

AMERICAN FORK CITY COUNCIL  
JANUARY 26, 2021  
REGULAR SESSION MINUTES

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Staci Carroll	Council Member
Clark Taylor	Council Member

Members Absent:

Barbara Christiansen	Council Member
Rob Shelton	Council Member

Staff Present:

David Bunker	City Administrator
Wendelin Knobloch	Associate Planner
Terilyn Lurker	City Recorder
Anna Montoya	Finance Officer
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Scott Sensanbaugher	Public Works Director

Also present: Richard Berger, Jared Ford, and Benj Baird

In accordance with Resolution No. 2020-07-20R, Mayor Frost has determined that conducting meetings of the City Council with an anchor location, such as the City Council Chambers or Administration Conference Room, presents a substantial risk to the health and safety of those who may be present there. The following are facts upon which this determination has been made:

- Utah declared state of emergency on November 8, 2020 due to an increase in case counts of COVID-19, a virus outbreak that has been recognized by the World Health Organization, federal, state and local leaders as a pandemic.
- The Centers for Disease Control and Prevention (CDC) has stated that COVID-19 is easily spread from person to person between people who are in close contact with one another through respiratory droplets when an infected person coughs, sneezes, or talks. This virus can also be spread by people who are asymptomatic.
- Federal, state, and local authorities recommend that individuals limit public gatherings, wear face masks, and follow social distancing guidelines.

- It is difficult to anticipate the number of attendees at any meeting in order to maintain social distancing to comply with Utah Health Guidance levels. Further, regardless of the number of attendees, social distancing measures for Council, staff, and attendees will be difficult to maintain in the City Council Chambers and Administration Conference Room.
- COVID-19 continues to pose an immediate threat to the health, safety, and welfare of American Fork City residents.
- American Fork City can provide a way for the public to hear, or hear and view, open portions of City Council meetings and to provide a way to participate in public hearings.
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While the written determination remains in effect, all City Council meetings will be conducted via electronic means. The meetings are broadcast live-streamed, and available at a later time, at <https://www.americanfork.gov/AgendaCenter>. To make a public comment, email comments to [publiccomment@americanfork.gov](mailto:publiccomment@americanfork.gov) prior to 5:00 p.m. the day of the meeting for the comment to be read into record. Please indicate in the subject line which item your comment refers to. You may also make public comment in person at City Hall (31 N. Church Street). No more than ten individuals will be allowed in City Hall at one time to ensure social distancing guidelines are capable of being followed. Masks shall be worn inside City Hall.

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, January 26, 2021, electronically, commencing at 7:15 p.m.

#### PUBLIC HEARING

Receive public comment on vacating a portion of an easement between Lot 4 (157 South 270 West Circle) and Lot 128 (248 West 200 South) of Serene Meadows Subdivision.

There were no public comments.

#### REGULAR SESSION

1. Pledge of Allegiance; Invocation by Council Member Carroll; roll call.  
Mayor Frost welcomed everyone to the meeting. An invocation was offered by Council Member Carroll and roll call was taken. Council Members Christiansen and Shelton were excused.
2. Twenty-minute public comment period - limited to two minutes per person.  
There were no public comments.
3. City Administrator's Report  
City Administrator David Bunker had nothing to report.
4. Council Reports  
The Council Members had nothing to report.

5. Mayor's Report  
Mayor Frost reported on the ribbon cutting ceremonies he had attended, and a celebration for an American Fork citizen and World War II veteran who had turned 100 years old.

#### 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 January 12, 2021 City Council minutes.
2. Common consideration regarding authorization to release the Improvements Durability Retainer of \$1,355.00 for VINTARO 1-C PHASE 2, located at 860 East 340 South.
3. Ratification of city payments (January 6, 2021 to January 19, 2021) and approval of purchase requests over \$25,000.

**Council Member Taylor moved to approve the Common Consent Agenda. 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>	Kevin Barnes, Staci Carroll, Clark Taylor
<b>ABSENT:</b>	Barbara Christiansen, Rob Shelton

#### ACTION ITEMS

1. Review and action on the approval of the following committee appointments:
  - Chris Christiansen to the Planning Commission (reappointment - term ending 2027)
  - Harold Dudley to the Planning Commission (reappointment – term ending 2026)
  - Geoff Dupaix to the Planning Commission as Alternate (reappointment – term ending 2022)
  - Brian Thompson to the PARC Tax Advisory Board (reappointment – term ending 2024)
  - Nan Kuhn to the PARC Tax Advisory Board (reappointment – term ending 2024)
  - Nathan Mecham to the PARC Tax Advisory Board (reappointment – term ending 2024)
  - Brandon Smith to the PARC Tax Advisory Board (term ending 2024)
  - Laurel Shelley to the PARC Tax Advisory Board (reappointment - term ending 2023)
  - Karen Schaak to the PARC Tax Advisory Board (reappointment - term ending 2023)
  - Scott Okleberry to the PARC Tax Advisory Board (reappointment - term ending 2023)

It was noted the committee members do great work and dedicate a lot of time to this

committees.

