

AMERICAN FORK CITY COUNCIL  
JANUARY 22, 2019  
REGULAR 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
Wendelin Knobloch	Associate Planner
Eddie Hales	Battalion Chief
Terilyn Lurker	City Recorder
Aaron Brems	Fire Chief
Kyle Maurer	Finance Officer
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Cameron Paul	Police Lieutenant
Josh Christensen	Police Sargent
Adam Ellison	Police Management Analyst
Scott Sensanbaugher	Public Works Director

Also present: Officer Diego Garcia and family, several Police Officers, Stuart Harmon, John Woffinden, Mark Hampton, Ginger Romreil, Josh Walker, Joe Phelon, Hilary Stirling, Spencer Stevens, and three additional people.

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, January 22, 2019, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

PUBLIC HEARING

- Revisions to the fiscal year ending June 30, 2019 City Budget.

There were no public comments.

- Revisions to Section 17.1.400 of the City Code relating to the conveyance of water in American Fork.

Ginger Romreil, developer of the Dixie Fenn property, asked they consider changing the language to read single-family attached and move single-family attached to multiple family. She said this would help with creating more affordable housing.

## REGULAR SESSION

1. Pledge of Allegiance; prayer by Council Member Taylor; roll call.

Mayor Frost welcomed everyone to the meeting. Those present recited the Pledge of Allegiance and Council Member Taylor offered a prayer. Roll call was taken.

2. Presentation of the NAACP "Outstanding Community Service Award" to Officer Diego Garcia.

Mayor Frost invited Officer Garcia and his family to the front of the room. Officer Garcia was awarded the NAACP Outstanding Community Service Award. Mayor Frost gave some examples of Officer Garcia's work in the community. He thanked him and the police department for their service.

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

Spencer Stevens, Vice-president of Harrington Center for the Arts Organization, explained the City passed an amendment on February 6, 2016, of the Main Street Vision plan. He said the City had the right set of circumstances to improve Main Street. He said they would continue to work to support their goals.

4. City Administrator's Report

Mr. Bunker thanked Officer Garcia, the police department and the fire department for their service. He shared a story of when the officers acted exceptionally and saved lives.

5. Council Reports

Council Member Christiansen also thanked the police and fire departments for their service. She reported the Library Boards from American Fork, Pleasant Grove, and Highland met together. The State Library Board conducted training on their roles and responsibilities. She said the training was very informative.

Council Member Shelton reported that the first annual Hash and Trash meeting occurred. They were able to discuss their challenges and made some solutions. He said they needed to stay proactive and would provide the Council with materials they shared at the meeting. He also reported that he was able to preview new technology. This technology was revolutionizing dispatch services by reducing response times. He asked that the Council consider implementing it in the City. He said he was also in favor of Mr. Stevens's remarks about improving Main Street. He also thanked Officer Garcia for his service.

Council Member Barnes also thanked Officer Garcia, the police department, and the fire department. He stated it took many people to make the City run efficiently.

Council Member Carroll reported that she attended the EOC training. She was pleased the City was well prepared for emergencies. She reported the last Chamber lunch was the State of the City address by the Mayor. It was a benefit to business owners and the City.

Council Member Taylor reported that he also attended Hash and Trash and said he was amazed at what they learned. He thanked the police department for their service. He reported that he had a good experience with the EOC. He reported the PARC Tax Advisory Board had their workshop on the 17<sup>th</sup>. It had good attendance and they had quality applicants.

6. Mayor's Report

The Mayor said he was also impressed with the EOC training. He reported that the Fire Department saved a life in a house fire. He thanked the department and the entire City staff. He also reported that he met with the Alpine School District where they shared their goals and visions.

COMMON CONSENT

*(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 December 17, 2018, Special Session Minutes
2. Approval of the January 8, 2019 City Council Minutes
3. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$2925.00 and issue a Notice of Acceptance for the Mitchell Farms construction of public improvements located at 780 West 700 North. *(Requested by Scott Sensanbaugher, Public Works)*

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

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Barbara Christiansen, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

AGENDA ITEMS

1. Review and action on the Public Safety Services Contract for Police, Fire and EMS Services between American Fork and the City of Cedar Hills. *(Requested by Terilyn Lurker, Recorder)*

Mayor Frost asked the Council if they had any questions for the Police and Fire Chiefs.

Council Member Shelton asked if there was a better way to discuss the inflation in five years. He wanted to know what would happen if there was no consensus. Ms. Egner responded if there was no consensus the rate would stay at 2%. Council Member Shelton asked when the 2% began and Mr. Bunker responded there would be a 2% increase annually. Council Member Shelton said the language was not clear, to which Ms. Egner responded there was no reason to make changes but they could make adjustments. Council Member Shelton asked if there was any way for a party to get out of the agreement. Ms. Egner explained that the parties were required to give 180-day notice but that it would automatically renew every year. Council Member Shelton thought they had wanted a ten-year contract; he did not want to see them pull out after a few years and leave the city to pay for the new station and equipment on our own. Mr. Bunker stated it was automatically renewed for 10 years. Mayor Frost stated that the city needed a second station regardless of what happened with Cedar Hills. He said it would be great to have Cedar Hills participate but they needed to have an opportunity to leave if they were unhappy. This deal was fair for both parties.

