

AMERICAN FORK CITY COUNCIL
JUNE 22, 2021
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	Community Services Director
Wendelin Knobloch	Associate Planner
Terilyn Lurker	City Recorder
Anna Montoya	Finance Officer
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Derric Rykert	Parks and Recreation Director
Scott Sensanbaugher	Public Works Director

Also present: John Woffinden, Richard Meacham, Tyree Lamph, Brian Thompson, and 10 additional people.

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, June 22, 2021, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

PUBLIC HEARING

-Receiving public comment regarding the American Fork City budget amendments for fiscal year ending June 30, 2021 (July 1, 2020 to June 30, 2021).

There were no public comments.

-Receiving public comment regarding the American Fork City budget for fiscal year ending June 30, 2022 (July 1, 2021 to June 30, 2022).

There were no public comments.

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 Council Member Shelton offered an invocation. Roll call was taken.

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

Richard Mecham thanked the council for their service. He understands there is a city code that makes people responsible for land that is in front of their property. He is concerned about the ditch that goes along Pacific Drive from 100 West to 300 West; he understands that is a flood ditch that needs to be maintained, however, it is overgrown with shrubs and trees. His question was who was responsible is it to maintain that – the city or the property owners? Was this being enforced? He also stated there are areas that aren't being maintained and he wanted to know who was responsible for maintaining the areas around town.

Tyree Lamph indicated he lives on 200 South, next to development in the TOD area. He commented he has never been contacted by the city or developers regarding the development adjacent to his land and he had an issue he wanted to bring their attention to. First, the contractor for the property adjacent to his land ran the sewer line 15 feet into his field; the contract told him the city required they do this. After discussions, the contractor did move the line; however, things aren't up to code. Later, they piled dirt adjacent to their property, which then fell into his wheat. He contacted Mr. Sensanbaugher and Dee Howard and the contractor they indicated they would put in a retaining wall. At that time, the grade was higher than on the plat maps. They were going to pour curb and gutter on top of that retaining wall, which would have a drop off into his field. He pointed out the sewer caps are higher than the grade, so they had to lower everything. They then started road base, but he brought it to the city's attention that there was a drop off next to the road; a couple of weeks later, the land under the edge eroded and it started sinking. With the second phase of the wall, they stayed on their side of the boundary line but when they dropped gravel there it went out into his wheat field. The intent was to put the retaining wall blocks on top of the gravel, so he tried contacting the city and the builders concerning this. The contract then dropped off topsoil and the blocks and said they were done with the retaining wall. Mr. Lamph then had enough and questioned who designed it. He has had no response from the city or the contractor. He paid a GeoTech company to look at the wall; the report shows that nothing was built correctly and would not last for 12 months. He requests the city pull the permits until they can get this resolved. There was a liability issue for him and for the city. He also noted that 200 South is a highway with all the traffic on the road, and there were sink holes in the road.

Council Member Shelton asked for a report from staff regarding this issue.

3. City Administrator's Report

David Bunker reported he attended Fork Fest at Art Dye Park, which was very successful. There is a USSA (softball) tournament, Steel Days, and a disc golf tournament at Art Dye Park. The park is a great amenity and they were able to improve the park because of the PARC Tax.

4. Council Reports

Council Member Hunter mentioned the Parks and Trail committee was excited for the opportunity for PARC funding. He also attended Fork Fest. He noted he attended the Concert in the Park last night where they listened to the Children's Choir.

Council Member Shelton stated he was able to listen to Fork Fest from his home as well as the Pleasant Grove rodeo. They had softball practice at High School and heard the choir. He reported that North Pointe Solid waste put out an RFP for expansion of facilities; they talked about potential bonding for improvements to the facility. Legal Counsel for the district has strongly suggested they look at the current agreement with the cities; they will need a longer commitment for bonding purposes.

Council Member Barnes reported he also attended Fork Fest. The forest stage was a fun stage back in the trees. He also attended the One Voice children's choir; there was a huge crowd that filled the venue. The amphitheater was a great spot, it was cool with great acoustics. He noted there are five more concerts on Monday nights at Quail Cove. He noticed the pickle ball courts were not being used Saturday in the middle of the day; however, it was 106 degrees Saturday afternoon. He met with Historic Preservation Commission where a state representative talked about some of the options available for historic preservation projects. The Harrington Center for the Arts has done a great job taking over the Concerts in the Park. We have a wonderful city with several different things happening.

