

AMERICAN FORK CITY COUNCIL
OCTOBER 24, 2023
PUBLIC HEARING, REGULAR SESSION AGENDA

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Rob Shelton	Council Member
Clark Taylor	Council Member (<i>electronically</i>)

Members Absent:

Staci Carroll	Council Member
Ryan Hunter	Council Member

Staff Present:

David Bunker	City Administrator
Camden Bird	Assistant City Administrator
Stephanie Finau	Deputy Recorder
Patrick O'Brien	Development Services Director
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Cameron Paul	Police Chief

Also present: Ernie John, Neil Armitstead, Shari Lyon, Laurel Shelley, Dakota Beveridge, Brian Thompson, Nate Mecham, Char Jensen, Carol Bell, Tom Linke, Summerisa Stevens, David Bell, Spencer Stevens, Jeff Sermon, Sam Beeson, Sarah Beeson, Dale Gunther, and Roseann Gunther, Krisel Travis, Jared Osmond, and Roy Barti.

The American Fork City Council met in public hearing in conjunction with the regular session on Tuesday, October 24, 2023, in the American Fork City Hall, 31 North Church Street, commencing at 7:05 p.m.

PUBLIC HEARING

- Receiving public comment on the declaration of vehicles to be surplus and disposed of.
No comments were made.
- Receiving public comment on the Americans with Disabilities Act transition plan.
No comments were made.

REGULAR SESSION

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

Mayor Frost welcomed everyone to the meeting. Those present recited the Pledge of Allegiance and the invocation was offered by Council Member Barnes. Roll call was taken.

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

Shari Lyon. Ms. Lyon noted she is active in the arts in the state and is a state ambassador for Portrait Society of Americans. She commented that there is a huge art community in Utah Valley and encouraged the Council for their continued support towards the arts, not only for the artists but in support for the Harrington Center. She stated that it would be an amazing gift to the community and that it would be well used.

Neil Armitstead. Mr. Armitstead stated he has been working with the city and the developer on the Beck Hillside Estates subdivision at 755 North 200 East for three years, and it has gotten contentious. He noted that on November 22, 2022, the City Council approved the project that showed they had approval to put the laterals into that vacant lot so there wouldn't be construction to have to rip up a brand-new road in a year or two. He continued to state that they were willing to pay for the laterals now at their cost and he thought that they had agreed on this according to the packet from the City Council meeting, however, when they were installing the sewer and water in the project, the excavator informed him it was not in the plans. He stated that they had a conversation about it and the excavator marked the plan to install the laterals and when Mr. Armitstead came back the next day, his property was bypassed. He commented that he had been working with Ben Hunter (city engineer) and gave a copy of the email communications between him and Mr. Hunter to the Council, reading what was included in that email. He stated that he had put down half of the cost and the utility lines were put in but then the developer made them rip it out. He asked the Council and staff for help and asked what the status of his project was.

Mayor Frost asked for Mr. Bunker to get together prior to the asphalt getting installed.

Laurel Shelley. Ms. Shelley commended Public Works for the work they do, noting they have been working in her yard on water issues and have been incredible. She commented on the Harrington Center of the Arts and wanted to see them finish up their project, adding they have been good stewards and have provided some great opportunities in the community in the Arts areas. She stated that the center will provide space for small groups to do dance recitals, piano recitals, and senior music recitals. It would be a perfect for rehearsal space and will enhance downtown and promote the growths of the Arts in Utah in American Fork.

Brian Thompson. Mr. Thompson commented that he is proud that in American Fork there is balance with Recreation and Arts. He stated that the only challenge is that there is a

lack of a world class performance facility akin to match the Recreation side with Art Dye. He spoke highly of Spencer and Summerisa Stevens and commented they've proven good stewardship and have become more self-reliant, coming up with creative avenues to express the Arts. He pleaded with the council to approve the plan for the construction of the first phase for the Harrington Center for the Performing Arts that would lead to a world class facility so groups can stay in the city.