**Council Member Taylor moved to approve the following committee appointments:**

- **Chris Christiansen, Planning Commission, term ending 2027**
- **Harold Dudley, Planning Commission, term ending 2026**
- **Geoff Dupaix, Planning Commission Alternate, term ending 2022**
- **Brian Thompson, PARC Tax Advisory Board, term ending 2024**
- **Nan Kuhn, PARC Tax Advisory Board, term ending 2024**
- **Nathan Mecham, PARC Tax Advisory Board, term ending 2024**
- **Brandon Smith, PARC Tax Advisory Board, term ending 2024**
- **Laurel Shelley, PARC Tax Advisory Board, term ending 2023**
- **Karen Schaak, PARC Tax Advisory Board, term ending 2023**
- **Scott Okleberry, PARC Tax Advisory board, term ending 2023**

**Council Member Barnes seconded the motion. Voting was as follows:**

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

2. Review and action on an ordinance approving the vacation of a portion of a public utility easement between Lot 4 (157 South 270 West Circle) and Lot 128 (248 West 200 South) of Serene Meadows subdivision.

Council Member Carroll asked if staff could foresee a need to have an easement here in the future. Public Works Director Scott Sensanbaugher explained that this vacation was part of a boundary adjustment, and an easement would be re-established with the approval of a new subdivision plat.

**Council Member Barnes moved to adopt Ordinance No. 2021-01-01 approving the vacation of a portion of a public utility easement between Lot 4 and Lot 128 of Serene Meadows subdivision. Council Member Taylor seconded the motion. Voting was as follows:**

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

3. 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 for Kelton Apartments Phase 1, located in the area of 1100 West 250 South in the TOD-Transit Oriented Development zone.

Senior Planner Adam Olsen explained that the proposed project was located in the Transit Oriented Development (TOD) Zone. This item went before the Planning Commission a few weeks ago, and there was a lot of discussion regarding the mixed-use requirement. The Code requires buildings abutting streets other than 200 South to have an equivalent of 25% ground floor area be designated for office or retail use. The applicant proposed a finding that the commercial uses could be consolidated to one area of the project rather than having small commercial spaces in each building. Planner Olsen confirmed that the amount of commercial space proposed by the applicant was equivalent to 25% of each building. During the discussion, one Planning Commission member opined that having smaller commercial areas throughout the development might have more vacancies, while having a central commercial area would be better utilized. However, the Planning Commission agreed that there was some ambiguity in the Code language, and they didn't feel like they had the ability to consolidate uses. The first motion was to approve the proposal, but it did not pass. The second motion was to recommend denial, which passed but not with a unanimous vote.

Mayor Frost noted that the Council had received an email regarding this item, and it would be attached to the minutes. He asked if there were any other comments.

Richard Berger, the applicant, noted that he and City staff looked at the Code provision ten months ago when they began the planning process. It was a new provision at the time, so they wanted to be sure they were interpreting it correctly. He also looked back at the City Council meeting when this part of code was being discussed so that he understood the Council's intention. At that meeting, the Council discussed whether the commercial use needed to be on the first floor of a building, and they determined that a location requirement wasn't necessary. Mr. Berger concluded that the purpose of the code requirement was to prevent a development from being all residential. The design being proposed incorporated the required amount of commercial use, and it was designed to be successful. Having small commercial spread throughout the project would not create a viable commercial entity, and it wouldn't allow for the kind of livable activity space they intended on developing.

Mayor Frost asked Legal Counsel Cherylyn Egner for her interpretation of the Code provision in question. She stated that the intention of the provision was that each building would have 25% of the ground floor area as commercial. The purpose of the language allowing an equivalent of 25% related to the question of allowing commercial on the second floor. The previous Council didn't want to restrict which floor could contain commercial uses, but the requirement for 25% commercial use in each building remains. If the City Council wanted to change that language, it would require further discussion. Ms. Egner noted that the applicant brought up some valid points about condensing the

commercial in this project.

Council Member Taylor appreciated what the Council attempted to address with the Code, but now they could see that it wasn't entirely practical when applied to all developments. There were other developments in the City that had small commercial areas throughout, and they were not successful. It made sense to have the commercial in one area, because businesses could feed off of each other, and parking would be centralized. He was in favor of amending the code.

Council Member Carroll agreed with Council Member Taylor's comments. The City should allow flexibility while still requiring commercial uses.

There was a discussion regarding the procedure of amending the code. Ms. Egner said that the code revision would have to go to the Planning Commission for a recommendation. Planner Olsen added that the City Council could table this item and make a final decision after the code was amended. They did not need to send this application back to the Planning Commission. The first availability for the Planning Commission to review the code revision was February 17<sup>th</sup>, based on noticing requirements. That would bring the code revision to the City Council on February 23<sup>rd</sup>. They could also make a final decision on this application at that time.

