

AMERICAN FORK CITY COUNCIL  
APRIL 16, 2019  
PUBLIC HEARING, SPECIAL SESSION AND WORK SESSION MINUTES

Members Present:

Bradley 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
Darren Falslev	Police Chief
Derric Rykert	Parks and Recreation Director
Scott Sensanbaugher	Public Works Director
Cassandria Crane	Library Director

Also present John Woffinden, Ben Hunter, Scott Okelberry, Ginger Romriell, Ken Berg, Chad Maughn, Lori Fisher, Nate Mecham, Jay Meacham, Nan Kuhn, Dale Gunther, Lori Fisher, Summarissa Stevens, Laurel Shelley and several others.

The American Fork City Council held a public hearing in conjunction with a special session and work session on Tuesday, April 16, 2019, in the City Administration Office Conference Room, located at 51 East Main Street, commencing at 4:00 p.m.

PUBLIC HEARING

- Receiving public comment regarding the vacating of an easement on 480 South from approximately 800 East to 860 East and an easement at approximately 460 South and 810 East.

There were no comments.

SPECIAL SESSION

1. Review and action on an Ordinance approving the vacation of an easement on 480 South from approximately 800 East to 860 East and a temporary easement at approximately 460 South and 810 East. (Requested by Scott Sensanbaugher, Public Works)

Scott Sensanbaugher explained this item was requested by Patterson Homes. The area adjacent to their development on the West required an easement. Patterson Homes was requesting that the temporary easement now be vacated. This had been reviewed and staff recommended

approval.

Council Member Carroll asked if there was a utility easement. Mr. Sensenbaugher stated that these were mostly public roads and that most of the utilities were under the road.

**Council Member Carroll moved to adopt Ordinance 2019-04-23 approving the vacation of an easement on 480 South from approximately 800 East to 860 East and an ordinance approving the vacation of a temporary easement at approximately 460 South and 810 East. Council Member Barnes seconded the motion. Voting was as follows:**

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

2. Review and action on the final plat and ordinance adopting the site plan of Dixie Farms A & B Flexible Lot PUD project, consisting of 91 lots, located in the areas of 620 South 850 West and 1000 South 800 West. (Requested by Terilyn Lurker, Recorder)

Mr. Sensenbaugher stated that this was the plat for Dixie Farms. They were considering some concerns by John Woffinden, Chair of Planning Commission. Mr. Sensenbaugher asked for a peer review of the geotechnical report. This review came back with some minor suggested corrections. The peer review concurred with the original report in many other important areas. He noted Mr. Woffinden still had some concerns. Dixie Farms complied with all of staff's requirements.

Mr. Sensenbaugher explained that during the Planning Commission there was extensive discussion about what to include and not include on the plat. After reading the Sensitive Lands Ordinance, he reversed his opinion as including this item on the plat was necessary to comply with code. Ken Burns, the developer's engineer made these changes. Mr. Sensenbaugher suggested a future discussion with the Council to review the Sensitive Lands Ordinance for improvement. He recommended making a few changes to this ordinance. For now, all the plats complied with this code. Staff recommended approval.

Mayor invited further comment on this item.

John Woffinden stated that he did not agree with the liquefaction potential. He said he was concerned they were putting in basements in these homes. He recommended not allowing basements to protect potential buyers.

Mr. Hunter said the Geotechnical report and update would be recorded. He said they would not allow the floors to be one foot lower than the existing grade. Mr. Woffinden said the tests were conducted during a low rainfall year. If the test was conducted now the water would be much higher.

Council Member Shelton said FEMA was redoing its study on the south side of the lake. They were discussing expanding their flood plain. If this occurred, FEMA would require flood insurance. There was a 26% chance these homes would flood. Mr. Sensenbaugher explained the

Sensitive Lands Ordinance restricts the lowest footing to be two feet above the water table. He suggested they require additional monitoring throughout the development.

Council Member Shelton asked if they could require homes to be higher than the compromised level. Mr. Sensanbaugher explained that if the lake rose above the contour elevation they would fight the flooding. This elevation would determine if the City would act against the rise of the water levels.

Council Member Christiansen asked what they would do about underground water. Mr. Sensanbaugher stated that they would monitor the ground water during the development to ensure the footings were above that level. This would allow the City to know where the foundations should be located.

Council Member Carroll asked what would happen if they encountered a spring while digging. Mr. Sensanbaugher said they would have to adjust their plans; the building permit may also need to be changed.

