

AMERICAN FORK CITY COUNCIL
MAY 25, 2021
PUBLIC HEARING, REGULAR SESSION MINUTES

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Staci Carroll	Council Member
Ryan Hunter	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
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Scott Sensenbaugher	Public Works Director

Also present: John Woffinden, Joe Rich, Mark and Michele Carnasecca, Mr. Swaney, Steve Tobias, Spencer Stevens, and David Bell

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, May 25, 2021, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

PUBLIC HEARING

- A proposed vacation of a portion of a right-of-way located along 900 West from 350 South to approximately 620 South due to the reduction of right-of-way width requirements.

No comments.

- A proposed vacation of a portion of the public utility easement at 714 North 700 West Circle, Lot 14 of Mitchell Springs subdivision. The public utility easement along the rear yard line would be reduced by five feet.

Chad Carnasecca stated that he was asking to vacate the easement so his family can put in a pool. He explained that blue stakes had been out twice. The main power line was within a foot of the property line, and there was nothing else in that five-foot area. He noted that he had letters from all the utility companies stating their support for the project.

REGULAR SESSION

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

Those present recited the Pledge of Allegiance. Council Member Taylor offered an invocation and roll call was taken.

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

There were no public comments.

3. City Administrator's Report

David Bunker, City Administrator, reported that the City float was complete. The roundabout at Art Dye Park was now complete as well. On Sunday, June 27th, the City will close the Art Dye parking lot to do a resurfacing; therefore, the City will have to limit access to the park for one day.

4. Council Reports

Council Member Taylor had nothing to report.

Council Member Carroll said she was excited for the new float because it highlights the new logo and the City's location at the mouth of the canyon. She reminded the group of the Chamber's Memorial Day Golf Tournament that upcoming Friday at Fox Hollow. The City has a new director of Miss American Fork—Dorinda Ledkins—who has volunteered to be the Director. Council Member Carroll thanked the previous director for all of her many years of service. This year the pageant will be held on June 26th at American Fork Junior High. Steel Days is also coming up and will be planned at full capacity.

Council Member Barnes expressed that Steel Days was a great opportunity to celebrate the City. He also reported that he met with the Historic Preservation Committee last week, which is in the process of reviewing the ordinance that will be presented to the City Council in the near future. He appreciated the Planning Commission's commitment and expertise in preparing that ordinance. He thanked Council Member Taylor for the prayer, specifically regarding those that serve the country. He said that Memorial Day is close to his heart, and noted that there will be a program on the City's website on Monday. He thought it was important they teach future generations that freedom isn't free; it requires constant vigilance to maintain. He encouraged everyone to thank a veteran for their service.

Council Member Shelton stated that he was happy for the new float and to see the City's rebranding and marketing efforts moving forward.

Council Member Hunter mentioned that the City has started the process of reassembling the parks and Recreation Committee.

5. Mayor's Report

Mayor Frost thanked the citizens for their efforts to conserve water. Staff looked at the data and noted that residents saved 160 million gallons of water in two weeks. The surrounding cities also saved a large amount of water. He was challenging everyone to reduce their water usage by 20% this year. Mayor Frost also noted that he attended two ribbons cuttings today: SilverWolf Construction Support Services and Apollo Burger. He stated that he attended the American Fork Symphony last week. It was a great event and was a near capacity crowd.

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 April 27, 2021, City Council minutes.
2. Approval of the April 29, 2021, Special Session minutes.
3. Approval of the May 4, 2021, Work Session minutes.
4. Approval of the May 11, 2021, City Council minutes.
5. Ratification of City payments (May 5, 2021, to May 18, 2021) and approval of purchase requests over \$25,000.

There were several minor changes to the minutes.

Council Member Shelton moved to approve the common consent agenda as noted. 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, Hunter, Shelton, Taylor

ACTION ITEMS

1. Review and action on the appointment of the following individuals to the Planning Commission: Jenny Peay (term ending 2025) and Bruce Frandsen (term ending 2026)

Council Member Taylor moved to appoint Jenny Peay and Bruce Frandsen to the Planning Commission. Council Member Hunter seconded the motion.