Council Member Carroll mentioned she also went to Fork Fest, and as she was going to the park there were several events going on at the same time in the area. She reminded everyone the Miss American Fork pageant was this Saturday at the American Fork Junior High School. She also reported that Steel Days is close, and the magazines should be in the homes in a week and information is on the website.

Council Member Taylor stated he was also at Fork Fest, and he loved the parking situation; it was very much in order. The improvements made to the park were great. They were preparing to take down a fence for additional parking for Steel Days. He loves the new restrooms. Council Member Taylor reported on Fox Hollow, noting the management of Fox Hollow had a meeting with the three city administrators and were happy to report revenue is up in all categories; they have taken every opportunity to change the dynamics to make improvements. He appreciated the support of the cities. He stated he was looking forward to Steel Days.

5. Mayor's Report

Mayor Frost reported he also attended Fork Fest. He was asked to go up on stage to say a few words, and as he left the stage he looked around and was grateful to have such a wonderful facility. The pickleball courts were full that night once it cooled down. He had the opportunity to meet with the local 1457th Commander about the local National Guard Armory; they had a great time talking about all the events that happen at the armory and what they would like to accomplish. Mayor Frost stated he is the chair of the Utah Lake Commission; they passed their budget this last week. He noted they have grant money from the state legislature and felt the Boat Harbor would be able to get a matching grant if we choose. Mayor Frost noted he was able to go

to Bob Eckles home and was able to tour; he asked them to be the Grand Marshalls for Steel Days.

Mayor Frost wanted to make the public aware that information for the items discussed tonight were available since last week and the council has had discussions on the agenda items.

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 18, 2021, work session minutes.
2. Approval of the May 25, 2021, city council minutes.
3. Approval of the June 1, 2021, work session minutes.
4. Approval of the authorization to issue a Notice of Acceptance for the ROCKWELL RANCH BLOCK 1 PHASE 1 construction of public improvements located at 1100 WEST 350 SOUTH.
5. Ratification of city payments (June 2, 2021, to June 15, 2021) and approval of purchase requests over \$25,000.

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

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

ACTION ITEMS

1. Review and action on a resolution adopting water conservation measures.

Mayor Frost stated the citizens have saved 270 million gallons of water over last year; that is despite the growth of the city. It was a wonderful accomplishment and he commended residents for their efforts. If everyone participates, there will be sufficient water to get them thru the season. Even though they do have a shortage of water, his opinion was that families didn't need to worry about filling kiddy pools or slip and slides. He hoped residents understood the city and other large users have committed to cutting back.

Council Member Shelton understood the city sent out a notification. However, there were several people who called him concerned. When the city said to reduced watering by 33%, there was some confusion on whether the city was asking them to reduce by a total of 33% or if it was an additional 33% from what they have already been asked to reduce. Mayor Frost felt there were recommendations that has been addressed in Section 1.

Council Member Shelton felt they needed to give some public education on what they are asking. Mayor Frost stated they have never regulated run times, only days per week. We are asking them to limit time per zone on their days they are allowed to water. Mayor Frost recognized there will be an education component.

Council Member Taylor noted he also had people concerned. The council didn't want to add the confusion of watering only two days a week, so they were asking for a reduced watering time. He thought there would be a lot of education, but he felt people wanted to comply for the most part. They all have a stewardship for education.

Council Member Shelton noted he also hears complaints about watering during the day; that will need to be part of the education. He noted one great resource is Jay Allen and the city may need to recruit him for some advertising.

Council Member Barnes commented it was safe to say that if your lawn is totally green, you may not be cutting back. He spoke with an individual who works in a nursery, and he talked through the resolution with her. He noted the one exception is new lawns and trees; they are allowed additional watering so new lawns and trees can get established. This will take everyone doing their part, not just half the citizens. They need to get the word out and suggested everyone talk to their neighbors.

Council Member Hunter liked the idea they don't have to command in all things and the idea to cut back by 33%. He feels they can all cut back. He was appreciative of Jay Brems and all his work on controlling the water.

Mayor Frost commented they will hear a lot about 15/30 so the citizens can understand. They are prepared to get the word out in all ways possible. There will be people to enforce and noted the city received 40 calls over the weekend concerning people watering too much.