Council Member Shelton asked what the City would do to ensure these precautions were taken because in the past developers had cut corners. Council Member Taylor asked what they would do if the monitor of the water table showed the water to be higher. Mr. Sensanbaugher stated that the developer would be required to retrofit their agreement to fit the new data. Mr. Berg explained that the land ordinance already addressed this issue. The water table fluctuated and the biggest concern was the defend/no defend line. They did not want to spend money on the roads if they could not build the homes.

Council Member Shelton asked if they could keep the developers accountable in the agreement. Mr. Berg responded the Special Lands Ordinance required developers to prove to the City their construction was one foot above the water table.

Council Member Barnes asked if the Sensitive Lands Ordinance was a City Ordinance or a State/Federal guideline. Mr. Sensanbaugher stated that there was no specific State or Federal Code. Mr. Woffinden noted the State had some geologic hazard standards.

Council Member Shelton said they should require all the developments to have the same elevation that was above the Jordan River floodgate elevation. Mr. Sensanbaugher stated that the entire development was above this elevation.

Mr. Berg explained that they would build houses on only one side of Lakeshore Drive to keep the property off the flood plain. Council Member Shelton said he wanted this noted on the plat to keep the developer accountable.

Mr. Hunter explained how they would ensure the homes would be built above the defend/no defend line. He drew a line on the map to demonstrate where this was located. Mr. Sensanbaugher said the high ground water identification must be given to potential home buyers.

Council Member Christiansen asked the developer if the homes would be custom built. Gina Romrell stated the homes would be high-end homes.

Council Member Shelton stated that he wanted it recorded on the plat that the developer would build above the defend/no defend line. Council Member Carroll asked if building up the road would make it the defend/no defend line, to which she was given an affirmative answer. Mr. Sensanbaugher explained that the lowest point of the development would create the defend/no defend line. Council Member Shelton said this would move most homes off the flood plain.

**Council Member Shelton moved to approve the final plat and Ordinance 2019-04-24 adopting the site plan of Dixie Farms A & B Flexible Lot PUD project, consisting of 91 lots, located in the areas of 620 South 850 West and 1000 South 800 West and to authorize the Mayor and City Council to sign the plat and accept the dedication with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record associated with the March 20, 2019 Planning Commission meeting...**

Council Member Shelton stopped in the middle of the motion. Mr. Woffinden suggested they choose where these items would be posted. Mr. Sensanbaugher said the Sensitive Lands Issue included these items. Mr. Hunter read from the ordinance explaining this information would be included on the plat when the homes were built.

**Council Member Shelton completed his motion by adding the following information to the end of the motion: ...granting temporary grading and protection to 700 West and putting notes on the plats requiring elevation of lots to be above the defend/no defend line. Council Member Taylor seconded the motion.**

Nate Mecham of the Parks Committee commented that the finished floor would be 12 inches above the lot which is already in the agreement.

Council Member Christiansen said she knew people that lived in this area that had problems with water. Council Member Taylor said their alternative was to say no. However, this was unreasonable because the same logic would apply to developments west of I-15.

Council Member Barnes said he was generally in favor of allowing developers and land owners to use the land how they pleased. He was concerned when there were serious potential risks like they were discussing. He said if they met the codes he was in favor of the development.

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

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

3. Adjourn to a work session.

**Council Member Taylor moved to adjourn to a work session. Council Member Shelton seconded the motion. All were in favor.**

The special session ended at 4:48 p.m.

## 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.*

1. Presentation by the PARC Tax Advisory Board regarding the PARC Tax allocation recommendations. *(Requested by Terilyn Lurker, Recorder)*

Scott Okelberry of the Parks Commission presented the PARC Tax allocation recommendations. He recognized the presence of several members of the applying organizations. The total anticipated funding was just over \$1,205,477. If the funding went down this would have to be adjusted. If the funding went up, they would like the opportunity to make additional recommendations. He noted that the Board/Committee/Group had a diverse background and interest. They had lively conversations and differences of opinion. Council Member Christiansen asked if he would outline the guidelines of what did or didn't qualify for PARC tax funding. Mr. Okelberry said that there are specific guidelines in the parks and recreation area as to whether funding can go for a facility vs. a program. He explained that a public park could be funded as a facility, but the funding could not be used for a City sponsored athletic program. The operations of a cultural or arts organization could be funded for operational expenses and they could also be funded for capital expenditures/physical items such as instruments.

Mr. Okelberry stated that there were a few on the list that the committee did not choose to fund as they did not meet the funding criteria.