Council Member Shelton clarified that Ms. Peay worked in Cedar Hills but lived in the community. Council Member Shelton stated that as they were looking at different committees, they talked about attendance requirement. He asked if an attendance policy had been added to the code yet. Mayor Frost stated that he did not think so. Council Member Shelton also asked about a policy for removing someone from the Commission if confidence was lost in their ability to perform their responsibilities. He said this process would be easier if a policy was already in place rather than trying to figure it out after the fact.

Council Member Carroll recalled that the PARC Tax Committee had those policies implemented. There was brief discussion on the matter.

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

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

2. Review and action on a resolution establishing the American Fork City Audit Committee.

Mayor Frost explained that having an Audit Committee in place was good practice, as it was something the State Auditor would like to see in place. Council Member Shelton agreed that it was a great component to the City. He had questions on the charter; he explained that the committee was appointed by the Mayor, but Council Member Shelton clarified that these appointments would be done by the advice and consent of the Council. He asked if language should be added to clarify this point. He noted two areas where this clarification was needed.

Council Member Carroll commented on Section 4a, which addresses powers and duties by stating that "...the committee should have such powers and duties as prescribed by the law." She asked if language could be added referencing the specific law or code to which they are referring in this section. Anna Montoya, Finance Officer, stated that this was in reference to State code in general, which they could add.

Council Member Shelton moved to adopt Resolution No. 2021-05-16R establishing the American Fork City Audit Committee and Audit Committee Charter establishing the structure and responsibilities of the committee, with the addition of "with the advice and consent of the City Council" to Section 1 and Section 2.C and "with or without cause" to Section 5. Council Member Barnes seconded the motion. Voting was as follows:

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

3. Review and action on the appointment of the following individuals to the American Fork City Audit Committee: David Anderson (term ending 2024), James Hansen (term ending 2024), Council Member Ryan Hunter (until replaced by Mayor).

Council Member Taylor moved to approve the appointments of David Anderson, James Hansen, and Council Member Hunter to the Audit Committee as recommended by Mayor Frost. Council Member Shelton seconded the motion.

Council Member Barnes questioned the date of term ending "2024". He said this was a long time period. He asked what specific date in that year, and suggested December 31st as that date.

Council Member Barnes asked if a Council Member can serve as the chairman or vice chairman. He further pointed out that if all of the terms end at the same time, there would be always be new people. He suggested staggering these expiration dates. Council Member Taylor agreed that staggering terms made sense. Mayor Frost suggested that James Hansen's term end in December 31, 2023.

Council Member Taylor amended his motion to include the terms ending December 31, 2023, and December 31, 2024. Council Member Carroll seconded the amended motion. Voting was as follows:

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

4. Review and action on the acceptance of an encroachment agreement on 700 West with Chad and Michele Carnesecca.

Council Member Taylor moved to authorize the City to approve the easement encroachment agreement for 714 North 700 West and authorize the Mayor to sign the document. Council Member Barnes seconded the motion. Mayor Frost called for a vote on the motion. Voting was as follows:

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

5. Review and action on an ordinance approving an amended overall concept plan for Lake City Row Planned Community Development Project, located in the area of 860 East 620 South in the PC-Planned Community zone.

Adam Olsen, Senior Planner, briefly gave a background. He explained that this was on the southern portion of the overall project area as listed as Phase 1 in the presentation. He explained that when the area was annexed and approved for the concept plan, this area was labeled as office commercial. The applicant would like to take out the office portion and rename it commercial. There will be a subsequent site plan that still needs review from the Planning Commission that shows a flex space office warehouse instead of a traditional office building. The first time it went to the Planning Commission, there was a question on shared parking. One of the key features when this concept plan was approved was there would be a sizeable area of shared parking. When office use cleared out, the residential use could take the spillover if needed. The Planning Commission tabled this item the first time around. The applicant then prepared additional information on shared parking. It went back to the Planning Commission where they discussed whether this should move forward. The Planning Commission recommended denial of this concept plan being changed; they didn't feel it would be conducive to a planned community mixed use project. It was not a unanimous vote; there was one who wanted the change. The applicant was here to speak to their proposal.