Council Member Taylor moved to adopt Resolution No. 2021-06-21R approving water conservation measures. Council Member Carroll seconded the motion. Voting was as follows:

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

2. Review and action on an ordinance approving the disbursement of fiscal year 2020/2021 PARC Tax funds.

Mayor Frost noted this was discussed at the work session. He thanked Brian Thompson of the PARC Tax Board and the Board Members for all their work.

Council Member Shelton stated he had a couple of discussions regarding the Timpanogos Arts Foundation (TAF) choir not being funded. He wanted on the record there were some things concerning the separation of the Choir and TAF. He and Council Member Barnes met with the board to express the concerns and it was communicated that any future funding would be based on merit. They asked them to work together on a separation between the two parties. As he looks at this and knowing what TAF was trying to accomplish with the new choir, he thought maybe they should split it \$20,000/\$10,000 so TAF would receive \$10,000. He recognized the committee and their hard work, but he wanted them to reconsider.

Mayor Frost clarified Council Member Shelton was suggesting that the Timpanogos Chorale receive \$20,000 with TAF receiving \$10,000 for the Singers. Council Member Shelton stated that was correct, noting he felt there was a possibility for multiple choirs to succeed in the city and he looked forward to both groups thriving.

Council Member Hunter stated he was in favor of keeping the disbursement as it is, as TAF has received money already. Council Member Barnes agreed they should leave it as is as TAF has already received funds and that the PARC Tax Board was well-organized and discussed this issue already. Council Member Taylor felt the recommendation from the PARC committee was well discussed and he stood by the committee. Council Member Carroll commented she didn't have a strong feeling either way and could be persuaded to change the funding if the other council members felt that way, but she was also supportive of the PARC Tax Board recommendation.

Council Member Taylor moved to adopt Ordinance No. 2021-06-29 approving the disbursement of fiscal year 2020/2021 PARC Tax Funds as presented and allow the City Administrator to enter into the disbursement contracts, with terms substantially similar to those presented, under the direction of the Mayor. Council Member Barnes seconded the motion. Voting was as follows:

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

3. Review and action on an agreement for Investment Advisory Consulting Services.
Anna Montoya reported the city adopted an investment policy, which allowed for the city to engage an investment advisory firm. They solicited six firms from the Utah Money Management Council's approved Certified Investment Advisor list, of which two responded and were interviewed. Staff is recommending Moreton Asset Management. Their contract was in the packet as well as their rates and a profile of their firm. Jason Williams was here to answer any questions.

Council Member Shelton stated he would love to see where the allocations are coming in at. Other committees and boards usually have quarterly reporting, and he would ask that be provided in an administrative report. He also wondered what the dollar amount was they were starting at.

Ms. Montoya stated they do have an investment policy which shows what is allowed and she will provide those; it shows the maximum allowable investments and maturity. The majority of city funds were in PTIF, which was approximately \$66 million. They would increase their portfolio in phases as they hoped to layer the maturity dates and they hoped to get about half of that in an investment portfolio. They also have about \$4 million in our general banking account. They do have room to diversify.

Council Member Shelton asked if they would buy individual bonds vs. PTFs? Jason Williams stated that they will have individual bonds which were how the money management act was written. Council Member Shelton worried about the risk and wanted to keep it down.

Council Member Barnes stated that item #5 in the agreement indicates the city would receive quarterly reports. Council Member Shelton wanted to make sure the council received those.

Mr. Williams noted there was an option where they could issue a username and password to the council so they have the ability to look at the portfolio. Council Member Shelton stated he understood they were professionals, but it was the council's fiduciary responsibility to be informed.

Mr. Williams noted that firm specializes in this and manages over \$2 billion in primarily Utah governmental entities.

Council Member Carroll moved to approve the investment advisor agreement with Moreton Asset Management LLC to be the city's certified investment advisor. Council Member Taylor seconded the motion. Voting was as follows:

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

4. Review and action on an Economic Development and Services agreement with the American Fork Chamber of Commerce.

Mr. Bunker stated they have contracted with the chamber for the last couple of years for economic development services. There were minor changes to the agreement from last year. The recommendation is to continue with the agreement, subject to the approval of the board of the Chamber of Commerce.

