

AMERICAN FORK CITY COUNCIL
JUNE 27, 2023
REGULAR SESSION MINUTES

Members Present:

Bradley J. Frost	Mayor
Staci Carroll	Council Member
Ryan Hunter	Council Member
Rob Shelton	Council Member
Clark Taylor	Council Member

Members Absent:

Kevin Barnes	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
Cameron Paul	Police Chief
Susan Goebel-Canning	Public Works Director

Also present: Loralee Miller, Alistair Scott, Linda Horton, Harlan Nielson, Ashton and Jordan Hardy, Dee Howard, Taylor Welcker, Brady Gillette, Ryan Armistead, Ben Hunter, Kaleio Manuela, Mike Sargent, Kevin Jenkins, Brian Haskall, Jordan Howard, Chad Scott, Ernie and Deborah John, McKay Mecham, Jaxon Taylor, Josh Walker, Kristina Weisman, Tim Holley, Michelle Hyde, Jake Horan, Spencer Stevens, Derek Lau, and approximately 12 additional citizens

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, June 27, 2023, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

PUBLIC HEARING

- Receiving public comment on the vacation of a public utility easement between lots 321 & 322 of AF Crossings Plat E-2 at 856/864 South 1000 West.

There were no public comments.

- Receiving public comment on adjustments to the fiscal year ending June 30, 2023, city budgets.

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 an invocation was offered by Council Member Shelton. Roll call was taken. Council Member Barnes was excused.
2. Presentation of the HERO Award to American Fork Public Works and American Fork Irrigation employees.
Mayor Frost invited Public Works and American Fork Irrigation staff forward to present them with the HERO award for their efforts with water management this spring. With the record amount of snow received this winter, they knew the snow melt could potentially cause significant damage. The flood prevention team consisted of mainly of Sewer/Storm Water staff and American Fork Irrigation Staff, with significant support of other public works departments and public safety. Work began in February to clear the river's pathway and to identify areas of concern. They staged resources throughout the city so they would be ready in a moment's notice. Working around the clock in shifts, staff monitored the water from American Fork Canyon down to Utah Lake to make sure the water didn't overflow the riverbank. While the water levels were high, efforts made earlier in the spring to clear out the riverbed helped to eliminate problem areas prior to the water runoff. Thanks to staff with the foresight to plan well and react appropriately, American Fork City was prepared. Mayor Frost thanked the flood prevention team staff for all their hard work and many hours spent keeping an eye on the water and declared June 27, 2023, as Flood Prevention Team Day.

Jaxon Taylor, Fox Hollow Golf Pro, stated he saw firsthand how city staff have worked so hard. When the sink hole/burst pipe at the golf course happened, they called staff immediately and within minutes staff was there and working hard to fix the problem. On behalf of the Fox Hollow Golf Board, Fox Hollow staff, and citizens who play at Fox Hollow, he thanked them for their hard work.

Ernie John, President and Watermaster for American Fork Irrigation, stated they were in charge of managing the water coming from the canyon. He started meeting in February with city staff to identify the trouble spots and prepare for the water. There were 14 entities that worked together to bring the water down the canyon without flooding; they were very proactive and worked together. Mr. John thanked city staff for their hard work, and also thanked their families for the support they gave their family members. This was truly a team effort.
3. Twenty-minute public comment period - limited to two minutes per person.
Michelle Hyde. Ms. Hyde stated she was there to address the council regarding the tree trimming that has taken place with the road improvements project. Earlier that morning, they discovered their trees in the park strip had been copped in half. They were not given any notice and wished they had been given some opportunity to work with staff to correct the issue before the destruction happened. It was very upsetting. They felt there were

ways to mitigate the damage if they had the chance, however, the damage was now done. Ms. Hyde stated she was told notices went out, but they did not reach all the residents. She discussed with people who were there on steps that could be taken to try to remediate what was done, and she hoped they had the support of the council to try to fix what was highly traumatic to them. She requested the city talk to the effected people before the destruction took place.

