

AMERICAN FORK CITY COUNCIL
FEBRUARY 9, 2021
REGULAR 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
Wendelin Knobloch	Associate Planner
Terilyn Lurker	City Recorder
Anna Montoya	Finance Officer
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Scott Sensanbaugher	Public Works Director

Also present: Spencer Stevens and Jared DeHart

The American Fork City Council met in a regular session on Tuesday, February 9, 2021, electronically, commencing at 7:00 p.m.

REGULAR SESSION

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

Mayor Frost welcomed everyone to the meeting and read the following statement:

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.

For the next 30 days, 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 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.

Council Member Taylor offered an invocation and roll call was taken.

2. City Administrator's Report

Mr. Bunker had nothing to report.

3. Council Reports

Council Members Barnes, Christiansen, Shelton nor Taylor had comments.

Council Member Carroll reported she had a meeting with the principal of Deerfield Elementary who had requested a crosswalk on the American Fork side of the neighborhood. The City repainted the crosswalk and installed flashers. The principal wanted to pass on her gratitude and express that she had received multiple comments of thanks from folks in the south neighborhood that have to cross the street. She wanted to pass on this kudos to city staff that their work was noticed and appreciated by residents. Council Member Carroll also mentioned that the following day was the chamber of commerce's annual awards and installation lunch in. This was where awards such as business of the year, new business of the year, etc. were announced as well as the next year's board of directors being formally installed.

4. Mayor's Report

Mayor Frost said that there had been a couple of ribbon cuttings since the last council meeting such as at the Links Club. He said that if someone liked to golf, they needed to check this place out as it utilized some amazing technology to improve one's golf game and provide analytics. Another ribbon cutting that occurred was for Valley View Insurance that had moved from Spanish Fork to American Fork.

The Mayor also talked about how he was on a call with all of the mayors from Utah County, the County Commissioners, and the Utah County Health Department. He said that the dialogue had taken a new tone with the rollout of the vaccine. He said that American Fork would be communicating the same information to residents as was being told throughout the county about who was eligible to be vaccinated. He said that during the discussion about locations where mobile

sites could be constructed he had suggested that the Equestrian Park in American Fork could be utilized. He said that the number of vaccinations that were occurring was encouraging.

Lastly, he shared that he had learned that in the previous day, the Fire Department had received 21 calls. This showed that COVID-19 was still very prevalent as many people are needing to be moved to the hospital.

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

Terilyn Lurker, City Recorder, indicated no comments had been emailed.

Seth Worthen said that he had done some research and had learned that American Fork had an ordinance against short-term rentals. He said that he wondered if there was a reason behind that and asked if there could be some discussion on the benefits of short-term rentals and how it could benefit the city through the charge of a lodging tax to help with roads. He said that he really just wanted to understand the perspective of the City Council that thought that short-term rentals should be banned or prohibited.

Mayor Frost told Mr. Worthen that if he left his contact information with Ms. Lurker, that staff would give him a follow up call.

Mark Allen said he was grateful to be speaking in front of a city that was transparent and a leader. He noted that American Fork was leading on a legacy project, that they had helped to protect and preserve American Fork Canyon, had recently signed an ordinance to protect Bridal Veil Falls, and was now leading to preserve open spaces. He thanked the Council for the resolution and encouraged the City Councils of Highland and Lehi to lockstep with American Fork, as he felt that there were other locations to put a recreation center. He said that he loved the idea that was proposed by the developer, but that it was on the wrong piece of land. Mr. Allen hoped that a working group could be formed between the cities to better utilize the facility. He also expressed that he really appreciated American Fork's agenda packet. He wished that the County would follow suit so that citizens could read between the lines regarding the business that is at hand.

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 19, 2021 work session minutes.
2. Approval of the January 26, 2021 city council minutes.
2. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$28,375.80 and issue a Notice of Acceptance for the ABUNDANT BRANDS WAREHOUSE construction of public improvements located at 472 East Elm Street.
3. Approval of the authorization to release the Improvements Durability Retainer of \$38,887.86 for KRIEGER STORAGE, located at 326 South 860 East.
4. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$106,999.00 and issue a Notice of Acceptance for the WILLOW GLEN PHASE 1 construction of public improvements located at 700 West 200 South.
5. Approval of the authorization to issue a Notice of Acceptance for the WILLOW GLEN PHASE 2 construction of public improvements located at 700 West 200 South.

