

AMERICAN FORK CITY COUNCIL
JUNE 13, 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
Terilyn Lurker	City Recorder
Derric Rykert	Community Services Director
Patrick O'Brien	Development Services Director
Anna Montoya	Finance Officer
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Stuart Fore	Police Lieutenant
Susan Goebel-Canning	Public Works Director

Also present: Paster Joe McCormick and Vickie McCormick, Mr. and Mrs. Corey Pensebene, Spencer Stevens, David Bell, Tim Holley, Justin Warner, Ken Berg, Adam Della-Piana, Brad Giles, Everett Giles, and six additional citizens.

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, June 13, 2023, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m. The agenda shall be as follows:

PUBLIC COMMENT

- Receiving public comment on the fiscal year ending June 30, 2024, city budgets.

There were no public comments.

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. Council Member Carroll was excused.

2. Presentation of the HERO Award to Calvary Mountain View Church.
Mayor Frost invited Pastor Joe McCormick and his wife, Vicky, as well as Mr. & Mrs. Pensebene forward to present the HERO Award to the Calvary Mountain View Church. Mayor Frost expressed his appreciation to Calvary Mountain View Church and for all they have done to support the Police Department and the community. Mayor Frost noted in addition to their support of the police, they also provide clothes and operate a food bank where they feed about 350 families per month. They have been a powerful force for years, and the city is honoring the Calvary Mountain View Church with the HERO Award.

Pastor Joe stated they are proud to be part of this community and were humbled by this award. They look forward to being more involved in the city.

3. Twenty-minute public comment period - limited to two minutes per person.
Adam Della-Piana. Mr. Della-Piana indicated he attended the last city council meeting to comment on the situation on the south side of town. Tonight, he was there to thank the city for responding to the neighbors' concerns and addressing the speeding and dumping. He noted they had not heard back about the swamp area and standing water, but they did notice some work had been done to clean up the area. Mr. Della-Piana was told staff would follow up with him.

It was noted there was a spring there and a property owner had blocked off the exit flow of the spring; the city would be working with the property owner to make sure the flow continues. It was noted the area was also an HOA facility but still being maintained by the developer.

Spencer Stevens, VP of Harrington Center of the Arts. Mr. Stevens wanted to address the fee schedule, particularly the rental fee and the difference between corporate and community. He commented that the fee was based on the fact that the public was inconvenienced to not being able to use it but felt that organizations renting the facilities for a community event should be taken into consideration and not charged twice.

David Bell, Runtastic. Mr. Bell also wanted to address the fee schedule. He stated he has an event they have an event coming up in a week that utilizes Art Dye. He also did not understand why there would be a difference and pointed out there were two events called out in the schedule, concerts and half-marathons. Mr. Bell stated his event was not a closed corporate event but was a public event. He did not understand why a half marathon was different from a sporting event.

4. City Administrator's Report
David Bunker introduced Alister Scott, the new Assistant Public Works Director, and stated how excited the City is to have Mr. Scott on board. David invited Alister to introduce himself. Mr. Scott stated he is from Canada but moved here about 6 months ago after spending many years in northern Utah. Mr. Scott explained he has spent 20 years in mining, and while in Canada was involved with the county government. He was grateful to be here and stated everyone has been great to work with.

5. Council Reports

Council Member Hunter had nothing to report.

Council Member Shelton had nothing to report.

Council Member Barnes reported on the Memorial Day Program, noting they had a full house for an excellent program. He thanked those involved in putting together this wonderful event.

Council Member Taylor stated tonight was his anniversary and he expressed his appreciation for his wife and her support. He told her how much he loved and appreciated her.

6. Mayor's Report

Mayor Frost reported the hand of God has helped them have a great bounty of snow, as well as the delivery of the water down the valley at a reasonable rate. The threats are over; the temperatures and flows they see are manageable. As Ernie John said, he sees a light at the end of the tunnel, and it isn't a freight train.

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 23, 2023, city council minutes
2. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$32,636.75 and issue a Notice of Acceptance for the Rockwell Ranch Block 2 Phase 1 Landscaping construction of public improvements located at 1000 West 350 South.
3. Ratification of city payments (May 24, 2023, to June 6, 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:

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

ACTION ITEMS

1. Review and action on a proposed code text amendment of the American Fork Municipal Code Section creating 17.21 of the American Fork City Municipal Code relating to Water Efficiency Standards.
Mayor Frost thanked the Central Utah Water Conservancy District for helping them through the process.