Mr. Berger expressed his disappointment that this issue wasn't resolved when they began the process ten months ago. He asked that this process be done as quickly as possible, as they wanted to start building sooner rather than later.

There was some discussion about how the code amendment would affect other development. Planner Olsen confirmed that there were no proposed projects that would be affected by this change, other than the project before them today. The Council agreed to table the application and allow the code amendment to proceed.

**Council Member Taylor moved to table this item. Council Member Barnes seconded the motion.**

Council Member Carroll clarified that the Planning Commission was free to discuss the merits of the code changes based on the need of the neighborhood, and not based on what they thought the City Council wanted.

**Council Member Taylor clarified that his motion was to move to table the final plat for Kelton Apartments Phase I, located in the area of 1100 West 250 South in the TOD-Transit Oriented Development zone with a code interpretation for consolidation of buildings vs. the 25% requirement in each individual building and the feasibility and including that in the adjusted code. Council Member Barnes agreed to the clarified the motion.**

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

<b>RESULT:</b>	<b>TABLED</b>	<b>[UNANIMOUS]</b>
	<b>Next: 2/23/2021 7:00 PM</b>	
<b>MOVER:</b>	Clark Taylor, Council Member	
<b>SECONDER:</b>	Kevin Barnes, Council Member	
<b>AYES:</b>	Kevin Barnes, Staci Carroll, Clark Taylor	
<b>ABSENT:</b>	Barbara Christiansen, Rob Shelton	

Council Member Taylor commented he felt it was a natural evolution of the code and he was not put off as this was what they were there to do. Council Member Carroll was not bothered that they see things that need to be changed and expected that there would need to be changes. Mr. Bunker commented that as developments come through, it brought things to light and it was appropriate for the council to ask if that was what they intended. Council Member Barnes agreed.

- b. Review and action on the final plat for Serene Meadows Subdivision Plat B, located at 157 South 270 West Circle in the R2-7,500 Residential zone.

**Council Member Carroll moved approve the final plat for Serene Meadows Subdivision Plat B, located at 157 South 270 West Circle in the R2-7,500 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 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>	Kevin Barnes, Staci Carroll, Clark Taylor
<b>ABSENT:</b>	Barbara Christiansen, Rob Shelton

4. Review and action of a Reimbursement Agreement with White Horse Developers for system improvements at 1100 West 350 South.

Mayor Frost asked if there were any questions. Mr. Sensanbaugher noted this agreement had been reviewed and it was in order and appropriate to approve.

**Council Member Barnes moved to approve the reimbursement agreement with White Horse Developers for system improvements along 1100 West and 350 South for an**

**amount no greater than \$1,677,509.62. Council Member Taylor seconded the motion. Voting was as follows:**

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

5. Review and action of a Reimbursement Agreement with White Horse Developers for system improvements at 1100 West 620 South.

**Council Member Taylor moved to approve the reimbursement agreement for White Horse Developers for system improvements along 1100 West and 620 South for an amount no greater than \$747,372.32. 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>	Kevin Barnes, Staci Carroll, Clark Taylor
<b>ABSENT:</b>	Barbara Christiansen, Rob Shelton

6. Review and action on a resolution adopting the City Council Rules and Procedures policy dated January 2021.

Mayor Frost noted this was discussed at the work session and changes were made accordingly.

**Council Member Carroll moved to adopt Resolution No. 2021-01-04R approving the City Council Rules and Procedures policy dated January 2021. 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>	Kevin Barnes, Staci Carroll, Clark Taylor
<b>ABSENT:</b>	Barbara Christiansen, Rob Shelton

7. Review and action on a resolution providing for the continuity of Government pursuant to the provisions of the Emergency Interim Succession Act.

**Council Member Taylor moved to adopt Resolution No. 2021-01-05R providing for the continuity of government pursuant to the provisions of the Emergency Interim Succession Act. Council Member Barnes seconded the motion. Voting was as follows:**



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

8. Review and action on an ordinance adopting amendments to Chapter 05.38 of the American Fork City Code regulating the licensing of towing and parking enforcement services.

**Council Member Carroll moved to adopt Ordinance No. 2021-01-02 approving amendments to Chapter 05.38 of the American Fork City Code regulating the licensing of towing and parking enforcement services. 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>	Kevin Barnes, Staci Carroll, Clark Taylor
<b>ABSENT:</b>	Barbara Christiansen, Rob Shelton

Council Member Barnes noted he had questions that were answered previously.

9. Review and action on an ordinance adopting amendments to Section 10.46.020 of the American Fork City Code regulating towing and parking operations.

**Council Member Barnes moved to adopt Ordinance No. 2021-01-03 approving amendments to Section 10.46.020 of the American Fork City Code regulating towing and parking operations. Council Member Taylor seconded the motion. Voting was as follows:**

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

10. Adjournment.

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

The meeting adjourned at 8:14 p.m.



Terilyn Lurker, City Recorder