6. Ratification of city payments (January 20, 2021 to February 2, 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:

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

ACTION ITEMS

1. Review and action on an agreement with Harrington Center for the Arts for the summer concert series.

Cherylyn Egner, Legal Counsel, explained the City used to put on a summer concert series. When the City stopped, Harrington Center wanted to take the series over and had already been awarded PARC funds to support the events. Harrington Center would like to use Quail Cove. In exchange for letting them use that area free of charge, the City would like some help with marketing for the Steel Days Concert.

Council Member Shelton asked for clarification about what the Steel Days Concert referred to. Spencer Stevens, Harrington Center President, clarified that traditionally, Steel Days had been kicked off with a big concert on Monday night at the Quail Cove amphitheater. He said that they intended to do some additional marketing for the concert series and would include the Steel Days concert in those marketing efforts. Harrington Center would produce five concerts and would include the Steel Days concert as a sixth in the middle of the series.

Council Member Shelton asked if there was a PARC tax attached to the series from previous years. Cherylyn Egner stated that PARC Tax funds were previously awarded to the Harrington Center. The PARC Tax money, however, had nothing to do with this specific contract. She was just indicating that the series had already received support and funding from the PARC Tax.

Council Member Shelton asked if Harrington would be putting in an application for additional PARC Tax funds and wondered about the timing of the application to ensure that they had enough lead time to get artists scheduled.

Mr. Stevens said that because they envisioned that the concerts would be a free public event, they did anticipate that they would need ongoing PARC Tax funds. However, because there was carry over before COVID and the concerts did not start in the summer of 2020, they had sufficient funding for 2021. Thus, Harrington's 2021 request for PARC Tax funds would be for the summer of 2022.

Council Member Taylor moved to approve the agreement with Harrington Center for the Arts for the summer concert series. Council Member Christiansen seconded the motion. Voting was as follows:

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

2. Review and action of a Pioneering Agreement for VHD, LLC for system improvements along 570 West

Council Member Shelton asked about the Christensen piece. He said that he thought that this referred to the famous Christensen brothers who had always said that they would never develop. He wanted to know if this agreement had any impact on their decision. Cherylyn Egner, Legal Counsel, said that if the land was developed within the specified time frame in the agreement, then the developer would be responsible for a reimbursement. If the Christensens choose not to develop in the ten years, then they would not get the reimbursement.

Council Member Shelton said that he worried about the road width in the area, as development happened around it.

Council Member Taylor moved to approve the Pioneering Agreement with VHD, LLC for system improvements along 570 West. Council Member Barnes seconded the motion. Voting was as follows:

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

3. Review and action on an Agreement with AF Utah, LLC regarding 200 South public improvements.

Cherylyn Egner, Legal Counsel, noted that there was a slight change that was made to the agreement earlier in the afternoon. She wanted to confirm that the amended agreement was the version before the Council and the version they intended to make a motion on.

The updated version of the agreement was displayed for the Council and it was explained that the additional party added to the agreement was AF Utah LLC. They were added because they were still technically the owner of the property.

There was discussion about if the addition of AF Utah LLC was the only change. This was confirmed. It was then asked if AF Utah LLC would be the only person entering into contract with the City. Ms. Egner stated that Castlewood AF Apartments would have also been included in the signature line.