Council Member Shelton clarified they were moving item #3 to recommendation rather than a requirement, to which he was told that was correct. It was pointed out that the

recommendation section referred to the CUWCD recommendations, and the removal of item #3 would not affect the ordinance.

The definition of “side yards” was brought up and what that would be for this section of the code, such as middle of the house or existing fence. It was felt there needed to be some flexibility. The CUWCD representative stated it was up to the council to define that and noted that some cities have stated it would be as developer installed landscaping. It was noted the ordinance would still be acceptable if they approved it without an official definition.

Council Member Taylor moved to adopt Ordinance No. 2023-06-19 approving the code text amendment creating Section 17.21 of the city code with instructions to the City Recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the June 7, 2023, planning commission meeting, with further clarification with side yards to be added and per the recommendation of the planning commission removing 17.21.020(3). Council Member Hunter seconded the motion. Mayor Frost called for a vote on the motion. Voting was as follows:

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

2. Review and action on an ordinance for a proposed Zone Change for approximately 0.26 acres of land located at approximately 303 West 480 South from the Planned Residential (PR-3.0) Zone to the Residential (R1-9000) Zone.

Council Member Shelton moved to adopt Ordinance no. 2023-06-20 approving the zone change of approximately 0.26 acres of land located at approximately 303 south 489 South, from the PR-3.0 zone to the R1-9000 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 3, 2023, planning commission meeting. Council Member Taylor seconded the motion. Voting was as follows:

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

3. Review and action on the acceptance of a utility easement at 96 South 100 East.
It was noted that this public utility easement was for the Children’s Justice Center and was required for the property to come into compliance with the current code as the property was being developed.

Council Member Shelton moved to accept the utility easement at 96 South 100 East. Council Member Barnes seconded the motion. Voting was as follows:

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

4. Review and action on an agreement with AFEW1 LLC. related to improvements at approximately 200-500 South 1160 West.
Council Member Shelton moved to approve the agreement between American Fork City and AFEW1 LLC for improvements at approximately 200-500 South 1160 West and authorize the city to sign the documents. Council Member Taylor seconded the motion. Voting was as follows:

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

5. Review and action on a resolution approving the 2023-2024 General Fee Schedule.
 Derric Rykert explained he would love to bring back in more detail the difference between community vs. private events and the impact it has on Art Dye Park. He noted that there was an impact to the park depending on how many attendees were at the event, which they felt justified a different charge. Events that bring in thousands of people impact the park, and those events should be charged accordingly.

There was a discussion between council and staff on the fee schedule pertaining to the rental of Art Dye Park and the need to be more specific about the fees. There was some concern on the statement “case by case basis” on the fee schedule, to which some of the council members felt the fees needed to be clear. If staff expect damage to occur, they could cover that with a larger deposit. It was noted staff has had some discretion for several years on the fees for different events, but council was concerned with “case by case basis” language.

The council felt the Art Dye Park fee needed to be looked at more closely and could be removed from approval at this meeting to give staff time to come back with a detailed plan. It was noted they would remove the rental of Art Dye Park for corporate now and bring that back later for discussion.

There was a discussion on the hourly charges under development and engineering, particularly where it addresses third party review. The council felt they needed to specify that any review would incur additional costs and that applicants needed to acknowledge and agree on the scope of work and costs prior to work being done.

Council Member Shelton moved to adopt Resolution No. 2023-06-22R approving the fiscal year 2023-2024 General Fee Schedule with the following changes: Line item 111 and 274 to state in context that “Any review may incur additional expenses and must be paid before inspections occur and occupancy of premises will be allowed. Applicants must agree in writing to the scope and costs estimates prior to hourly rates being incurred.” and striking line items 735 and 736 to come back for further discussion.

Council Member Taylor seconded the motion.

Mayor Frost explained the fees charged are revenue neutral and are adjusted according to economy and wages to cover the city's costs.


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

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

6. Adjournment.

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

The meeting was adjourned at 8:15 p.m.



Terilyn Lurker, City Recorder