

AMERICAN FORK CITY COUNCIL  
JANUARY 15, 2019  
WORK SESSION MINUTES

Members Present:

Brad Frost	Mayor
Kevin Barnes	Council Member
Staci Carroll	Council Member
Barbara Christiansen	Council Member
Rob Shelton	Council Member
Clark Taylor	Council Member

Staff Present:

David Bunker	City Administrator
Camden Bird	Admin Analyst
Wendelin Knobloch	Associate Planner
Terilyn Lurker	City Recorder
Kyle Maurer	Finance Officer
Darren Falslev	Police Chief
Scott Sensanbaugher	Public Works Director
Tim Merrill	City Attorney
Aaron Brems	Fire Chief
Derric Rykert	Parks and Rec Director

Also present: John Woffinden, Josh Walker, Kristina Wiseman, Reese DeMille, Ginger Romreill, John Schiess and several others.

WORK SESSION

*The purpose of City Work Sessions is to prepare the City Council for upcoming agenda items on future City Council Meetings. The Work Session is not an action item meeting. No one attending the meeting should rely on any discussion or any perceived consensus as action or authorization. These come only from the City Council meeting.*

The American Fork City Council met in a work session on Tuesday, January 15, 2019, in the City Administration Conference Room, commencing at 4:00 p.m.

Mayor Frost welcomed everyone to the meeting and excused Council Member Barnes.

1. Discussion on amendments to Section 17.1.400 of the American Fork City Code Relating to the Conveyance of Water in American Fork. (Requested by Scott Sensanbaugher, Public Works)

Mr. Sensanbaugher explained that staff and consultants recently reviewed the conveyance of water ordinance and are suggesting a few changes, which he would review for the Council. Mr. Sensanbaugher said there was confusion about the definition of “multi-family” and “single-family” units. They are suggesting to eliminate the references to single- and multi-family housing and define the required water based on the number of dwelling units on a lot. They were also suggesting

they cap the water required for units containing three or more bedrooms at 1 ERC. Another change they made was to clarify outdoor use.

Mr. Bunker noted if there was no dwelling unit on the lot there would be no indoor water requirement.

Council Member Shelton asked when the developer would bring in the water. Mr. Sensanbaugher noted that this was defined elsewhere in the code.

Council Member Shelton asked how they determined how much water was required if they were annexed into the City. Mr. Sensanbaugher explained that the developer would be required to acknowledge their responsibility of determining the water amount; they would sign a delay of conveyance prior to beginning a project.

Council Member Shelton asked if the developers would be entitled to the amount of water at the time of annexation or if they would be grandfathered in if the requirements changed. Tim Merrill, legal counsel, said the developer would be entitled to the water amount at the time of development; they would not be grandfathered in under a different water right requirement as they would not know what the developer's intended use would be at the time of annexation.

Mr. Sensanbaugher explained that no two homes would use the same amount of water. Averages were being taken into account as part of the proposed amendments.

Council Member Shelton asked if changing the definition would leave the city with enough water. Mr. Schiess stated that the previous ordinances worked just fine in the past with mostly single family homes, but as they are getting more development types that use less water than single family developments they were trying to bring the water amounts down. They were trying to accurately define the amounts that met the City's needs and he felt this brought them closer to where they should be.

Mr. Bunker asked Mr. Schiess to explain how they calculated the water usage for the ERC. Mr. Schiess said they compared the amount of people in single family homes to one-bedroom units and larger units. This gave them an average they used to then calculate the usage amounts.

Council Member Carroll asked if a townhome would be portioned out per lot. Mr. Sensanbaugher stated that townhomes would be considered one unit per lot; they were considered an attached single-family home. Council Member Christiansen stated the difference between a townhome and a duplex was ownership. Council Member Carroll asked if there were any instances where a townhome would be built but not individually owned, to which Mr. Sensanbaugher said yes and they would consider the number of bedrooms to determine the ERC.

Council Member Christiansen asked why the common areas only had one option. Mr. Sensanbaugher responded they did not want to burden the developer to calculate every square foot. They were only concerned with irrigation in the common areas.

Council Member Carroll asked if the size of the dwelling mattered if it was a one-dwelling unit. Mr. Sensanbaugher said it did not matter. Mr. Bunker explained that they wanted to make this as fair as possible for the developers. They were relying on averages to set the requirements.

Council Member Carroll asked if there was concern with the water requirements being changed recently; adequate water has been a concern to some citizens. Mr. Schiess said the .45-acre feet the State required that amount but that amount was not needed by the city. He explained they were bringing in enough water to accommodate the City and its growth.

Ms. Romreill stated she liked that they reduced the amount of water required but was concerned about townhomes and apartments. She explained it would cost about \$1.2 million more for her development using the new language. She suggested adjusting the language and treat townhomes the same as multi-family to avoid the high cost. Mayor Frost asked how many bedrooms were in the townhomes, and Ms. Romreill answered one to two bedrooms but if the water requirements changed they may limit the bedrooms in the units and not build a three-bedroom unit.

Council Member Shelton suggested they compare a single-family home on several acres to a townhome.