Council Member Shelton moved to approve the agreement with AF Utah LLC regarding 200 South public improvements and authorize the mayor to execute the documents with the condition to add Castlewood AF Apartments as signatory to the agreement. Council Member Taylor seconded the motion. Voting was as follows:

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

4. Review and action on a resolution indicating the city's intent to annex the ABF Property Annexation consisting of 9.47 acres at approximately 300 West and 1000 South.
Council Member Taylor moved to approve Resolution No. 2021-02-06R indicating the city's intent to annex the ABF Property Annexation consisting of 9.47 acres at approximately 700 South and 100 West. Council Member Barnes seconded the motion. Voting was as follows:

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

5. Review and action on a resolution indicating the city's intent to annex the GWZT Property Annexation consisting of 6.49 acres at approximately 700 South and 100 West.
Council Member Carroll moved to approve Resolution No. 2021-02-07R indicating the city's intent to annex the GWZT Property Annexation consisting of 6.49 acres at approximately 700 South and 100 West. Council Member Taylor seconded the motion. Voting was as follows:

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

6. Review and action on an ordinance approving an amendment to the Inner Block Cottage Development Overlay Map to include property located at 440 South 100 East.
Adam Olsen, Senior Planner, stated the request to include this on the inner block overlay had not been before the Council in the past. What was before the Council previously was a zone change request that was returned down. As a result, the applicant came forward with a request to include the property within the inner block cottage overlay area. The properties to the north and east of the inner block cottage area were included. The underlying zone of the property would remain at R2-7500. If the action was approved, the property could be developed under inner block standards. The Planning Commission felt that it was a valid request and recommended approval.

Council Member Shelton said that he liked this proposal a lot better than the four-plexes. He thought single family homes gave it a good, community feel. He said that there was a property just to the north on Riverbend Road that he thought turned out really well. He was supportive of the development and to extend the map to include the overlay. He was concerned about the right-of-way on the frontage of 100 East. He requested that they grant approval with the contingent that the right-of-way be negotiated with city staff.

Council Member Shelton moved to adopt Ordinance No. 2021-02-04 approving an amendment to the Inner Block Cottage Development Overlay Map to include property located at 440 South 100 East contingent upon the landowner and city coming to an

agreement on the right-of-way on 100 East due to the change in the type of development that can occur there. Council Member Taylor seconded that.

Council Member Shelton said that the City was looking to expand 100 East. He explained that typically when the City does these projects, they want to take the opportunity to work with the landowner to negotiate what the right-of-way would look like. He felt that this would be the appropriate time to do that.

Cherylyn Egner, Legal Counsel, added that because this was a requested change from the applicant and not the City looking to expand the overlay zone on its own, the city has the ability to work with the applicant to receive the necessary right-of-way. The road that is expected to be necessary for the area had been master planned to be greater than a local road. Because of this, now would be the time for the city to secure the right-of-way prior to them getting the overlay expansion. She said that specifying in the motion that approval was contingent on the city getting the right of way was appropriate so that the City could secure it and the developer had the understanding that if the dedication of the right-or-way could be secured, they could move forward.

Council Member Taylor asked if the developer was aware of the need to negotiate the right-of-way or if it would be new to them.

Jared DeHart, applicant, stated he had spoken with Ben Hunter from the Engineering Department. Mr. Hunter had recommended that the City take ten feet of the property. Mr. De Hart had already accounted for that request. He did ask if the landowner needed to dedicate that property before a subdivision approval.

Ms. Egner clarified that similar to a zone change, the overlay would be granted contingent on the acquisition of the right-of-way. In regard to timing, the dedication could be done ahead of the overlay being granted, or it could be done as the developer submits their plans.

Council Member Shelton told Mr. DeHart, that he had spoken to Matt Blackhurst, the landowner, ahead of time. The landowner seemed to understand. Staff from Engineering and Legal both felt that the right-of-way could be negotiated fairly quickly to be able to give the developer the green light.

Council Member Barnes asked if the action needed to go back to the Planning Commission and he was told it would not.

Mr. DeHart said that currently, the property owner's fence line extended about ten feet into where the right-of-way for the road would be. He wondered what would happen between now and when the City was ready to widen the road. He asked if the landowner would be able to use that land.

Council Member Shelton said that his questions were ones that could be negotiated as part of the agreement. That was part of the reason for the contingency: to allow the owner and City to sit down in good faith to work those details out and have a better understanding of those timelines.

Mr. DeHart said that the ten-feet of property works very well for a cottage lot subdivision with the average lot being 6,000 square feet. However, there wasn't much wiggle room if they needed more room.