Buck Swaney with MDP Land said he appreciated the opportunity to present to the Council. He noted he did have some additional information that consolidated the plans. He appreciated the efforts of staff and the Planning Commission; the project was very complex and dealt with more than a normal subdivision. Mr. Swaney noted this was 95 percent of what the Planning Commission has seen; however, he had better context on several parts of the project. Mr. Swaney explained that his company picked up the cost of improvements, some of which will be refunded through impact fees. Therefore, they made an immense contribution to the development in that it will dramatically improve the movement of traffic. Mr. Swaney went over the simplified version of what they were asking for with the project. It started with a 10 percent reduction in the entitlement for the project, taking away 250 units right away. They were trying to package it in a way that everyone won. He explained that the reason why this type of project required less parking was because it produced less traffic. Between the reduction in units and a change in the land use, the place will be less intense residential and commercial use. They would adjust to allow office product with one- and two-story units.

Mr. Swaney explained that they would continue to produce adjacent parking which was more net parking than under the originally approved version of the plan. Mr. Swaney compared the parking

for the original approval and the amended plan. He explained that the residential units would decrease from 2,000 to 1,700. The number of stalls required was 2.25, so the original plan showed 4,559 stalls whereas new plan shows 3,841 stalls. The original plan was to have 912 stalls from shared parking; however, it was now 728. Originally, the best they could do was 600, but now they could produce approximately 650. Under the new arrangement the deficit reduces to 118.

Mr. Bunker questioned the 1.8 stalls per unit requirement. The deficit number of 912 was the ratio of the reduced units. He asked how the net deficit number was calculated, which Mr. Swaney subsequently explained. Mr. Bunker explained that according to the MOU, they should meet the requirement. Mr. Swaney stated that the residential units did produce more parking than the 1.8 parking stalls.

Council Member Barnes said this presentation indicated that "...in Phase 1, commercial area is adjusted to allow flex office product with 1 and 2 story components." However, the letter dated March 15, says "commercial area would be adjusted to 1-5 story commercial." He asked why there was a significant discrepancy. Mr. Swaney stated that it was possible on the next parcel over that they may have higher elevation; therefore, they wanted to have flexibility. Council Member Barnes stated this made sense, but the different numbers and scenarios were considerably different. Mr. Swaney explained that initially they were going to do a four- to five-story building, and that they were working with Woodbury on an architectural design. However, the COVID-19 pandemic changed the market considerably. The revised proposal reflected changes to match the evolved market.

Mayor Frost asked if this presentation was included in the City Council packet, to which a negative answer was given. Additionally, the Planning Commission had not seen this presentation, either. Mayor Frost stated that it was not fair for this much information to come before the City Council and staff without proper process taking place, first.

Council Member Hunter suggested that this item be tabled to allow for proper review.

Mr. Swaney acknowledged the Council's concerns and apologized for the discomfort of the situation. He stated that he was not trying a shell game; the market had rapidly changed and this was his chance to explain it in a simple way in which he wished he had for the Planning Commission. This was just supporting information so they understand his perspective and it was his first opportunity to present the information.

Mr. Swaney stated that the Planning Commission saw a couple of different versions and this was a slightly different version. They pushed over 100 stalls up north adjacent to the apartments. They were told from City staff to put the parking close to the apartments, which they will continue to do on future site plans. He showed a rendering of materials, walkability, and mixed use. He stated that all of Utah Valley Business Park is in walkable distance of the core of the project.

Council Member Carroll asked what the acreage was, to which Mr. Swaney said there were a total of six acres: three acres in Millennial development ownership and three acres in Woodbury ownership. The three acres in the Millennial development sit inside of the PC zone, and the three acres in the Woodbury development sit in PI industrial zone. The subject property was already straddling the use.

Council Member Shelton stated that he appreciated the architectural design showing that it matched surrounding areas. With the flex space, he looked at what was in demand at the time. He stated that they can hold off and wait five to 10 years until it can be developed, or they can look at what can be done now.

Council Member Taylor concurred; the esthetic of the building doesn't bother him at all. He tended to agree with the change.