4. City Administrator's Report

David Bunker expressed his appreciation for Public Works and American Fork Irrigation staff for the preparation and dedication that went into monitoring the water. There was a lot of water that had to come down, and he had a lot of concern. However, when he would drive out at various times throughout the night, he always saw staff monitoring the water. They had a great team, and he expressed his appreciation to them.

5. Council Reports

Council Member Hunter also had concerns about potential flooding, but he was so grateful that “nothing” happened. He also saw staff members vigilantly watching the river at all hours and he thanked them for all they did.

Council Member Shelton stated the Beautification Committee was getting excited for the Steel Days Garden Tour; they have some great yards in the lineup. He reported on the North Pointe Solid Waste; there were improvements they were planning, which brought on a discussion on changing their entity structure to be like an interlocal entity. The board will bring more information to the cities for further discussion. He also expressed his gratitude to the staff for their efforts for flood mitigation. He appreciated the preparation and the reports the council received so they could respond to citizens’ inquiries.

Council Member Carroll also wanted to express her appreciation for the water management that has taken place; it truly was a heroic effort. Each spring, bad things could happen in any given year. She wanted staff to know of their gratitude and the HERO award was well deserved. She also reported on Steel Days; they are going full steam ahead and many exciting events are planned. Council Member Carroll noted they were changing the parade route; it will start in the same place but end at the High School.

Council Member Taylor also expressed his appreciation for the staff. He was on site at Fox Hollow when the sinkhole happened. City staff, Ernie John, and McKay Mecham were amazing. He appreciated the cooperation with the other entities in water mitigation. Council Member Taylor apologized to the Hydes regarding their trees; he understood their feelings as he has mature trees in his park strip that have been there over 30 years. He has also talked to others who did receive notice. He stated he would do what he could to make sure this doesn’t happen to another family and that the citizens would be told prior to work being done. It was not the city just taking things for granted; unfortunately, things do happen, but he would work to try to make things better.

6. Mayor's Report

Mayor Frost commented that they have been through things over the last few years, from the pandemic to drought to record snowfall. With these three situations, he had no fears over more than the flooding. He knew the water was there and would have to come down.

There were a lot of discussions that took place before the water started coming down, which would come down through the heart of American Fork. He expressed his heartfelt appreciation on behalf of the citizens of American Fork to those who worked tirelessly to watch the water flows. He thanked staff, Mr. John, and McKay Mecham for all they did, as well as their families.

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 June 6, 2023, work session minutes.
2. Approval of the June 13, 2023, city council minutes.
3. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$0.00 and issue a Notice of Acceptance for the Edgewater Townhomes Phase 2 construction of public improvements located at approximately 1100 West 300 South.
4. Ratification of city payments (June 7, 2023, to June 20, 2023) and approval of purchase requests over \$50,000.

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

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

ACTION ITEMS

1. Review and action on the acceptance of an encroachment agreement at 145 West 640 North

Council Member Shelton moved to approve the encroachment agreement at 145 West 640 North and authorize the mayor to sign the document. Council Member Taylor seconded the motion. Voting was as follows:

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

2. Review and action on an ordinance approving the vacation of a public utility easement between Lot 321 (856 South 1000 West) and Lot 322 (864 South 1000 West) of AF Crossings Plat "E-2".

Council Member Hunter moved to adopt Ordinance No. 2023-06-21 approving the vacation of the public utility easement between Lot 321 and Lot 322 of AF Crossings Plat "E-2". Council Member Carroll seconded the motion. Voting was as follows:

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

3. Review and action on a resolution to accept/deny the petition for annexation for the Deer Park South Annexation consisting of 6.833 acres at approximately 50 West 1300 South. **Council Member Shelton moved to approve Resolution No. 2023-06-31R accepting the petition for annexation of the Deer Park South Annexation consisting of 6.833 acres at approximately 50 West 1300 South. Council Member Taylor seconded the motion. Voting was as follows:**

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

4. Review and action on approval of an Economic Development and Services Agreement with the American Fork Chamber of Commerce for the term fiscal year 2024. Josh Walker explained they have been working with the different aspects of the agreement, focusing on the downtown area. They have met with Jen Christensen of Beespoke, who has been rallying the downtown business owners, to talk about a potential downtown alliance. They have also met to discuss the website and are in the process of overhauling the website to more clearly work on growing and attracting businesses to American Fork. They have been meeting every other month with the business owners to talk about issues that affect the city and the businesses. He stated they would love to get input from the mayor and council on progressing, and Mayor Frost stated the city would take the lead from Council Member Carroll on supporting the chamber and possible work sessions.