Adam Olsen, Senior Planner, said that staff would update the map. They just realized that the wrong triangle was highlighted. The plot was actually just south and east of what was depicted on the map.

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

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

7. Review and action on an ordinance adopting amendments to Sections 17.7, 17.12 and 15.01 of the American Fork City Municipal Code which address transportation facilities.

Adam Olsen, Planner, said that the amendment was intended to provide clarification and consistency regarding alleys and drive aisles. The definition for alley will now be consistent and a definition for drive aisle will be added with a standard. He said the change could be considered a housekeeping item.

Council Member Barnes asked by definition, what was the difference between an alley and a drive aisle. Cherylyn Egner, Legal Counsel, said that a drive aisle is more like a road on a single lot. If someone had a large lot with apartment complexes, the road through the complex, by definition this was not a parking lot, or alleyway. Because the city did not have a definition, they added the term drive aisle to describe roadways between units on a single lot. An alley would be a road that follows along the back of garages in a townhome stretch where there are multiple lots with a narrow road that runs along the backside of them.

Council Member Barnes asked if residents were able to park on an alley or drive aisle. Ms. Egner said no. She said that alleys and drive aisles have the same specifications. The difference came down to the definition of if they appeared on a single or multiple lot.

Council Member Carroll pointed to page 62 of the meeting packet. She asked if this was a new cross section that the Council was approving or if it was standard. Cherylyn Egner indicated this was not a new cross section. Council Member Carroll asked if current alleys have 32 feet of asphalt. Ms. Egner indicated yes. She said that they changed the code so that the specifications for an alley and drive aisle were the same. Mr. Sensenbaurer said that was correct. There were some different parameters in the TOD, but the specifications were consistent for both alleys and drive aisle in non-TOD areas.

Mr. Bunker asked if the code had been modified when staff looked at street cross sections a few years ago. Mr. Sensenbaurer confirmed that it was.

Council Member Carroll confirmed that how alleys were constructed now were as it was outlined in the code. This was confirmed with the exception of in the TODs. Council Member Carroll pointed to the section in the code that defined an alley as, “a narrow drive aisle primarily for vehicular access to the back or service area of properties or otherwise abutting another street, common area or public space.” She said that it was weird to define an alley as a drive aisle, when a drive aisle is its own definition. She wondered if it was necessary that it be defined that there be some sort of frontage or public access in an alley. Ms. Egner said that she believed that was indicated elsewhere in the code.

Mr. Olsen said that they probably do. What this text amendment clarified was instances such as in the planned community zone where there might be units that were accessed from an alley, but fronted an open space.

Council Member Barnes moved to approve Ordinance No. 2021-02-05 adopting amendments to Sections 17.7, 17.12 and 15.01 of the American Fork City Municipal Code which address transportation facilities. Council Member Taylor seconded the motion. Voting was as follows:

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

8. Review and action on an ordinance creating Section 15.01.1445 to the American Fork City Municipal Code, a new detail for street coordinate sign.

Mr. Sensanbaugher said that the ordinance created a new detail that didn't previously exist. The document informed developers and the City when installing street coordinate signs, what the detail should look like and what should be included. He said that staff had given direction and signs had been built properly. He didn't have concerns about what had been installed. However, after talking with a few developers, staff felt that it would be beneficial if the details were clarified in the code what had already been done.

Council Member Shelton asked if an additional detail needed to be included for a sidewalk, curb combo compared to a park strip. Mr. Sensanbaugher said that was a good question. He asked if he could look into the question and get back to the Council.

Council Member Barnes noticed that the ordinance stated the dimensions of the pole, 2'' x 2'' by 12'. He wanted to know if 12 feet was the total length of the pole, or if there was also an additional clarification that stated the height of the stop sign itself.

Mr. Sensanbaugher said that it was not specifically included in the ordinance, but that there was a national standard per the Manual of Uniform Traffic Control Devices (MUTCD). He said that it was his preference to say something in one place and one place only. Because of this, he thought the detail about sign height might be something they ought to just reference. He explained that the ordinance was meant to clarify what was not specified in the MUTCD that made sense locally.