Council Member Christiansen asked if it was the same thing if they had a ten-year term but still included the 180-day notice. Mr. Bunker responded it would be the same. Council Member Shelton suggested they make the contract be for ten years because they were spending so much money. Mr. Bunker responded it was a one-year contract, but the ten-year portion of the contract

did not require Cedar Hills to go out to bid. Council Member Shelton responded they needed to re-work the language to protect the City from another City leaving the contract.

Council Member Carroll stated she did not want to remove the language from the contract because American Fork might need to leave. It was also a protection to the City. Council Member Shelton responded this was the purpose of the rest of the contract.

Council Taylor asked how many contracts he reviewed had a clause to get out. Council Member Shelton responded all of them. He explained they were hiring new firefighters and they would be responsible for that cost if Cedar Hills left.

Council Member Taylor asked how likely it would be that Cedar Hills left the contract. Mr. Bunker responded that this was different, as Cedar Hills was a member of the Lone Peak Public Safety Board. This was just a service contract and they were not a part of a board. Cedar Hills was hiring the City to provide service.

Council Member Shelton stated they would not be able to afford the new station without Cedar Hills unless they had a significant property tax increase. They needed to plan for if they chose to leave, but preferred the contract be for ten years. He suggested they discuss the contract with Cedar Hills. Council Member Carroll said she was comfortable with the current contract and Mayor Frost felt they had a good working relationship with Cedar Hills.

Council Member Carroll asked how the police service was structured. Mr. Bunker responded it was a two-year contract with a 3% increase at the end of the two years. It also had the 180-day clause.

Council Member Taylor stated he understood Council Member Shelton's concerns. He said they needed to take into consideration that Cedar Hills may or may not be a part of the agreement down the road and that revenue stream could change.

Council Member Barnes asked when the 2% increase began, to which Mr. Bunker stated 12 months from now. Council Member Barnes said he had thought the increase began after the fifth year. Mr. Bunker explained how the increase functioned.

Council Member Carroll explained the contract gave them ability to re-evaluate their costs in five years.

Council Member Shelton re-stated he thought the contract was fixed for ten-years. He wanted to ensure they were able to handle the costs without Cedar Hills. He suggested in the future they have additional input prior to any proposals going out so the Council can be involved in the negotiations.

**Council Member Taylor moved to approve the Public Safety Services Contract between American Fork City and the City of Cedar Hills. Council Member Carroll seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [4 TO 1]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Staci Carroll, Council Member
<b>AYES:</b>	Kevin Barnes, Staci Carroll, Barbara Christiansen, Clark Taylor
<b>NAYS:</b>	Rob Shelton

2. Ratification of City payments (January 1, 2019 to January 15, 2019) and approval of purchase requests over \$25,000.

**Council Member Carroll moved to approve the City bills for payment, noting there were no purchase requests over \$25,000. Council Member Taylor seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Staci Carroll, Council Member
<b>SECONDER:</b>	Clark Taylor, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

3. Review and action on the appointment of Daniel Copper, term ending 2022, to the Beautification-Shade Tree Committee. (Requested by Terilyn Lurker, Recorder)

**Council Member Barnes moved to approve the appointment of Daniel Copper to the Beautification Shade Tree Committee with a term ending 2022. Council Member Shelton seconded the motion.**

Council Taylor asked if there were any issues with the city that they should be concerned about. Mayor Frost stated he was comfortable with the appointment and the committee had made the recommendation.

Council Member Shelton said they have discussed adopting new by-laws for the committee.

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

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Kevin Barnes, Council Member
<b>SECONDER:</b>	Rob Shelton, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

4. An ordinance amending section 17.1.400 of the American Fork City Code Relating to the Conveyance of Water in American Fork. (Requested by Scott Sensenbaugher, Public Works)

Mayor Frost stated this was discussed at the work session and asked if there were further questions. Council Member Taylor stated the document did not have the information Ms. Romreil was requesting. Mr. Sensenbaugher stated that some of the concerns were addressed but some were not. They felt this ordinance had the best information possible.

**Council Member Taylor moved to adopt Ordinance No. 2019-01-01 amending Section 17.1.400 of the municipal code regarding water rights conveyance. Council Member Carroll seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Staci Carroll, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

5. Review and action on the 2019 Steel Days and Concert in the Park Agreement with the American Fork Chamber of Commerce. (Requested by Terilyn Lurker, Recorder)  
 Council Member Carroll explained there was a need for an addition to this agreement as it pertained to leaving the contract and retaining the branding and logos. She asked that the city be able to retain the logo and the branding; Mr. Walker agreed to that addition.

Mr. Walker noted they had added a BBQ cook-off.