Council Member Hunter clarified ownership of both sides of the property. The north is the two-story office product with what was already approved. The difference was that they would be connected. Council Member Hunter stated there was a discussion on truck traffic; he thought there was some protection in the design. He explained that this was intended to be a walkable community and a five-story building was not the intent. Therefore, he thought it warranted a reconsideration.

Council Member Carroll asked that since this was a concept plan, how would they have any assurance that the City would get what was presented to the Council. Mr. Swaney stated that he didn't know legally how it would stick, but morally they would be sticking with the plan presented.

Mayor Frost stated that regarding truck traffic, he wanted to know if there was a backside of the building with truck bays. If so, he asked if that would be a safety hazard. Mr. Swaney didn't think it would be a safety hazard; the Richie group was willing to make it not an automobile entry. Mr. Swaney further stated that as far as truck conflict, the bays would be sheltered and protected from residential.

Cherylyn Egner, Legal Counsel, briefly reviewed the approval process.

Council Member Shelton asked if a development agreement was binding. Ms. Egner stated that it was bound to the land and that there would be language stating a deadline for project completion. It was noted that a site plan would still need to come forward and undergo Planning Commission and City Council review.

Council Member Barnes stated that while he liked the look of the building, he was still confused with the parking. He was concerned with the trucks traveling on the road. He was unhappy with the process that had taken place and felt that the proposal required additional Planning Commission review.

There was continued discussion on an appropriate motion to make.

Council Member Shelton moved to adopt Ordinance No. 2021-05-23 approving the master plan as presented with the contingency that it not go into effect until development agreement has been executed by the developer and the City. Council Member Taylor seconded the motion.

Council Member Barnes felt this item needed to go back to Planning Commission.

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

RESULT:	APPROVED [4 TO 1]
MOVER:	Rob Shelton, Council Member
SECONDER:	Clark Taylor, Council Member
AYES:	Staci Carroll, Ryan Hunter, Rob Shelton, Clark Taylor
NAYS:	Kevin Barnes

6. Review and action on an ordinance approving the partial Right-of-Way Vacation for 900 West from approximately 350 South to 620 South related to the Lakeshore Landing Subdivision Plats A-J.

Mr. Sensanbaugher stated that this item was in reference to vacating parts of the right-of-way. When this land was first annexed, some of the cross section was different than the final one that was approved. Staff recommended approval.

Council Member Taylor moved to adopt Ordinance No. 2021-05-24 approving the partial Right-of-Way Vacation for 900 West related to the Lakeshore Landing Subdivision Plats A-J and to authorize the City to sign all necessary documents. Council Member Shelton seconded the motion. Voting was as follows:

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

7. 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 ordinance approving the final plat of the Calvary Condominium Conversion Project, located at 338 East State Road in the GC-1 General Commercial zone.

Steve Tobias stated that he was representing Calvary Mountain View Church. He explained that they would be creating a condominium unit that is under contract to be purchased by a hair salon. The balance of the building would have the restaurant, pregnancy resources, and the rest of the church. The benefit was they were creating an ownership scenario to allow the salon to have ownership rather than to be a tenant. The sales proceeds would be used to upgrade the church and do some additional community service. The Planning Commission recommended approval.

Council Member Shelton stated that this was a great example of how things change over time. He said he liked to see the store front.

Council Member Shelton moved to adopt Ordinance No. 2021-05-25 approving the final plat of the Calvary Condominium Conversion Project, located at 338 East State Road in the GC-1 General Commercial 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 May 5, 2021 planning commission meeting. 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, Hunter, Shelton, Taylor

8. Review and action on the American Fork Art Dye Trail Federal Aid Agreement for Local Agency Project

Mr. Sensanbaugher explained that this was funding agreement thru MAG for the trail project. This is one of several projects that public works has been working on for quite some time.

Council Member Shelton asked if the location of the trail has been defined at this point, to which Mr. Sensanbaugher said no. Council Member Shelton discussed the importance of trail connectivity.

Council Member Barnes said it was great that the funds had been obtained.