Council Member Christiansen moved to adopt Ordinance No. 2021-02-06 approving Section 15.01.1445 relating to Street Coordinate Signs. Council Member Taylor seconded the motion. Voting was as follows:

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

9. Review and action on an ordinance amending Section 15.01.1420 of the American Fork City Municipal Code, a relating to fire hydrants.

Mr. Sensanbaugher explained that this item clarified a few items were there had been previous questions.

Council Member Shelton asked about following up on painting curbs red to indicate fire hydrants. He acknowledged that this could be a cost to the City, but he wondered if they could draft a policy that would allow a resident with an extra can of red paint to go out and paint a curb as a public service and for public safety.

Mr. Sensanbaugher said that his recommendation is against painting curbs red. He said that for the sake of consistency, they either needed to paint all the curbs red and require all developers to do so. This was something the staff had not been doing. If not, they should not paint any of them. He said that it was a maintenance item and if for some reason they missed painting one somewhere, they'd better have a good reason why they were being inconsistent.

Mr. Bunker said that in the past staff had sent the Council information about the annual cost for painting the curbs and to maintain them. He said that he appreciated residents who wanted to paint curbs. However, one resident might be willing to paint the curb, but they might move away and the next resident who moved in might not be willing. He said that red curbs could look pretty scraggly.

Council Member Shelton didn't think it needed to be all or none. He said that for the entire time he had lived in the City there were some curbs that were painted red and some were not. He didn't recall there ever being a litigation problem and felt that if someone wanted to address a parking problem or better signal a hydrant, he didn't see a problem with that. He talked about the value of red paint indicating no parking at the Beehive Ball Field and how the paint really helped with parking.

Mr. Sensanbaugher said that special parking situations that were not by hydrants were a different story. He was not opposed to using paint to delineate that. However, his concern was putting paint in front of hydrants. It was already clearly against the law and commonly known that you were not allowed to park in front of a hydrant. He was worried that if they started to be inconsistent it could cause them to get in trouble.

Mayor Frost clarified that in making the motion, they should decide if they were going to remove the exhibit regarding painting the curb.

Cherylyn Egner, Legal Counsel, said that if the Council wanted to adopt the ordinance and remove the red curb, that would need to be included in the motion.

Council Member Christiansen asked what would happen to the curbs that were already painted red. She asked if there was the possibility that there could be confusion there. Mr. Sensanbaugher said that there could be and that would be something to address over time. However, it didn't seem like a dire emergency to have resolved.

Mr. Sensanbaugher said that the only area he had opposition was painting curbs red in front of hydrants. He recognized that there might be many other reasons to paint a curb red throughout the city. Council Member Shelton recognized and cited an example of an overzealous citizen going out and painting a one-way street indicator with spray paint. He said that his preference was to have the developer paint it red and then have the resident responsible for the maintenance.

Council Member Barnes said that on State Street there was a business owner who felt he should have been able to paint the curb in front of his business red. He said that this raised questions about if a property owner had the right to control on-street parking. He also had a question about one of the diagrams in the packet where color had been added. He asked if the color was meant to represent a change or addition. He said that he knew about some of the fire hydrants that were installed on 700 North. The supplier sent down a fire hydrant that was not approved. He said that it did not look as though the approved suppliers had been changed.

Mr. Sensanbaugher said that Council Member Barnes was correct. He didn't have an answer as to why those areas were highlighted. He said that he felt that the Council had asked some pretty good questions. He asked if the Council would consider a request to table the ordinance to clarify some confusion.

Council Member Barnes moved to table action on the ordinance amending Section 15.01.1420 and have city staff bring back additional information. Council Member Shelton seconded the motion.

Council Member Shelton added one more example about overzealous citizens. He pointed to a home occupation business that put out no parking signs on a public street to try and save that parking for their business.

