

AMERICAN FORK CITY COUNCIL
FEBRUARY 12, 2019
REGULAR SESSION MINUTES

Members Present:

Bradly J. 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
Lauralee Hill	Deputy Recorder
Aaron Brems	Fire Chief
Kyle Maurer	Finance Officer
George Schade	IT Director
Timothy Merrill	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Scott Sensanbaugher	Public Works Director

Also present were Steve Young, Todd Young, Rio Honaker, Malyce Warner, Heather Lewis, Mano Talasufi and several others.

Present were the following scouts: James Hammond (Troop 12), Thomas Clarke (Troop 12), Corbin Everitt (Troop 12), Peter Clarke (Troop 12), Bennett Herriman (Troop 12, Leader), Ted Christiansen (Troop 12, Leader), Jaxon Williams (Troop 800), Hiram Graff (Troop 800), Brock Johnson (Troop 800), Jordan McKell (Troop 800), Porter Johnson (Troop 800), Dave Paskett (Troop 800, Leader), Todd Washington (Troop 800, Leader), Ken Rose (Troop 800, Leader), and Chris McKell (Troop 800, Leader).

PUBLIC HEARING

The American Fork City Council held a public hearing to receive public comment on the following items:

- The AF10 Annexation consisting of 12.20 acres at approximately 850 West 620 South.
- The AF191 Annexation consisting of 0.51 acres at approximately 800 South 900 West. Rio Honaker explained they were participating in a land swap as a part of the annexation. He said he wanted this to be clear with the City.
- The AF Penrod Annexation consisting of 10.72 acres at approximately 950 West 620 South.
- The Phelon Annexation consisting of 47.39 acres at approximately 400 East 1700 South.

There were no additional public comments on any of these items. The public hearing ended at 7:04 pm.

REGULAR SESSION

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

Mayor Frost called the meeting to order at 7:05 pm and led the audience in reciting the Pledge of Allegiance. He welcomed the Boy Scouts in attendance and encouraged them to express gratitude to their leaders.

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

Mayor Frost opened the floor for public comments; there were none.

3. City Administrator's Report

David Bunker thanked the streets department for a good job handling the snow storms. He congratulated the American Fork High School (AFHS) Women's Swim Team who took State. The AFHS Men's team took second place at State.

4. Council Reports

Council Member Christiansen stated that she appreciated those who had come to plow the snow over the last several years in her cul-de-sac. She stated that she had just come from a meeting with the Timpanogos Arts Foundation (TAF). She met with individual program managers as plans were made for the coming year, including some possible expansion. She said community members of all ages could look forward to many interesting programs and performances in this upcoming year.

Council Member Shelton thanked the staff for a great retreat.

Council Member Barnes also thanked the street crew for snow removal. He expressed his concern over vehicles that did not move off the public road to allow street crews to plow. Council Member Barnes also expressed appreciation for the budget retreat. He reported he attended a meeting with the Parks and Recreation Committee. They were preparing proposals for the PARC Tax Committee. He noted there were signs placed near items that had been purchased or built with these funds. He reported the Cemetery Committee would meet soon to discuss the Memorial Day program. Lastly, he reported that he recently met with the Chamber of Commerce.

Council Member Carroll reported that she attended an installation luncheon hosted by the Chamber of Commerce. She mentioned several awards given by the Chamber to local businesses:

- New Business of the Year – Crumbl Cookies
- Business Person of the Year – Joe Phelon of Timp Rental
- Business of the Year – America First Credit Union

She reported the Chamber also hosted a “Pancakes and Politics” event at the hospital last Saturday, during which time legislators were invited to answer questions from the public. She stated that another event of this nature was planned for March 2nd at the American Fork

Hospital. She also thanked City administration for the budget retreat, with a special thanks to Kyle Maurer for his extensive work on the budget.

5. Mayor's Report

Mayor Frost reported that he also attended the Chamber Installation luncheon for the swearing in of the new officers. He said the relationship between the Chamber and the City had been excellent for the last seven years. He was confident in the new officers that were sworn into the Chamber. Mayor Frost also announced that he was pleased to award the “Hero of the Year Award” to Crystal Pyne. Ms. Pyne was out of town and unable to accept the award at the luncheon. She will be honored with this award again at an upcoming City Council meeting.

In addition, Mayor Frost awarded the “Mayor's Choice for Business of the Year” to Doug Smith Auto. Beyond being American Fork’s largest tax base, Doug Smith Auto had an incredible résumé of giving back to the City through charitable donations, including: Autism Awareness, Make-A-Wish Foundation, and over the years they had given over \$50,000 to the American Fork High School Marching Band to provide instruments, accessories, and travel assistance. He stated that selecting them was an easy choice.

