be there. He also mentioned a water line coming from underneath the street that runs through his property that they used the water for their animals and how it's now dammed up. He stated he put in a referral to Natural Resources, and they are supposed to come look at it. He commented that dust is a big problem and how there are laws that the developers are breaking. He asked the city to put a stop to the developer that is causing all the dust.

Eduardo Fermano stated he's from the same neighborhood as the previous commentators. He asked when their neighborhood would have streetlights put in. He also informed the council that the construction workers have been dumping dirt, garbage and debris behind his home on a piece of open property for months. He stated that there is a lot of dust coming from that area and it is unsafe because of the weeds overgrowing and hiding the piles of trash.

Mr. Jensen commented on the open space that there is debris and garbage from construction that is covered over with overgrown weeds behind his home. Since he hasn't put in a fence yet, he mentioned that his 2-year-old daughter was playing and chasing ladybugs in his back yard and got a laceration on her ankle. He felt that there was an abuse of the easement where developers are dumping their garbage in the open space. He stated it was an issue of public trust and abuse of the common spaces that are granted and owned by the city and would like to see it remedied so it does not happen to another child.

Mayor Frost thanked the residents for coming to the city council and said that he will direct staff to look into it to see how that can be remedied. He commented that someone on the staff will email the residents to follow up.

Nicole, a sales agent from Century Community who are the builders of most of the homes in that neighborhood, mentioned that they have talked to their construction workers about the debris and speeding issues and hopes to remedy those issues. She stated that one of her concerns is the strip of land behind all her neighbors and powerlines. She thought it was supposed to be a park but then heard it was another thing. She wanted to know what the plans are for the open space. She mentioned the “swamp” and how it will attract mosquitos and wanted to see if the city will do some type of mosquito abatement. Mayor Frost asked Nicole to leave her contact information.

Scott Warren commented on the “swamp” area. He didn’t believe it was protective wetland and that it was man made. He commented on how he saw it dug up and a channel was built around it. He feels like it was not engineered correctly and if the water continues to rise it will be up to his back door. He stated that planting grass there would be a safer solution.

Shirley Grover expressed concern over construction vehicles that have damaged other vehicles, side swiping them and keep going. She commented that they have been run off the road by construction vehicles that are taking up the middle lane. She also stated that the potholes are getting bigger on the roads, and it has become a hazard to the neighborhood children who play in the streets. She would like a safe environment for her children and other families in the neighborhood.

3. City Administrator's Report

Mr. Bunker reported that staff are working around the clock watching the river and he expressed appreciation for them and their constant updates. He reported on Timp Marina and watching the river rising. Mr. Bunker spoke of the water flow and how consistent it is being.

4. Council Reports

Council Member Hunter agreed with Mr. Bunker about the staff watching the water flow and taking care of flooding concerns. He urged residents to go to the Memorial tribute to honor our armed forces on Monday.

Council Member Shelton thanked the Mayor and Mr. Bunker for meeting with him over a developmental issue he had. He also expressed appreciation for the staff for helping keep everyone safe and asked for more frequent updates on the water flow situation.

Council Member Barnes reminded everyone about the Memorial Day program, to remember those who have served. He reported that on Monday at 6:00 am, the fire alarms will go off on Memorial Day and urged the residents to come enjoy breakfast at the fire department until 6-9:30 AM. At 11:00 AM there will be a program at the Alpine Tabernacle and the high school marching band will be performing.

Council Member Carroll reported that on Thursday is the Memorial Day golf tournament that the Chamber is hosting at Fox Hollow. This tournament is a fundraiser for Veterans, but the structure will be different this year. Participants will have to pay to be part of the tournament even if you are part of the chamber in hopes to raise more money. She also commented on the water flow and how in some parts of Alpine it is already spilling onto the trails.

Council Member Taylor reported on the sink hole at Fox Hollow. He spoke how perfectly it was mitigated in taking care of the sink hole. He commented that the city staff was there immediately and mentioned Taylor Welker, Clayton Oxborough and Ryan Armistead who were there with a

track hoe and a dump truck of huge rocks from 4:00 pm until 2:00 am. He also reported that a pedestrian bridge at the golf course was sinking, and he called Mr. Bunker and a crew came in and raised it another 4'. He expressed appreciation for the city crew for handling that situation and help from the golf crews as they worked together. He stated he's grateful for the public forum in city council. He also shared his insight on the Memorial Day program and how sacred that is and mentioned the breakfast at the fire house and all the festivity details going on that day.