Council Member Barnes moved to approve the Economic Development and Services Agreement with the American Fork Chamber of Commerce for the term July 2021 through June 2022. Council Member Hunter seconded the motion.

Council Member Shelton appreciated everything the chamber has done this last year. He knows they were going to create the downtown business alliance and wondered if that was still a goal. Kristina Weismann stated they have talked to businesses and there are some interested; this is in the works and they will focus on this soon.

Council Member Shelton stated that as they are looking at architectural design, he thought it may be good to have the local businesses involved. Council Member Taylor asked if he meant they were to act as an advisor? Council Member Shelton responded they could do that or act as a sounding board for local businesses. Council Member Shelton stated an example was the food truck ordinance; they looked at it and the chamber sent it out to their members and food truck businesses were able to provide input.

Ms. Weismann stated the chamber acts as a liaison and that would fit in.

Mayor Frost stated that with the CC-1 zone, they would not be imposing the architectural standards on existing businesses. Council Member Shelton stated he felt it was important for the businesses to know who their neighbor would be; he has been contacted by three business already on a project that is going on, concerned about what was happening. As a business owner, Council Member Shelton would want to be notified and given the opportunity to be part of that discussion. He felt the chamber was the best organization to work those angles.

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

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

5. Review and action on a resolution approving adjustments to the fiscal year ending June 30, 2021, budget.

Council Member Shelton asked if this included a part-time position for enforcement of secondary water, and if it was a year-round position or temporary. Ms. Montoya responded the part time position was included in the FYE 2022 budget and was only a temporary position.

Council Member Shelton noted he appreciated the administrative report about the part-time recreation position. He felt they agreed to a part time person for marketing the recreation center as well as the renting of recreational space and asked if they will look at bringing something forward. Council Member Hunter commented he knows that was one thing the Park and Recreation committee were going to discuss, and he hoped to report back in the future.

Council Member Taylor moved to approve Resolution No. 2021-06-22R adopting budget adjustments for the fiscal year ending June 30, 2021 budget. Council Member Carroll seconded the motion. Voting was as follows:

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

6. Review and action on a resolution adopting the American Fork City budget for fiscal year ending June 30, 2022.

Mayor Frost noted this process did start in February.

Council Member Taylor moved to approve Resolution No. 2021-06-23R adopting the American Fork City budget for the fiscal year ending June 30, 2022. Council Member Barnes seconded the motion. Voting was as follows:

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

7. Review and Action on a Resolution Setting the Certified Tax Rate for Fiscal Year Ending June 30, 2022.

Council Member Carroll moved to approve Resolution No. 2021-06-24R accepting the Utah County Auditor's calculated certified tax rate for General Operations and Tort Liability and setting budgeted tax revenue for Interest and Sinking Fund/Bond at \$583,638. Council Member Taylor seconded the motion. Voting was as follows:

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

8. Review and action on a resolution approving a revised Fund Balance Policy.

Ms. Montoya stated the State of Utah recently revised the maximum fund balance allowed and the city needed to change our maximum to match.

Council Member Shelton asked did they found a resolution passed a while ago indicated extra would go into the road fund? Mr. Bunker responded that was not in the resolution but there were minutes that reflected a discussion on road improvements; the resolution was to put excess fund in the capital improvements fund which included road projects.

Council Member Carroll ask if this was just an update on the maximum amount or if there were any other changes. Ms. Montoya responded it also clarified additional uses, such as one time expenditures and to pre-pay existing debt and provided definitions on fund balance.

Council Member Shelton appreciated the definitions on fund balance. He also preferred to stick to transfer to capital project fund. He didn't think we could pre-pay existing city deb; he didn't think that was wise with low interest rates and knowing they are short in capital improvements, he felt they needed to prioritize that fund. Council Member Shelton suggested eliminating b and c.

Mr. Bunker stated the policy would still give the council the flexibility. He can see the point on not prioritizing it over pre-paying debt, and he could see them taking it out but would recommend leaving in item a and b. The city council would still have the final say in where the funds are allocated.

Council Member Taylor stated he does not like legislating it down to the exact; he likes options. In the future, they may need the flexibility and would be in favor of leaving it the way it is. Their priority is already b, but he sees no reason to remove those options.

Council Member Barnes like flexibility, whether it was this council or another council down the road.