COMMON CONSENT AGENDA

1. Approval of the January 15, 2019, Work Session Minutes.
2. Approval of the January 22, 2019, City Council minutes.
3. Approval of the authorization to release the Improvements Durability Retainer of \$76,079.74 for South Point Phase 2, located at 348 South 780 East, American Fork, UT 84003. *(Requested by Scott Sensanbaugher, Public Works)*

Council Member Carroll moved to approve the Common Consent Agenda. Council Member Christiansen seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Kevin Barnes, Staci Carroll, Barbara Christiansen, Rob Shelton
EXCUSED:	Clark Taylor

ACTION ITEMS

1. Ratification of City payments (January 15, 2019 to February 5, 2019) and approval of purchase requests over \$25,000.

Council Member Carroll moved to approve the ratification of City payments (January 15, 2019, to February 5, 2019) and approval of Purchase requests over \$25,000. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Kevin Barnes, Staci Carroll, Barbara Christiansen, Rob Shelton
EXCUSED:	Clark Taylor

2. Review and action on an ordinance amending Section 17.5.134 of the City code regarding accessory apartments and creating a new Section regulating Short Term Rentals in American Fork City. (Requested by Terilyn Lurker, Recorder)

Mayor Frost removed this item from the agenda until a later session.

3. Review and Action on a Network Operations Center Lease Agreement with American Fiber, Inc. (Requested by George Schade, Technology)

George Schade introduced Mr. Davis, President of American Fiber. Mr. Schade stated this lease agreement was needed for American Fiber to receive the funding.

Council Member Shelton said he was familiar with these data centers. He noted the size of the facilities had gotten smaller over the years. The cost of the rack was a fair rate.

Council Member Barnes asked if the City had previous dealings with American Fiber. Mr. Schade responded they had worked with the City for ten years.

Council Member Shelton moved to approve the Network Operations Center Lease Agreement with American Fiber, Inc. Council Member Barnes seconded the motion. Mayor Frost called for a vote. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Kevin Barnes, Staci Carroll, Barbara Christiansen, Rob Shelton
EXCUSED:	Clark Taylor

4. Review and Action on an Agreement for Five-year Financial Forecasting Service. (Requested by Kyle Maurer, Administration)

Mayor Frost invited members of the Council to ask Kyle Maurer any of their questions with regards to this action. Council Member Shelton commented that it was overwhelming to think about the challenges that faced a City when there was a lot of growth. He was eager to see the study's results. Mayor Frost said they had a great relationship with Lewis, Young, Robertson and Burningham; he was comfortable with the services they provided.

Council Member Barnes stated this appeared to be the best bid and was confident the City made the right choice. Council Member Carroll said she was also confident in this decision. Council Member Christiansen concurred, and thanked all of the other applicants.

Council Member Christiansen moved to approve a consulting services agreement with Lewis Young Robertson & Burningham, Inc. Council Member Carroll seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Barbara Christiansen, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Kevin Barnes, Staci Carroll, Barbara Christiansen, Rob Shelton
EXCUSED:	Clark Taylor

5. Review and action on the Communities that Care program. (Requested by Terilyn Lurker, Recorder)

Malyce Warner and Heather Lewis came forward to answer budgetary questions pertaining to this program. Council Member Shelton stated that he understood that the first year the cost would be covered. He asked how the second year would be covered. Ms. Lewis responded the County would contribute \$10,000 per year and the City would match this amount. Council Member Shelton asked if there were legal parameters that required the City to stay in the program. Ms. Lewis stated there were no legal parameters, but this was a good year to begin. She suggested they stay in for at least two years to see results. Council Member Shelton asked how their reporting functioned. Ms. Lewis explained that the Division of Mental Health and Substance Abuse provided the training and the employee's cost would be covered.

Council Member Barnes asked how the employees would report. Mr. Bunker stated this would be monitored by the police department. Chief Falslev recommended that the City support the program. Council Member Barnes asked when the start date was, to which Ms. Lewis responded there was no start date; however, they would start as soon as possible.

Council Member Carroll moved to approve going forward with the Communities That Care program. Council Member Christiansen seconded the motion.

Mayor Frost added that other mayors in the Mountainland Association of Governments (MAG) had reported on how much this program had helped their communities.