5. Mayor's Report

Mayor Frost reported on Memorial Day celebration. He related how they were planning to go to Lagoon for Memorial Day and how his granddaughter expressed the importance of being back for breakfast at the fire house and how that is a tradition in his family. He also expressed appreciation for the veterans and for the loved ones who have passed away. He reported on the mitigations that the city has been planning for the past 2 months. He expressed appreciation for Susan Goebel-Canning and all the staff that stay all night to watch the water flow and keep the city safe.

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 May 2, 2023, work session minutes.
2. Approval of the May 9, 2023, city council minutes.
3. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$35,651.36 and issue a Notice of Acceptance for the Mott Estates Plat B construction of public improvements located at 393 East 500 South.
4. Approval of the authorization to release the Improvements Durability Retainer of \$104,763.48 for Rockwell Ranch Block 3 Phase 1, located at 1100 West 480 South.
5. Approval of the authorization to release the Improvements Durability Retainer of \$81,283.86 for Rockwell Ranch Block 5, located at 1050 West 600 South.
6. Approval of the authorization to release the Improvements Durability Retainer of \$130,871.48 for Willow Glen Phase 1, located at 400 South 700 West.
7. Ratification of city payments (May 3, 2023, to May 16, 2023) and approval of purchase requests over \$50,000.

Council Member Taylor moved to approve the common consent agenda with changes to the May 2, 2023 work session minutes. Council Member Shelton seconded the motion.

Voting was as follows:

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

Mayor Frost noted he pulled action item #6 from the agenda.

ACTION ITEMS

1. Review and action on accepting/denying a resolution approving the Skidmore Annexation Petition for Annexation consisting of 7.552 acres at approximately 100 East 1500 South.

Council Member Carroll inquired about the Planning Commission notes regarding a road dedication and did not see that in the contract for the annexation. Patrick O'Brien replied that dedication will come later in the annexation process.

Council Member Shelton moved to adopt Resolution No. 2023-05-24R accepting the petition for annexation of the Skidmore Annexation consisting of 7.552 acres at approximately 100 East 1500 South. Council Member Taylor seconded the motion. Voting was as follows:

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

2. Review and action on an ordinance approving a Zone Change for approximately 1.26 acres of land located at approximately 400 South 860 East, from the Planned Community (PC) Zone to the Planned Commercial (GC-2) Zone.

Council Member Shelton moved to approve Ordinance No. 2023-05-17 for the Zone Change of approximately 1.26 acres of land at approximately 400 South 860 East, from the PC zone to 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 May 3rd, 2023, Planning Commission meeting. Council Member Carroll seconded the motion. Voting was as follows:

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

3. Review and action on a resolution for a Land Use Map Amendment at 5969 West 6800 North, from Residential Low Density and Residential Very Low Density to the Design Industrial land use designation

Council Member Taylor moved to adopt Resolution No. 2023-05-25R for the Land Use Map Amendment for approximately 18 acres of land, located at approximately 5969 West 6800 North. Council Member Barnes seconded the motion. Voting was as follows:

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

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, and request for reduced setbacks for Bridges at Fox Hollow Plat A located in the area of 1040 North 350 East, in the Planned Residential (PR-3.0) Zone

Council Member Taylor moved to approve the Bridges at Fox Hollow Plat "A" Final Plat, located at approximately 1040 North 350 East, in the Planned Residential (PR-3.0) zone,

with the instructions to the City Recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the May 3rd, 2023, Planning Commission meeting. Council Member Shelton seconded the motion.

Council Member Taylor stated that he has done work for the developers, they are clients of his and he wanted it to be noted. He will still be voting but wanted to make it known on public record.

Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Rob Shelton, Council Member
YES:	Hunter, Shelton, Taylor, Barnes,
NO:	Staci Carroll

Council Member Carroll commented that a 5-foot setback is more than she is comfortable with.

- b. Review and action on a final plat for Bridges at Fox Hollow Plat B located in the area of 1040 North 390 East, in the Planned Residential (PR-3.0) Zone.

Council Member Shelton moved to approve the Bridges at Fox Hollow Plat “B” Final plat located at approximately 1040 N 390 East in the PR-3.0 zone, with the instructions to the City Recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the May 3rd, 2023, Planning Commission meeting. Council Member Taylor seconded the motion. Voting was as follows:

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

- 5. Review and action on a contract for audit services.