Council Member Taylor moved to approve the American Fork Art Dye Trail Federal Aid Agreement for Local Agency Project as presented and authorize the City to execute the associated agreement. Council Member Hunter seconded the motion. Voting was as follows:

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

9. Review and action of a Pioneering Agreement with Bishop Holding LLC for system improvements along 1500 South.

Council Member Shelton moved to approve the pioneering agreement with Bishop Holding LLC for system improvements along 1500 South. Council Member Barnes seconded the motion. Voting was as follows:

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

10. Review and action on a resolution adopting fireworks restrictions for American Fork City.

Aaron Brems, Fire Chief, stated that language was adjusted based off of discussion from last year; everything else was the same.

Council Member Taylor moved to approve Resolution No. 2021-05-17R adopting fireworks restrictions for American Fork City. Council Member Shelton seconded the motion. Voting was as follows:

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

11. Review and action on a resolution approving the interlocal cooperative agreement with Mountainland Association of Governments (MAG) for funding the 700 N Connection Project.

Mr. Sensenbaugher presented the staff report and explained that this was the connection for 700 North.

Council Member Shelton asked if there was a date on when the money expired, to which it was noted that it expired in three years. Council Member Shelton was concerned about the escalation of cost as well as the time frame. He asked if the right-of-way acquisition was moving forward. Ms. Egner stated that they have been working with the property owner on property acquisition. An agreement would be presented to the Council sometime in the next couple of months.

Council Member Taylor moved to adopt Resolution No. 2021-05-18R approving the interlocal cooperative agreement with MAG for funding the 700 North Connection project as presented and authorize the City to sign the attached agreement. Council Member Hunter seconded the motion. Voting was as follows:

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

12. Review and action on an agreement for engineering services with CRS Consulting Engineers for the design of the 700 N Connection Project.

The staff report was presented and it was noted that CRS came out on top for the project.

Council Member Taylor moved to approve the selection of CRS Engineers for the design of 700 North Connection project as presented and authorize the City to sign the attached agreement. Council Member Shelton seconded the motion. Voting was as follows:

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

13. Review and action on selection of CRS Engineers to design the 300 W Pacific Drive Intersection Project

Mr. Sensenbaugher stated that CRS Engineers presented the winning bid. In the master plan, it was anticipated that a signal would be at this location and 400 West. In looking at the traffic patterns, 300 West was a major street that flowed south under the freeway. Engineering believes that it is best to put this signal in first.

Council Member Shelton asked if they will be widening the road to add turn lanes. Mr. Sensanbaugher explained that this was the design stage; staff would be looking at widening because it was narrow in some places.

Council Member Barnes noted that CRS had a person on staff that had dealt with the railroad, and that was encouraging to him.

Council Member Shelton moved to approve the selection of CRS Engineers for the design of the 300 West Pacific Drive intersection design project as presented and authorize the City to sign the attached agreement. Council Member Barnes seconded the motion. Voting was as follows:

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

14. Review and action on selection of Civil Science Engineers to design the 1100 S 500 E Intersection Project.

Mr. Sensanbaugher noted that this project was needed to help with widening the road and putting in a signal. It has become a very busy intersection.

Council Member Shelton moved to approve the selection of Civil Science Engineers for the design of the 1100 South 500 East intersection design project as presented and authorize the City to sign the attached 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, Hunter, Shelton, Taylor

15. Review and action on an agreement with Neal Allred, et. al regarding real property along transportations corridor.

Council Member Shelton mentioned that this item made reference to a map which was not available for review. He noted that Tyree Lamph and his wife were signing this agreement, and he asked if this included their property or was it for a different entity. Ms. Egner explained that this was for the property that the Lamphs were the trustees of, not their personal property. Further, it was only impacting the property that was removed from the agricultural protection area. This agreement was with all of the property owners who were impacted by that Council decision. As for the map, it was just referring to the north side of 200 South.

Council Member Shelton moved to approve the agreement with Neal Allred, et al. regarding real property along transportations corridor. Council Member Hunter Council Member Hunter seconded the motion. Voting was as follows:

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

16. Adjournment.

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

The meeting adjourned at 9:04 p.m.



Terilyn Lurker, City Recorder