Rio Honaker came forward and stated that he had been through a recovery program. He stated that he was concerned about data collection. Ms. Lewis responded the school survey and the CTC survey was anonymous; they were more interested in trends.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Kevin Barnes, Staci Carroll, Barbara Christiansen, Rob Shelton
EXCUSED:	Clark Taylor

6. Review and action on the AF21 Annexation consisting of 19.20 acres at 850 West 500 South including the Ordinance of Annexation, Annexation Agreement, and placement of the property in the Transit Oriented Development (TOD) zone. (Requested by Terilyn Lurker, Recorder)

Council Member Shelton moved to approve the AF21 Annexation consisting of 19.20 acres at 850 West 500 South including the Ordinance of Annexation 2019-02-03, Annexation Agreement, and placement of the property in the Transit Oriented Development. Council Member Carroll seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Kevin Barnes, Staci Carroll, Barbara Christiansen, Rob Shelton
EXCUSED:	Clark Taylor

7. Review and action on the Vest Annexation consisting of 87.95 acres at approximately 700 South 860 East, including the Ordinance of Annexation, Annexation Agreement, and placement of the property in the Planned Community (PC). *(Requested by Terilyn Lurker, Recorder)*

Mayor mentioned that the applicant, Steve Young, was in attendance. He stated that this was in one of the "opportunity" zones.

Council Member Barnes stated that the acreage in a couple of places was different on various documents, including an aerial map of the subject property. He asked that these issues be clarified.

Todd Young, representative of the Vest family, stated he understood there were some issues with the map, and they were working to resolve those differences. He noted some of the properties overlapped and caused this confusion. Mayor Frost stated the City would provide some help on the matter.

Mr. Young explained an opportunity zone was a part of the last Trump bill. It allowed for investment in the Black Hole Investment areas. This area had a lot of areas that were considered black hole investment areas. He explained these areas were a result of people avoiding taxes by not liquidating assets until death.

Council Member Christiansen moved to approve the Vest Annexation consisting of 87.95 acres at approximately 700 South 860 East, including the Ordinance of Annexation 2019-02-04, Annexation Agreement, and placement of the property in the Planned Community. Council Member Carroll seconded the motion.

Council Member Carroll thanked Mr. Young. Council Member Shelton remarked that he is excited to see the Vest property come into American Fork City.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Barbara Christiansen, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Kevin Barnes, Staci Carroll, Barbara Christiansen, Rob Shelton
EXCUSED:	Clark Taylor

8. Review and action on the Water Banking Agreement for Jay W. Garlick. *(Requested by Scott Sensanbaugher, Public Works)*

Council Member Shelton moved to authorize the Mayor to sign the Water Banking Agreement for water shares with Jay W. Garlick. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton
EXCUSED:	Clark Taylor

9. 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 ordinance approving a commercial site plan for Utah Endocrinology, located at 60 North 1100 East, in the PO-1 Professional Office zone. (Requested by Adam Olsen, Planning)

Council Member Carroll moved to adopt Ordinance 2019-02-05 approving a commercial site plan for Utah Endocrinology with instructions to the City Recorder to withhold publication of the ordinance until all conditions identified in the public record associated with the January 16, 2019, Planning Commission meeting were satisfactorily met. Council Member Barnes seconded the motion.

Mano Talasufi came forward and noted that the building address in the packet needed to be changed from 16 North to 52 North.

Council Member Carroll moved to amend her motion including the address correction of 52 North. Mayor Frost called for a vote. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Rob Shelton, Council Member
AYES:	Kevin Barnes, Staci Carroll, Barbara Christiansen, Rob Shelton
EXCUSED:	Clark Taylor

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

Council Member Barnes moved to enter into a closed session to discuss pending litigation. Council Member Christiansen seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Barnes, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Kevin Barnes, Staci Carroll, Barbara Christiansen, Rob Shelton
EXCUSED:	Clark Taylor

The City Council entered into a closed session to discuss pending litigation at 8:10 pm. Those present included Mayor Frost, Council Member Barnes, Council Member Shelton, Council Member Christiansen, and Council Member Carroll. Also present were City Administrator David Bunker, City Attorney Tim Merrill and Deputy Recorder Lauralee Hill. *Council Member Taylor arrived at 8:20 pm. and joined the closed session. The pending litigation was then discussed.

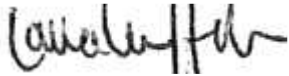
Closed session concluded at 8:53 pm.

Council Member Christiansen moved to return to the regular session at 8:53 pm. Council Member Taylor seconded the motion. All were in favor.

12. Adjournment

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

The meeting adjourned at 8:54 pm.

A handwritten signature in black ink, appearing to read "Lauralee Hill".

Lauralee Hill, Deputy Recorder