Anna Montoya presented a recommendation for an audit service contract with Larsen & Co. The city requested proposals back in March and received 3 responses. The Audit Committee met last week to interview the 3 companies that responded. Larsen & Co. was the largest firm, with the most experience per audit team. She commented that they discussed the benefits of retaining an audit service rather than switching to a new firm which included having continuity during audit year that creates efficiencies and they are aware of the operations of the city. She reported that she looked at surrounding cities and found out that they retain audit services from 5 – 20 years. She recommended that they retain Larsen & Co. for another 3 years with an extension possible to another 2 years.

Council Member Barnes inquired about who the other 2 firms were that sent in a proposal. Ms. Montoya replied that it was HBME and Keddington & Christensen. Council Member Carroll asked how long the city has been contracted with Larson & Co. Ms. Montoya replied that this year will be six.

Council Member Shelton commented on suggesting on looking at the extension and considering that. Council Member Hunter added that the expectation was that they were changing services, but after talking to all 3 firms they all agreed that you shouldn't switch services. Studies show that the staff is usually the one that finds weaknesses and not the audit team.

Council Member Carroll moved to accept the bid submitted by Larsen & Company, PC for the fiscal year 2023-2025 financial audits, with an optional two-year extension based on audit performance, and to authorize staff to enter into a professional services contract with Larsen & Company, PC. Council Member Hunter seconded the motion. Voting was as follows:

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

~~6. Review and action on an ordinance approving the disbursement of fiscal year 2022/2023 PARC Tax funds.~~

7. Review and action on acceptance of the American Fork Emergency Operations plan. Chief Brems reported they teamed up with the county and that this plan replaces the old emergency operation plan. It outlines critical components that they wanted to focus on. It is a full-scale plan for any situation that may happen and gives the mayor and council the authority for the Fire Department to open that plan and it gives us a playbook of what to do. The county wanted each city to adopt that formatting so when there are changes needed it will be quick and easy. He reported that they updated the EOC and added the declaration and continuity of government.

Council Member Shelton commented about emergency preparedness. He stated he loved the color codes that are used on the triage section and wanted to see how they can push that out to the public through public relations or marketing. He felt that from time to time there is great information in that playbook that can be shared with the public.

Council Member Carroll mentioned 72-hour kits since it was in the plan to have residents be self-reliant on having their own 72-hour kit and she wanted to know how they can get the word out about that.

Discussion ensued in regard to emergencies and what the city plan is in handling it according to the EOC plan.

Council Member Taylor moved to accept the American Fork Emergency Operations Plan. Council Member Hunter seconded the motion. Voting was as follows:

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

8. Review and action on a resolution declaring property at 960 South 300 West to be surplus and disposed of.

Council Member Taylor moved to adopt Resolution No. 2023-05-26R declaring property at 960 South 300 West to be surplus. Council Member Shelton seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member

SECONDER:	Rob Shelton, Council Member
YES:	Carroll, Taylor, Shelton, Barnes, Hunter

9. Review and action on an ordinance adopting updated Personnel Policies and Procedures. Council Member Shelton inquired what the budgetary impact would be in regard to holiday and sick pay, and what brought on the change. Camden Bird replied that it was requested by employees and once he looked into the standard of most cities, they found that they were doing it and to be competitive the change was made.

Mr. Bunker stated that it may not have a significant impact, it depends on if overtime (OT) is needed during the holiday week. If there was no OT during that week they would get their regular pay and holiday pay and there would be no budgetary impact.

Council Member Shelton inquired about the passes for the Fitness Center. It states that the “pass type and length is determined by the Fitness Center based on the employee’s status” and inquired if that should be the case or should full time employee’s immediate family members get access if they’re full time but expressed that it was weird that the pass type is determined by the Fitness center. Mr. Bird replied that it would be a discussion between Fitness Center and HR but ultimately it comes through recommendations from the fitness center. Discussion ensued amongst the staff and council about benefits for the fitness center for full-time and part-time employees and which department would be over that benefit. Council Member Taylor agreed with Council Member Shelton about getting any benefits in writing in the personnel manual.

Council Member Shelton mentioned the 2-weeks’ notice of resignation and the city request written notice but right now it is not required and would like verbiage of that in the manual also.

Council Member Taylor moved to adopt Ordinance No. 2023-05-18 approving the amended and personnel policies and procedures manual with the following exceptions: on the Fitness Center pass on the new policy, alter the verbiage to say the “pass type and length is determined by the city’s Human Resources based on the employee employment status” and include language that the benefit of the Fitness Center pass is part of your employment with the itemized list of what is included with that. Voluntary resignation stays and advance notice is not required. Council Member Shelton seconded the motion. Voting was as follows:

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

10. Adjournment.

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

The meeting adjourned at 8:35 p.m.



Stephanie Finau, Deputy Recorder