Council Member Taylor moved to adopt Resolution No. 2021-06-25R adopted a revised Fund Balance Policy as it is. Council Member Barnes seconded the motion. Voting was as follows:

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

9. Review and acceptance of Utah Outdoor Recreation Grant from the Office of Outdoor Recreation for \$150,000 toward Boat Harbor Improvements.

Mayor Frost noted the council has seen a master plan for the Boat Harbor and they have modified numbers based on the current condition. They applied for the grant and received it; they feel there are other matching funds available to the city.

Council Member Shelton stated they were presented with a master plan, but what are they looking at specifically funding with this grant? Mayor Frost did not think they had decided what to put the money toward at this time and it would depend upon other grants received and what was prioritized.

Council Member Hunter asked if there were any time restraints. Camden Bird explained they needed to expend funds by May 2023. Mayor Frost noted they have grants from the county and possibly from the Utah Lake Commission; he thought they could match this with other grants.

Council Member Shelton stated that as they look at this, they consider doing a delineation study on the property next to Joe Kester's property at the same time to save money. As they have a neighboring property going through that, we should piggyback on that. It will take 15 months, so they should join now. Mayor Frost asked if a delineation report was required. Mr. Bunker noted there was a heightened awareness on delineated wetlands; they can look at the area and see if it would require delineation due to development.

Council Member Shelton stated if they are looking to develop property, he felt they needed to hold themselves to the same standard. He looked at it more than just a boardwalk and a trail.

Mayor Frost stated that right now, they have about \$300,000 and that might get the parking lot resurfaced. If they are looking at other things, it will cost more.

Council Member Shelton stated if they are looking at the long term, and they decide to get with the Kester property it would make sense that they work with them. Council Member Taylor asked if Council Member Shelton wanted to use these funds for that and Council Member Shelton responded in the negative but commented it seemed like it would be better to work with the property owner now.

Council Member Taylor moved to approve accept the Utah Outdoor Recreational Grant in the amount of \$150,000 for Boat Harbor Improvements. Council Member Hunter seconded the motion. Voting was as follows:

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

10. Review and action on Memorandums of Understanding with the Utah Lake Commission for the Utah Lake Life Jacket Loaner Program and the Lakeside Camera Network.

Mayor Frost noted the MOUs were fairly simple. One, the city will be provided a receptacle for those who need to borrow a life jacket. Other second MOU was for a camera that would give people an option to view what was happening.

Council Member Taylor asked if they have the responsibility for certain things with the cameras, such as internet access, but would the Utah Lake Commission would be responsible for the camera equipment ongoing? Mayor Frost stated that was correct and they assume liability.

Council Member Carroll asked if they have wifi in the area. Mayor Frost responded in the affirmative, noting it was weak but sufficient.

Council Member Shelton asked what was the city's liability if the life jacket was deemed insufficient? Cherylyn Egner stated everything comes with liability. Council Member Shelton recommended adding in some kind of indemnity clause. Ms. Egner stated both are governmental entities and would have the same immunity.

Council Member Shelton suggested they include warning signs regarding the life jackets. Ms. Egner stated she didn't know if that had to be done in this MOU; they could do that when move forward with the project. Council Member Shelton wanted it stated in the responsibilities. Mayor Frost commented that liability was not removed with a sign. Ms. Egner noted this was more a risk of litigation rather than liabilities.

Council Member Hunter noted in one section of the MOU it mentioned signs. Council Member Shelton wondered if they needed to add in clarifying language.

Council Member Carroll stated it was worth potential litigation to save lives.

Mayor Frost noted he would take the comments regarding signage.

Council Member Taylor moved to approve the memorandums of understanding with Utah Lake Commission for the Utah Lake Life Jacket Loaner program and the Lakeside Camera Network and authorize the Mayor to sign necessary documents. Council Member Shelton seconded the motion. Voting was as follows:

RESULT:	APPROVED [4 TO 0]
MOVER:	Clark Taylor, Council Member
SECONDER:	Rob Shelton, Council Member
AYES:	Kevin Barnes, Ryan Hunter, Rob Shelton, Clark Taylor
RECUSED:	Staci Carroll

11. Adjournment.

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

The meeting adjourned at 8:50 p.m.

A handwritten signature in cursive script that reads "Terilyn Lurker".

Terilyn Lurker, City Recorder