Council Member Carroll clarified the funding guidelines by saying, "If it's a building, it has to be public. If it's a program, it has to be private."

Council Member Barnes asked if salaries could be funded and Mr. Okelberry responded in the affirmative. Council Member Taylor explained the process the committee used to vet candidates thoroughly.

Mr. Okelberry said there were two related to disc golf that did not qualify and one related to ballet where the performances did not occur in American Fork which the Council did not fund last year. There was a similar request this year that the Committee did not fund. The Committee tried to make a recommendation for funding that helped the residents of the City. Mr. Okelberry continued by discussing the ACT (Alpine Community Theater). They did a great job in self-funding. This year they requested \$30,000 for two productions. They received \$3,500 for a digital soundboard and \$17,500 for each production.

Other projects included:

- Friends of the Library - funding for Literacy Early Education kits
- Dictionary
- Book Fairy Project
- Friends of American Fork Library
- Friends' Quilt Circle: this was a quilting project that supported law enforcement and veterans with quilt making. The quilts are made and donated to the police department for children in trauma situations. The amount of funding provided would supply materials for hundreds of volunteer hours.

When asked where the New Friends Quilt Circle met, Mr. Okelberry noted that the group met in the basement of the Senior Citizen's Center. Mr. Mecham stated that hundreds of man hours were contributed by volunteers within this group that has been functioning in the City for 30 years.

Nan Kuhn stated that they wanted some money to publicize their organization as this year marked their 30<sup>th</sup> birthday. It was noted that not many people knew of this organization. Council Member Barnes commented that his family was a recipient of these kinds of blankets and they were special and very meaningful.

Mr. Okelberry continued by discussing other projects that the committee recommended for funding:

- Harrington Center for the Arts: Chalk Fest - Sidewalk chalk done in conjunction with Steel Days. This was like Chalk the Block in Provo
- Harrington Center for the arts: Musical Festival - Fork Fest Concert in the Park

Council Member Taylor said that they were funded for this last year and it is happening in June this year. This new request would be for the following year. There were 30 performers on three stages in Art Dye Park. The total cost was \$90,000. The rest of the money would be made up in sponsorships and a little in ticket sales. Every artist performing was receiving compensation.

Mr. Okelberry explained that the Timpanogos Arts Foundation (TAF) received the largest portion of the funding, in the amount of \$335,000. He stated that a large majority of the arts enjoyed by the residents of American Fork were provided by TAF.

Council Member Shelton said TAF had only raised \$1,500 while other organizations raised significantly more. He said he did not want them to be dependent on PARC tax dollars.

Mr. Okelberry responded that this group had addressed this issue at length. The Committee felt they were taking steps toward becoming more self-sufficient. They had received 25% less than requested. Mr. Gunther stated they (TAF) raised \$120,000 last year. They had been given the expectation to raise their own funds.

Mr. Gunther explained that historically Timpanogos Arts was a part of the City and given space in the recreation center. Over time they were separated and lost support from the City. He said they were working hard to function without any outside help.

A representative of the foundation noted that the arts were not making their money back. She said neither were the parks and trails. They put money into these organizations for the good of the community. Council Member Shelton said the TAF would be more successful if they were broken into various groups.

Mr. Gunter argued that Timpanogos Arts was the arts arm of the City; it was essential. Council Member Shelton said he wanted to support the organization that was working towards self-sufficiency. Council Member Barnes noted they were asking for 28% of the total funding and that he felt this was a fair allocation. Council Member Christiansen stated that if the amount allotted to TAF was divided between the 8 different organizations within TAF, the allotment for each would be \$41,500 which seemed similar to some of the allotments for other organizations.

Council Member Carroll stated that one problem for her was that the request for funding of those 8 entities from TAF was always lumped under one umbrella and labeled “programming”. She requested accountability of how much each organization would receive and how it would be spent within each organization.

Mr. Okelberry stated that this was included already in the application from TAF and that he thought this was already available.

A representative of Harrington Arts stated the purpose of their organization was to provide arts that did not exist in the community.

Council Member Carroll said they were in favor of making these organizations sustainable because the PARC tax might not always be available.

Council Member Taylor said he wanted arts to thrive in American Fork. He said he wanted to see change, growth and improvement in the arts in American Fork as a result of the money that was being poured in and wanted to see results before dedicating further money to these organizations. He felt that the funding already given hadn’t created any change and that with or without funding they entities seemed the same. He suggested that the various arts organizations within the City collaborate and create a vision for American Fork arts to create accountability and upward thrust within the organizations that receive these funds. Council Member Christiansen commented that they were investing the public’s money and they were accountable for the funds.