**Council Member Carroll moved to approve the 2019 Steel Days and Concert in the Park with the American Fork Chamber of Commerce with the addition of “Branding and Logos” in section 5.2. Council Member Christiansen seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Staci Carroll, Council Member
<b>SECONDER:</b>	Barbara Christiansen, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

Mr. Walker commented the Chamber of Commerce would discuss this at their next board meeting.

6. Review and action on an Ordinance approving the vacation of Right-of-Way located at 860 East from Pacific Drive to Bamberger. (Requested by Scott Sensanbaucher, Public Works)  
**Council Member Taylor moved to adopt Ordinance No. 2019-01-02 approving the vacation of the Public Right-of-Way located at 860 East from Pacific Drive to Bamberger Drive. Council Member Barnes seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Kevin Barnes, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

7. Review and action on a resolution executing a \$245,098 master lease agreement with BciCapital, Inc. for the purchase of six (6) Police Vehicles. (Requested by Kyle Maurer, Administration)

When asked by Council Member Shelton what a master lease was, Mr. Maurer explained it was a leasing agreement that would set the terms for the out-clauses. It was structured like an auto loan.

**Council Member Shelton moved to approve Resolution No. 2019-01-06R authorizing the execution of a Master Lease Agreement with BciCapital Inc. for a 5-year lease with payments of \$52,806.82 per year. Council Member Carroll seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Staci Carroll, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

8. 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 the final plat of Hill Valley Plat E subdivision, consisting of one lot, located at 594 North 850 East, in the R-1-9,000 Residential zone. (Requested by Adam Olsen, Planning)

**Council Member Carroll moved to approve the final plat of Hill Valley Plat E subdivision, consisting of one lot, located at 594 North 850 East, in the R-1-9,000 Residential zone and to authorize the mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record associated with the December 19, 2018, Planning Commission meeting. Council Member Taylor seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Staci Carroll, Council Member
<b>SECONDER:</b>	Clark Taylor, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

b. Review and action on the final plat of American Fork Commercial Center Plat K Amended and Extended-Amendment 2 subdivision, consisting of 3 lots, located at 750 West Pacific Drive in the SC-1 Planned Shopping Center zone. (Requested by Adam Olsen, Planning)

**Council Member Taylor moved to approve the final plat of American Fork Commercial Center Plat k Amended and Extended - Amendment 2 and to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record associated with the December 19, 2018, Planning Commission meeting. Council Member Christiansen seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Barbara Christiansen, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

9. Review and action on a resolution approving amendments to the fiscal year ending June 30, 2019, budget. (Requested by Kyle Maurer, Administration)

**Council Member Taylor moved to approve Resolution No. 2019-01-07R adopting budget amendments for the fiscal year ending June 30, 2019, budget. Council Member Shelton seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Rob Shelton, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

10. Review and action on a Resolution establishing Continuity in Government in American Fork City. (Requested by Terilyn Lurker, Recorder)

Mayor Frost said it would be a good idea to have additional members available in town in case of emergency.

Council Member Shelton asked if there was a worst-case scenario how they would run the City, and whether or not it would be in person or electronically. Mr. Bunker responded it could be electronically but in a big emergency, there might not be electronic communications and may need to be done in person.

Mr. Bunker explained the line of authority would be implemented in case of emergency; attempts would be made to communicate with the mayor but if he was not available they would go down the line. Council Member Shelton said it would be good to know who was making decisions. Council Member Carroll thought they had to be physically present and Council Member Barnes agreed. Mayor Frost said this was something they could discuss at the next EOC.

**Council Member Christiansen moved to approve Resolution No. 2019-01-08R establishing the Continuity in Government in American Fork City. Council Member Shelton seconded the motion.**

Council Member Shelton asked if they needed to have all the Council Members listed in the line of succession. Mayor Frost responded State law only required three.

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

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Barbara Christiansen, Council Member
<b>SECONDER:</b>	Rob Shelton, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

11. Consideration and action on entering into a closed session to discuss pending litigation as allowed in Utah State Code 52-4-205(c).

Mayor Frost indicated the closed session was to discuss pending litigation and would be held in the downstairs workroom.

**Council Member Shelton moved to enter into a closed session at 8:20 p.m. Council Member Barnes seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Kevin Barnes, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

The City Council entered into a closed session to discuss pending litigation at 8:24 p.m. Those present included Mayor Frost, Council Member Barnes, Council Member Carroll, Council



Member Christiansen, Council Member Shelton and Council Member Taylor. Also present were City Administrator David Bunker, City Civil Attorney Cherylyn Egner, City Recorder Terilyn Lurker, and outside legal counsel Stuart Harmon.

Pending litigation was discussed and audio recorded as required by law.

**Council Member Taylor moved to return to the regular session at 9:25 p.m. Council Member Shelton seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Rob Shelton, Council Member
<b>AYES:</b>	Barnes, Carroll, Christiansen, Shelton, Taylor

11. Adjournment

**Council Member Carroll moved to adjourn the meeting. Council Member Christiansen seconded the motion. All were in favor.**

The meeting adjourned at 9:25 p.m.



Terilyn Lurker, City Recorder