Nate Mecham. Mr. Mecham noted he previously served on the PARC Committee for six years and commented that he supports the Harrington projects for many reasons. One being the historical nature of the structure. He shared how his grandmother was the lead lunch lady in that building and how his father attended the school and in later years his father's office was in the basement. He added that he has seen the proposal and thinks that it would be an exceptional addition to the city for the downtown area to inject some life and a new outlook to the downtown facilities. He encouraged the mayor, council, and staff to find reasons to give this project life instead of reasons not to do it.

Charlotte Jensen. Ms. Jensen commented that she has been a resident since 1998 and has been very involved in the schools. She is a huge proponent of preserving the historical downtown of American Fork. She added that she appreciates the efforts Harrington has put forth in their vision of what our downtown can be. She stated that it should be a place that edifies us, builds us up, and helps us to be better. Harrington Center of the Arts had done this in spades with Fork Fest, Chalk It Up, and Concerts in the Park. She mentioned what a huge boon it is that the city has an organization willing to support our local history and our local artists. Most aspiring artists must fend for themselves, and Harrington provides support, mentorship, and a leg up when needed.

Krisel Travis. Ms. Travis commented that she's asking for help from the Council in getting attention to staff so that they can get a building permit. She works for Dr. Horton, and they have applied for the building permits back in July for the second phase of Edgewater communities with buildings that are the same as what was built prior. She stated that there are delays on both sides of the table, but they cannot wait anymore as it is almost November. Ms. Travis stated that she took her issue to the League of Cities & Towns and was told that they could not do anything about it. She was at this meeting to ask the city to help them in their development so they could receive the permits and approvals they need so they can move forward.

Dale Gunther. Mr. Gunther also commented on the Harrington Center of the Arts. He feels that the Harrington plan will benefit both the Arts and the downtown revitalization through the people who will use the Harrington. This will increase the quality-of-life issues, improve the landscape, and bring thanksgiving from the local participation of our citizens. Mr. Gunther urged the Council to approve the project and thanked them for their service.

Jared Osmond. Mr. Osmond, a land developer, stated he likes the Harrington project. He explained that a few years ago he had the opportunity to buy the Harrington building but backed out due to what the plans were for the building. He stated that he would love to meet with the Council and talk about a redevelopment of the area and how he has a few ideas he'd like to share with them in private. He stated he'd like to see this project happen with the Harrington and thinks it will create economic strength in the area so that it can become an anchor for anything that he would do with retail or office. He added that he would add his financials to the project to help develop it and that he really believes in it.

Jeff Sermon. Mr. Sermon commented on how he knew Carl Bell and the vision he had for the Arts. He stated that he chose to serve on the board and has been amazed at the power and the energy of a group of people who have a dream. He brought up that in some communities they have bonded for projects like the Harrington and used taxpayers' money to do it, and the Harrington has the credit to find a way that doesn't require the city to be involved financially and not use taxpayers' money. He commented that if there were so many people in downtown in American Fork one evening that parking was a premium it would mean that people had an actual destination point and they were here for the culture, restaurants, coffee bars and other things. He felt that together they could work through all the problems that remain, commenting that the Planning Commission is on board and urged the Council to support it.

Sarah Beeson. Ms. Beeson offered a different lens for support of the Harrington Center. She stated that she is a member of the school board and has evidence that shows what Arts does in communities with children and how they are better students and why they're better students they typically come back and bless the community and the crime rate is low. She added that they have 18,000 of secondary students sign up for Fine Arts class and that shows how important Fine Arts is in the area and that leads to a high graduation rate and how 6 out of the 10 marching bands in the district go to state competitions and take state. She commented on showing more support for the Harrington Center for the Arts to continue the traditions of not just education but to provide opportunities for the children in the communities and their future.

Sam Beeson. Mr. Beeson mentioned that one of their visions at the high school is to prepare students for college careers and community. Mr. Beeson is an Art and Language Art teacher at the high school. He commented on the city library that is a community art center for languages, but the city does not have a performing area. He added that he trains them at school and there's nothing other than venues for them to perform but that there is Harrington that wants to run a place and invest in a place for performance.