Council members expressed their appreciation for all the Chamber of Commerce is doing. A report would be appreciated and would provide the council with an opportunity to see what has been accomplished. It was important that the website be kept current.

Council Member Taylor moved to approve the Economic Development and Services Agreement with The American Fork Chamber of Commerce for the term fiscal year 2024. Council Member Carroll seconded the motion. Voting was as follows:

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

5. Review and action on a resolution approving adjustments to the fiscal year ending June 30, 2023 budget.

Council Member Hunter moved to adopt Resolution No. 2023-06-32R approving budget adjustments to the fiscal year ending June 30, 2023, city budget. Council Member Taylor seconded the motion. Voting was as follows:

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

6. 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 application for a Final Plat, known as AF Warehouse Condos, located at approximately 90 South 700 East, American Fork City, UT 84003. The Final Plat will be on approximately 1.67 acres and will be in the GC-1 Zone

Council Member Hunter asked if the parking requirements had been met, to which he was told parking was not an issue with this project.

Council Member Hunter moved to approve the AF Warehouse Condos final plat, located at approximately 90 South 700 East, American Fork City, UT 84003, in the GC-1 Zone, subject to any conditions found in the staff report and recommended by the Fire Marshall and with instructions to the city recorder to withhold recording of the plat subject to all conditions identified in the public record for the June 7th, 2023, Planning Commission meeting. Council Member Shelton seconded the motion. Voting was as follows:

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

- b. Review and action on an application for a Commercial Site Plan, known AF Warehouse Condos, located at approximately 90 South 700 East, American Fork City, UT 84003. The Commercial Site Plan will be on approximately 1.67 acres and will be in the GC-1 Zone.

Council Member Hunter moved to adopt Ordinance No. 2023-06- 22 approving the Commercial Site Plan, located at approximately 90 South 700 East, American Fork City, UT 84003, in the GC-1 Zone, subject to any conditions found in the staff report and recommended by the Fire Marshall and with instructions to the city recorder to withhold the commercial site plan ordinance subject to all conditions identified in the public record for the June 7th, 2023, Planning Commission meeting. Council Member Shelton seconded the motion. Voting was as follows:

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

c. Review and action on the Final Plat known as Autumn Crest Phase 2 Plat A, located at approximately 1100 N 1100 E, in the R1-9000 Zone.

Council Member Shelton moved to approve the Autumn Crest Phase 2 Plat A Final Plat, located at approximately 1100 North 1100 East, American Fork City, UT 84003, in the R1-9000 Zone, with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record of the June 7, 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:	Staci Carroll, Ryan Hunter, Rob Shelton, Clark Taylor
ABSENT:	Kevin Barnes

7. Review and action on a Memorandum of Understanding with the State of Utah Department of Public Safety accepting a \$52,125 grant for mental health services.
Council Member Taylor moved to approve the memorandum of understanding with the State of Utah Department of Public Safety accepting the \$52,125 grant for mental health services and to authorize the city to sign the memorandum. Council Member Hunter seconded the motion.

The council members expressed their appreciation for the work in obtaining this grant and for all public safety personnel do for the city. It is important to provide mental help support for public safety personnel.

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:	Staci Carroll, Ryan Hunter, Rob Shelton, Clark Taylor
ABSENT:	Kevin Barnes

8. Review and action on a contract for the PI Meter Project Phase II installation of water meters.
Council Member Shelton commented they learned a lot the first time around and stressed that communication was vital and hoped they could continue strong communication efforts.