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

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

10. Review and action on a resolution supporting the North Utah County Equestrian Park.
Mayor Frost read the resolution.

Mayor Frost suggested that the Council drive by the area to fully appreciate it. He said that it was hard to recognize its importance without walking through the park. He said that it was pristine all the way around. He said that one might think of a park as just grass, but this park had an open space feel to it that made you feel similarly to being in the foothills of the canyon. He said that the park was a wildlife corridor and a beautiful place. He said that he had been concerned that there had been a little bit of fracture with the equestrian community as a result of a confusion that it was thought that for the Equestrian Park to remain open, commercial development was needed. He hoped that as the resolution was considered that the county would be open to talking with American Fork to negotiate on how to move forward. He also noted that the resolution did not have any pledging funds associated with it. The City did participate in an RFP and made a pledge of \$10. He felt that American Fork was at the table with the county. However, with the recent action regarding the park, he felt that it was important that American Fork take a stand on the issue.

Council Member Taylor said he had received many emails and calls that had been unanimous in their plea for the park to be preserved. He said that he loved what American Fork was doing and showed what was expressed by Mark Allen in the public comment: it led out. The resolution was nothing more than a show of support, but he felt that this was critical going forward.

Council Member Taylor moved to approve Resolution No. 2021-02-08R in support of the preservation and continued operation of the North Utah County Equestrian Park. Council Member Christiansen seconded the motion.

Council Member Carroll added her support to this. From the many emails she received, she got the impression that they thought American Fork owned, or partially owned, the park. She wanted to state that was not true and this was the action of the City to the County stating their formal support to keep the park open space. She said that she was completely behind that.

Council Member Shelton said that he felt a little behind on the subject. He had received a lot of emails and felt as though he didn't have a lot of information. For example, he did not know that an RFP had been done and submitted. He found that he had to search social media and staff to get information. He also reached out to elected officials to try and get a handle on some of the comments that were circulating. He said the fact that the city had submitted the RFP added to some of the confusion and he thought that if a proposal was going to be submitted that the Council should have been involved.

In response to the proposal to put a recreation center on the property, Council Member Shelton brought up the study that had been conducted that suggested that American Fork's fitness center be moved further north to get better use of the facility from other communities. When he talked with Highland City, they found that to be an interesting study and wanted to further engage in discussion. He appreciated Mark Allen's comments that it was a great idea to put in a recreation facility, but that it was in the wrong place. He said that he knew that Highland City was kind in talking with him about being more collaborative to see what the two cities could do to preserve the parks. He said that he loved that the furthermore of the resolution stated the need to continue those discussions. His only heartburn with the resolution was the line that said, "we give support for preservation and continued operation." He didn't know if the phrase, "continued operation" would suggest that American Fork's support would be financial.

Council Member Christiansen noted that she was raised in Ohio in a really beautiful area with trails and open space. She said that so many people said, "Oh, I'm sure that's changed by now." However, it was nice to go back and see that area had been preserved for generations. She said it took foresight to do this.

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

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

11. Review and action on an ordinance creating Chapter 5.44 of the American Fork City Code approving regulations for massage therapy practices.

Cherylyn Egner said that it came to staff's attention that, unlike other municipalities, American Fork did not have an ordinance in regard to massage parlors. Staff went through and created the ordinance that requires them to have a license and to be state licensed. For her, the most important parts of the ordinance were sections 5.44.030 and 5.44.040 that required these businesses to provide the license numbers for each employee, names of all employees (not just those giving massage) and report any changes in personnel.

Council Member Shelton clarified that a receptionist would have to provide their information. He said that he did not read that requirement as the ordinance currently was.

Ms. Egner asked if either Mr. Bunker or Terilyn Lurker, City Recorder, had the updated ordinance that could be displayed on the screen.

Council Member Shelton stated that in his line of work he had way too many professional licenses that he was required to submit to the county, state, and federal governments. He felt that he almost had to have a full time person to make sure that they were following every municipality. He couldn't write a thank you note to a client without having a third party review it. Because he came from a very heavily regulated industry, when he looked at the ordinance, he recognized what the City was trying to do, however, he questioned if those who were engaging in negative activity would actually change their behavior because every person's information was required to be submitted. He didn't know how well businesses would even think to make these personnel updates.