Mayor Frost asked for Mr. Schiess's opinion. Mr. Schiess explained that the difference between a two-bedroom unit and a townhome would be .17 ERC and he did not feel the numbers matched up with Ms. Romreill's assessment; it would be approximately \$600 per unit in water costs.

2. Discussion with the Chamber of Commerce regarding Steel Days 2018. (Requested by Terilyn Lurker, Recorder)

Mayor Frost stated an email concerning Steel Days 2018 should have been received by the council. Mr. Walker distributed a breakdown for the finances for the 2018 Steel Days. He pointed out there were a few outstanding expenses that had not been completed, such as a final invoice from Coca-Cola and credit card processing fees. The profit amount was approximately \$18,000.

Mayor Frost asked how this compared to other years. Mr. Walker explained that last year was the first year they attempted an accounting for Steel Days, but he thought they brought in more revenue than previous years. He noted that they were currently in negotiations for the 2019 contracts.

Councilmember Carroll asked if they would discuss the redlined contract. Mayor Frost said they could discuss it now or Tuesday night.

Council Member Carroll explained that they reduced the amount of money coming from the City with the offset the City would pay for all the overtime for police and fire. A clause was added addressing the need to change events in case of emergencies. She said she was concerned they were taking too much responsibility without any compensation. Mr. Bunker explained the Chamber was taking all the responsibility and took out the requirement for a rainy-day fund and the changes were to lessen their burden.

Council Member Carroll said she liked that the City was not getting any money back. She explained this put the responsibility on the Chamber to make Steel Days successful. Mayor Frost said this gave the City a fixed expense for the celebration. Mr. Bunker noted they had the ability to look at the financials and could terminate the agreement.

Council Member Carroll asked if the Chamber's Board was in favor of the changes. Mr. Walker answered affirmatively.

Council Member Shelton asked if this was a partnership still or if it was now a chamber event, with questions on liability and who had the final authority. Mr. Merrill responded that this was still a City event. Mr. Walker said the Chamber held liability insurance.

Council Member Shelton asked who had the final authority within the city. For instance, there was a microburst during the carnival and he wondered who would have had the authority to close the event. Mr. Walker thought the Carnival had the say to shut down the carnival. It was noted the carnival was insured as well. Chief Brems stated that the Fire Marshall, or himself, had the authority to shut down carnival if there were any safety concerns. Mr. Merrill indicated they should specify it was the Mayor or his designee, and Josh Christensen agreed that would be best. The consensus was that the Mayor or his designee should have this responsibility.

Council Member Shelton asked if there was any ordinance that dictated who could sell things during Steel Days. He did not know if they could ask a vendor not to set up their food truck next to Steel Days events without having approval from those in charge of Steel Days. He noted saving seats for the parade was becoming a big issue, and there had been several complaints made from businesses and homeowners. Mr. Walker said they would put information all the marketing materials, ordinances, and information that applied to Steel Days in the Steel Days Magazine. Mr. Merrill stated they could require anyone participating in Steel Days had to have a permit.

Council Member Shelton asked if they could get feedback from the sponsors. Council Member Taylor mentioned that people donated as a token of appreciation for the community and suggested creating thank you baskets for business that donated.

Council Member Shelton asked if they were renewing their contract with the carnival. It was noted the carnival contract was valid through 2020, and that it was the only contract the Chamber of Commerce has assumed. Council Member Taylor said they should not renew the contract with the Carnival until it ran out.

Council Member Shelton said they should consider who had liability for the carnival tickets. Mr. Walker indicated they took the responsibility for the tickets this last year. Mr. Bunker said they could include information about the tickets in the contract.

Council Member Carroll said the Mayor could appoint a designee to the committee. The designee would ensure the events represented the City appropriately and kept undesired vendors and events out. Mayor Frost said they should include a provision in the contract.

Council Member Shelton asked if the city was still doing the permitting through UDOT for the parade. Mr. Christensen said he did the paperwork because he was familiar with it but the Chamber paid for the permit.

Derric Rykert asked if they would be able to add activities and Mayor Frost indicated that was still an option.

3. Discussion on the City's recycling contract. (Requested by Terilyn Lurker, Recorder)

Reese Demille said he visited the City a few months ago to talk about recycling. He explained that recycling now costs twice as much as getting rid of garbage. They had gone to all the cities and explained that Republic Services had not planned on this rise in cost; this was an unforeseen increase for them. They had been paying \$95,000 to \$100,000 a year and some cities indicated they would help cover these costs. For instance, Summit County agreed to a small increase. They looked over some options for disposing of recycling, but people would be upset if they disposed of recycling with the trash. He was suggesting an amendment that would allow them to take the recycling materials wherever they could make a profit, whether it be to the recycling center or to dispose of it at a landfill. He noted that 35-50% of recycled materials is being recycled, however, there are portions that may be dumped if the recycling centers can't sell it.

Council Member Shelton stated he learned this morning that two recycling facilities were now dumping at the TransJordan landfill. Mr. Demille said the only value in recycling was metal and clean cardboard. They took the product to Rocky Mountain who then took it to their plant in Salt Lake.