Council Member Shelton moved to approve the change order submitted by Hydro Vac Excavation for the amounts of \$1,365,115.00 for the pressurized irrigation improvements respectively. Council Member Taylor seconded the motion. Voting was as follows:

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

9. Review and Action on the Award of American Fork City 2023 Segment III Road Reconstruction Project to Condie Construction Co, LLC
Council Member Taylor moved to accept the bid submitted by Condie Construction Co, LLC for construction of the American Fork City 2023 Segment III Road Reconstruction Project in the amount of \$7,554,617.51 and approve the construction contract as presented. Council Member Hunter seconded the motion. Voting was as follows:

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

10. Review and acceptance of the Fraud Risk Assessment for fiscal year 2023.
 Council Member Shelton was grateful they have this assessment and the awareness and training associated with this.

Council Member Shelton moved to accept the Fraud Risk Assessment for fiscal year 2023. Council Member Hunter seconded the motion. Voting was as follows:

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

11. Review and action on acceptance of a quit claim deed for property located on 1160 West street.

Council Member Hunter appreciated the email he received on this issue. They wanted to be very aware of what was happening to someone’s property, and they wanted to make sure things were right and he appreciated the intent behind this.

When asked if this would resolve all the issues between the two parties, Cherylyn Egner explained the quit claim deed that needed to be accepted would resolve the boundary discrepancy between the Lamph property and Edgewater development. Recording of the Edgewater Phase I plat was contingent on resolving the boundary issue. She stated the Lamphs were not comfortable with a quit claim deed because of the boundary discrepancy, but she felt a title insurance policy would be a better option anyway. The two parties were still working on a memorandum of understanding that should be approved in the next few weeks. As the quit claim deed references the memorandum, that would need to be recorded prior to accepting the deed. The memorandum mentions bonding, which was brought before the council a few weeks ago. There was a \$300,000 bond for construction of the wall and another \$300,000 for maintenance of the wall. The

proposed motion gives the city some flexibility which allows the mayor to sign the quit claim deed when all conditions have been met. The memorandum will address the wall.

Council Member Hunter moved to authorize the Mayor to execute the acceptance of a quit claim deed upon satisfaction of the following conditions: (1) The City receives title insurance in an amount sufficient to satisfy legal counsel; (2) A Memorandum of Agreement is reached between the Lamph Family Trust and HVAF, LLC and HVAF2, LLC; and (3) All bonding or other financial assurances required by the City or to satisfy the Memorandum of Agreement are satisfied. Council Member Taylor seconded the motion. Voting was as follows:

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

125. Review and action on an ordinance amending Title 15 of the city code entitled "Building and Construction" to update the international codes.

Council Member Shelton brought up the issue of the international codes conflicting at times with the city code. He asked if language could be added in the city code that if there is conflict, that the city code supersedes the international code. Ms. Egner stated that would easily be added, and noted the new city code would have that clearly spelled out.

Council Member Shelton moved to adopt Ordinance No. 2023-06-23 amending Title 15 of the American Fork City Code entitled "Buildings and Construction" ensuring that the old headings adopting each of the international codes contain the same language that "except as otherwise provided in the code of the City of American Fork, Utah." Council Member Taylor seconded the motion. Voting was as follows:

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

13. Consideration and action to enter into a closed session to discuss the purchase, sale or lease of property as described in Utah State Code 52-4-204 and 52-4-205.

Council Member Hunter moved to enter into a closed session at 8:12 p.m. to discuss the purchase, sale, or lease of property. Council Member Shelton seconded. Voting was as follows:

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

Mayor Frost explained the council would meet in the workroom downstairs for the closed session. At the conclusion of the closed session, they would reconvene as the city council and adjourn from that room.

The American Fork City Council entered into a closed session to discuss the purchase, sale, or lease of property at 8:27 p.m. Those present included Mayor Frost, Council Member Carroll, Council Member Hunter, Council Member Shelton, and Council Member Taylor. Council Member Barnes was excused. Also present included City Administrator David Bunker, City Attorney Cherylyn Egner, and City Recorder Terilyn Lurker.

The closed session was audio recorded as required by law.

Council Member Shelton moved to adjourn the closed session and reconvene into the City Council meeting at 8:55 p.m. Council Member Taylor seconded the motion. Voting was as follows:

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

17. Adjournment.

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

The meeting was adjourned at 8:55 p.m.



Terilyn Lurker, City Recorder