Ms. Egner said that she would defer to the police chief as to why this ordinance was important for the police department.

Chief Falslev brought up a human trafficking case that the police department recently had to respond to. He said that those engaged in human trafficking frequently hide those being trafficked as workers at a business. What other jurisdictions found was that by having people report who they say they are, the chances of them avoiding the culpability for their behavior was reduced. What also tends to happen is that girls were moved around from state to state, so that law enforcement cannot get a handle on who they are. Simply by requiring owners to come in and let the City know who is working did cause a significant deterrent to people engaging in trafficking activities.

Council Member Shelton just questions that if someone was engaged in human trafficking and already breaking the law, what would make them feel inclined to follow the policy. The other section he had a problem with was section 5.44.050(A) about alcohol use. He said that he understood that they wanted to make sure that people who were getting massages maintained their full mental capacity. However, he wondered if a massage therapist would be able to perform their services in someone's home. If they were, his concern was a scenario where the husband had a beer in the fridge. According to item A, the ordinance indicates that someone cannot store alcohol

on the premises. He said that his preference was to have the alcohol provision be tied to the services as opposed to where it was being stored.

Ms. Egner suggested that perhaps the word store just be removed from the ordinance. There was continued discussion around how the ordinance could be changed to make sure that the alcohol issue was clear and balanced allowing for special circumstances for home massage therapists who might have alcohol on the premises and ensure the ability to enforce alcohol consumption. The chief talked about the role of discretion.

Mayor Frost supported the discretion of a good officer to read a situation appropriately.

Council Member Carroll voiced that if there was language that could be added to clarify the alcohol issue, she would like it included. She said that she was of the mind that if there were good people who were running a business out of their home, they would want to be following the law.

Council Member Taylor agreed with changing the language of 5.44.050(A) so that it was a little more specific. However, he worries that sometimes adding more detail does not solve the problem, but creates a bigger loophole. He also noted a typo where American Fork was misspelled.

Cherylyn Egner suggested positioning the specifications around alcohol to remove the word “store” and include the phrase, “within business hours or with clients present.” She also offered some changes to the ordinance that could address Council Member Shelton’s concern about requiring all personnel’s names be reported. However, she encouraged the Council to consider Chief Falslev’s concerns and reasoning for why they were looking for that language.

Given recent incidents, and how frequently human trafficking showed up in the new, Council Member Taylor supported the tighter regulations. He felt that if someone was a legitimate massage business, they would be willing to report their personnel.

Ms. Egner explained that in addition to names, if a massage business had to provide a license or passport, that would allow officers to identify an undocumented individual when entering into the establishment.

Council Member Carroll said that something she understood from what Chief Falslev said was that if a business did not report the information, that could be cause to launch an investigation. She said that for her, if every employee was not required to be registered, it wouldn’t meet the intent of the ordinance.

Council Member Taylor moved to approve Ordinance No. 2021-02-07 of the city code establishing business license regulations for massage therapy practices and to include the new wording presented in 5.44.030 and also 5.44.050(A) with regards to alcohol to remove “store” as well as include “within business hours or with clients present”. Council Member Carroll seconded. Voting was as follows:

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

12. Consideration and action to enter into a closed session to discuss items described in Utah State Code 52-4-204 and 52-4-205.

Council Member Shelton moved to enter into a closed session at 8:40 p.m. to discuss items described in Utah State Code 52-4-204 and 52-4-205. Council Member Taylor seconded the motion. Voting was as follows:

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

Mayor Frost noted they would meet in a separate zoom meeting for the closed session and would return to this zoom meeting to end the regular session.

The City Council entered into a closed session to discuss the purchase or sale of real property at 8:48 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, and City Recorder Terilyn Lurker.

The purchase or sale of real property was discussed and audio recorded as required by law.

Council Member Taylor moved to return to the regular session at 9:50 p.m. Council Member Shelton seconded the motion. All were in favor.

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

13. Adjournment

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

The meeting adjourned at 9:54 p.m.



Terilyn Lurker, City Recorder