Council Member Carroll said it was dishonest to have recycling that ended up as garbage. Council Member Taylor suggested discontinuing recycling until it was profitable again. Mr. Demille stated if the city were to discontinue recycling, they would have to pick up the cans and then make up for the loss of revenue to Republic Services for the loss of services. It was noted they made money but not with recycling. Mr. Demille noted they would have to make sure it was communicated that Republic Services were allowed to dispose of the recycling materials and then the citizens could then decide if they wanted to continue.

Mr. Bird noted they had two different options for a second can; a more expensive rate for an additional garbage can or a recycling can. Mr. Demille stated the contract was based on per home collection for trash and recycling. If they removed recycling, a portion of their revenue would decrease; the tonnage won't change, it would move from recycling to trash.

Mayor Frost asked if they currently had intentions to recycle or if it would go to the landfill. Mr. Demille responded they were only responsible for hauling. He said for \$75 a ton they were forced to take the recycling somewhere else. It was noted again that two recycling companies were taking the product to landfills, that with the change in the market the bulk of the material was going to the landfill.

Mr. Demille said they could increase their rates by 63 cents per home per month to cover the cost. Council Member Shelton said most of the recycling would go to the landfill; this was not worth

increasing the costs if it ended up in the same location. Mr. Demille said 35% to 50% of the product was recycled.

Mr. Bunker said this contract would allow Republic Services to take the material and recycle what they could and then take the rest to the landfill. This would be more transparent and honest; they needed to tell the residents they were partially recycling.

Mr. Demille stated a recycling company would not open any bags and sort through materials. It was noted that the recycling was hand sorted; they would not open bags not knowing what was in them. Mr. Bunker stated they needed to convey to the residents they were recycling as much as possible. Council Member Shelton said it would take many years before recycling was cost effective.

Mr. Demille said they wanted American Fork to assist with the \$65,000 cost associated with the rise in recycling costs. When asked when the contract expired, Mr. Merrill responded 2023.

Mr. Merrill asked if there were any contractual agreements for recycling when residents signed up for utilities. He said the current ordinance states that the city can dispose of recycling materials as they see fit, so the city does have the ability to determine how it is disposed. It was noted there was a fee for opting out of using the recycling can.

Council Member Shelton asked if they could get an accounting of the fund, such as the typical annual expense and any surplus. Mr. Maurer responded there was \$70,000 in excesses and next year they would have a surplus as well if they absorb the increases.

Mr. Demille stated the amendment would allow Republic Services to take the materials wherever they like. Council Member Shelton asked if they could require them to take the waste to North Pointe. Mr. Demille responded they would take it to where it was most financially reasonable. He said if they got the 65 cents increase, they would take it wherever the City wanted. Council Member Shelton stated the city had a financial stake in North Pointe so that benefitted the City. Mr. Demille said North Pointe was a competitor and they would avoid taking waste to North Pointe. Council Member Shelton said they were a part of North Pointe and it did not make sense to pay their competitor; it would be in the City's best interest to take the waste to North Pointe. Mr. Demille said he would want something in the contract that would require them to take waste to North Pointe.

Mayor Frost asked which facility would do the most with the materials. Mr. Demille said they were about the same. Council Member Taylor said he wanted to know which would be better for the citizens who are recycling.

Mr. Maurer stated there were about 4,321 homes that recycled. It was noted the actual increase for those who recycle would be \$1.02 per can, not the \$0.63 per household. Mr. Maurer noted they could absorb the increase for this year and next year, but they would be negative after that.

Council Member Taylor said if the market did not correct they should probably cancel the program when the contract ends. He said the outrage would be the same if the public found out the material was being disposed in a landfill but they were paying for recycling.

Council Member Shelton asked what happened if everyone stopped recycling. It was noted that the residents would have to pay the \$10 opt-out fee. Council Member Taylor said this was out of their control but it would be interesting to see who wanted to pay more for recycling. Mr. Demille said the city would lose about \$40,000 a year if recycling ceased, plus they would be paying more as the recycling materials would then go in the trash cans creating an increase in the tipping fees. He again reiterated that as a company, they were asking for some relief.

Council Member Christiansen said there were residents that were passionate about recycling and would pay more, whereas there were others that would object to the increase. Council Member Taylor said he was in favor of proposing a small increase and renegotiate when the contract completed. Council Member Taylor said he feared the increase less than people finding out their recycling was going to landfills. Council Member Carroll suggested a partial increase and the fund would cover the rest.

Mr. Demille said it needed to be clear to the residents what was happening. Council Member Christiansen said those who recycle were aware of the problem. Mr. Demille said the cities that made the increase had not seen much reaction.

Council Member Shelton explained it was difficult to have an increase when it was not required contractually. He said the residents could be upset. He was recycling more due to the things he had learned. He wanted the City to be transparent on this issue.

Mr. Maurer noted the fees collected also paid for administrative costs.

#### 4. Adjournment

The meeting adjourned at 6:20 p.m.



Terilyn Lurker, City Recorder