Dale Gunther. Mr. Gunther commented that the Bell Family has taken on the responsibility for the Arts Center and commended them for the Harrington School and asked the mayor and council to help facilitate the project.

Nate Mecham. Mr. Mecham asked the Mayor and Council when the last time was any group came to downtown American Fork with this type of vision with bringing money from their house, and when will be the next time the city will have this opportunity if this is passed on.

3. City Administrator's Report

Mr. Bunker commented on the new Fire Station 52 ribbon cutting on Thursday at 3:00 pm. He expressed appreciation to the residents who voted for the Bond for this station. He also expressed gratitude to Chief Brems for doing a great job on making sure this happened along with the contractor SIRQ Construction and architecture Blalock & Partners. He extended an invitation for all to join the ribbon cutting. He also mentioned the open house would be that evening at 6:00 pm and invited all of Cedar Hills to come.

4. Council Reports

Council Member Shelton thanked the residents that commented on today in the public comment period. He expressed gratitude to certain members of the community and is excited about the new Fire Station 52 being built. He discussed the process and meetings it took to make this Fire Station happen and felt optimistic and hopeful that the Council can do the same for Harrington.

Council Member Barnes commented on the history he has with the Gunther family from the loss of his son Nathan, in the military, to a service project that Mrs. Gunther headed in the name of his son by collecting soccer balls and footballs for the children in Iraq where Nathan served. He expressed gratitude for all Gunther's do for the community and the arts program. He also reported the Veterans Day program will be held on Friday, November 10, at the tabernacle. The speaker is a veteran who was wounded in the Vietnam war and a local choral group will be performing that day. He also stated that they will honor Jim Chipman, who is from American Fork and whose remains have been found and returned to the family in American Fork. He invited and encouraged all to attend the event.

Council Member Taylor appreciated the comments that were made during the public comment period. He reported that it is refreshing to see citizens who spoke tonight and the impact they have in the community. He discussed his time working on the PARC committee and an experience he had with Carl Bell. He commented on the tumultuous years in the late 90s and how the Bell family has been strong through that. He reported that the Council and mayor are behind in making this happen for Harrington and meeting the needs of the city. Council Member Taylor reported on the first annual Fox Hollow Golf City Cup tournament with multiple teams from Pleasant Grove, Lehi, and American Fork. He stated that Lehi took the cup, but American Fork will take it next year. He reported on the support for Fox Hollow Golf course from the community in terms of participation and everything that is going on there. Council Member Taylor referred to

Council Member Barnes and the loss of his son, Nathan, which makes him appreciate all that he has been given and expressed gratitude towards Council Member Barnes for his enthusiasm over the Veterans Day program and the Memorial Day program.

5. Mayor's Report

Mayor Frost expressed appreciation to those who spoke in the public comments to express how they feel what is best for the city. He stated that he agreed with everything that was said earlier and the support that was given for the Harrington Center. He mentioned that through this process they have tried to be transparent, and it shows in the documentation and would like to see this happen.

Mayor Frost reported the police and fire personnel escorted a soldier returning from his service in Iraq, and noted the soldier's street was lined with flags and ribbons to welcome him home. He also reported that following the Veterans Day program, at 1:00 pm at the American Fork Cemetery a historic event will take place. The remains of John Chipman, who has been missing in action for 50 years, will receive a hero's welcome for a graveside service conducted by the US Military. He expressed how blessed he feels to be part of this event and to have it happen in the city.

Mr. Bunker reported that "Halloween on Main" will be held the 31st from 4:00 pm to 6:00 pm. Main Street will be packed with many kids going up and down the street getting candy. He invited the community to come out and participate and commended the businesses for coming out to support this event and give out candy.

Mayor Frost commented that tomorrow night the Utah Jazz plays the Sacramento Kings and wanted everyone to take special note that the Jazz has signed a deal with an American Fork based company "LVT" and their logo will be on the uniforms for the next 3 years and felt proud to share that with the staff, council, and residents.