Council Member Shelton asked why the library was on this list, as they were already funded by the City. Council Member Taylor said this would help improve the library and he was in favor of the projects. Mr. Okelberry explained that the library was asking for money to build a children’s room in the library. He said this was only a portion of the funds needed for the project and the Council could decide how to further fund the project.

Cassandria Crane said this would open the library. She explained they were booked most of the time and these funds would allow them to expand their programming.

Mr. Okelberry continued by explaining they were continuing Art Dye Park, and he would further discuss the Parks and Recreation projects. Council Member Shelton asked about the bathroom at Quail Cover Park. It was stated there was no application for the bathroom. Mr. Bird stated the utilities were more complicated than originally planned. It would be expensive to bring the utilities from the road into the park.

Mr. Okelberry discussed the Fox Hollow Pavilion/Concert Stage. He explained it would allow flexibility to have additional activities outside such as weddings. Council Member Christiansen said the cost would be shared by other cities that owned Fox Hollow.

Mr. Okelberry concluded by explaining that the recommendations were available for the Council and the residents to study. He said they were aware these were public funds and would be conscious to use them wisely.

2. Review of Recommended FY2020 Capital Projects and RDA Funds Budgets. (Requested by Kyle Maurer, Administration)

Kyle Maurer presented the recommended FY2020 Capital Projects and RDA Funds Budgets. He noted that this was prepared before the budget was balanced, and that the City was proposing \$27,726,261 in recommended Capital Projects.

Council Member Carroll commented that the Road Impact Fee Fund had a lot of money. She asked why they were only allocating \$250,000. Mr. Maurer stated that a lot of the money was not eligible for these projects. Mr. Bunker explained that the base roads would be funded by developers not the fund.

Mr. Maurer stated that \$5,100,000 was a preliminary amount slated for the new fire station. Council Member Carroll asked how this would be funded. Mr. Maurer said they had yet to determine the mechanism.

Mr. Maurer then discussed the following projects:

- Ladder truck for the fire department
- New software to streamline business licensing
- Roads: Mr. Bunker noted they would be short funding the road plan
- Purchasing a new loader
- Water Projects
- Fitness Center maintenance
- New Carpet for the Police Station
- Library Carpet replacement

Mr. Maurer explained that the Capital Projects Fund had about \$800,000 left remaining. He said they wanted to do a construction project when the economy fell, as this would give the City a better price on the project. Council member Carroll asked if the park impact fee could be used for replacing equipment. Mr. Maurer stated that it could only be used for new equipment.

Mr. Maurer said they were at the end of the budget season. The next work session would be a two-part discussion of the general fund. He displayed a tentative budget timeline of the various budget items. They would have the budget approval at the June 11<sup>th</sup> City Council Meeting. Mr. Bunker said they worked hard on the budget to make it balanced. He asked the Council to notify him or Mr. Maurer with any questions or concerns.

3. Discussion on Certified Tax Rate and Truth in Taxation. (Requested by Kyle Maurer, Administration)

Mr. Maurer explained that the Certified Tax Rate was a rate calculated by the County Auditor that provided the same amount of revenue as the prior year plus new growth. He explained that in State law there were steps that must be followed including a public hearing. He showed a sample tax notice and explained that the City's tax notices would look similar. He explained that this was positive because the tax revenue would stay the same in an economic downturn. The new growth component provided additional revenue to serve new residents. There were also disadvantages such as there were not an inflationary adjustment. Mr. Maurer then presented a graphic for every dollar of property tax, noting that 60% went to school district and 9% to County. He also showed a graph of historic Property Tax Revenue.

Council Member Carroll said she was surprised that the City only received \$4 million in revenue from property tax. Mr. Maurer continued by displaying various graphs concerning the taxes. He showed how other cities managed the change in taxation. There was subsequent discussion of the certified tax rate.

Council Member Taylor said he was in favor of doing Truth in Taxation yearly. Mr. Bunker asked if this was something the Council was interested in starting this year. The Council members said this was something they would consider.

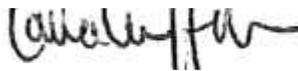
4. Discussion on Park Rules. (Requested by Terilyn Lurker, Recorder)

Mayor Frost removed this item from the agenda due to time constraints.

5. Adjournment

The meeting adjourned at 6:31 p.m.

*Note: Council Member Shelton departed the meeting at 5:45 pm.*



Deputy Recorder