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 October 10, 2023, city council minutes.
2. Approval of a beer/alcoholic beverage license for the LaSabre located at 44 North Merchant Street.
3. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$47,372.65 and issue a Notice of Acceptance for the Kaleb Thompson Dental Office construction of public improvements located at 332 South 500 East.
4. Ratification of city payments (October 4, 2023, to October 17, 2023) and approval of purchase requests over \$50,000.

Council Member Shelton moved to approve the common consent agenda. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Kevin Barnes, Council Member
YES:	Taylor, Barnes, Shelton
ABSENT:	Staci Carroll, Ryan Hunter

ACTION ITEMS

1. Review and action on a memorandum of understanding with Spectrum Investments LLC regarding banking of water shares in the amount of 40.6-acre feet.

Council Member Shelton moved to approve the memorandum of understanding with Spectrum Investments and authorize the mayor to sign the documents. Council Member Taylor seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Clark Taylor, Council Member
YES:	Shelton, Taylor, Barnes
ABSENT:	Staci Carroll, Ryan Hunter

2. Review and action on a resolution approving a Land Use Map Amendment, known as 96 South Center Street, located at 96 South Center Street. On approximately 0.18 acres, the property proposes to change from the Residential High-Density designation to the General Commercial land use designation.

Council Member Shelton moved to adopt Resolution No. 2023-10-38R adopting the Land Use Map amendment located at 96 South Center Street from residential high-density designation to the General Commercial Land Use designation subject to all conditions identified in the public record of the October 4, 2023, planning commission meeting. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Clark Taylor, Council Member
YES:	Barnes, Shelton, Taylor
ABSENT:	Staci Carroll, Ryan Hunter

3. Review and action on an ordinance approving a Zone Change, known as 96 South Center Street, located at 96 South Center Street. On approximately 0.18 acres, the property proposes to change from the R4-7500 Residential Zone to the CC-1 Central Commercial Zone.

Council Member Shelton commented that as a council they had looked at the CC-1 Zone and redid the boundaries and stated that he is in favor of having roadways be dividers. He

expressed appreciation that this is coming through but questioned the sliver of R4-7500 left. He asked and pleaded with the Council at looking to redo the whole General Plan including the Land Map and that the zones have good boundaries that the city can give the people a good reason for zone changes or no zone changes that is so close to residential.

Council Member Shelton moved to adopt Ordinance No. 2023-10-42 approving the zone change located at 96 South Center Street from the R4-7500 Residential Zone to the CC-1 Commercial zone with instruction to the City Recorder to withhold the publication of the ordinance subject to all conditions identified in the public record of October 4, 2023, 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
YES:	Barnes, Taylor, Shelton
ABSENT:	Staci Carroll, Ryan Hunter

4. Review and action on subdivisions, commercial projects, condominiums, and PUD's including 1) plat approval; 2) method of satisfaction of water rights requirements; 3) posting of an improvement bond or setting of a time frame for improvement installation; and 4) authorization to sign the final plat and acceptance of all dedications to the public and to have the plat recorded.
 - a. Review and action on an application for a Final Plat, known as The Flats at Lakeshore Landing Block 2 – Plat D, located at approximately 363 S 890 W. The Final Plat will be approximately 2.42 acres and will be in the Transit Oriented Development (TOD) Zone.

Mr. O'Brien stated that there are no issues with the 93 units. The applicants are proposing a 4-story building that does meet the requirements of 140 parking stalls. He recommended approval of this one item.

Council Member Barnes moved to approve the Flats at Lakeshore Landing Block 2-Plat D final plat located at 363 South 890 West subject to all conditions identified in the public record of the October 4, 2023, Planning Commission meeting. Council Member Shelton seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Barnes, Council Member
SECONDER:	Rob Shelton, Council Member
YES:	Shelton, Taylor, Barnes
ABSENT:	Staci Carroll, Ryan Hunter

- b. Review and action on an application for a Final Plat, known as The Flats at Lakeshore Landing Block 4 – Plat H, located at approximately 495 S 890 W. The Final Plat will be for approximately 1.87 acres and will be in the Transit Oriented Development (TOD) Zone.

Mr. O'Brien proposed that the applicant is proposing 111 units with a requirement of 167 parking stalls provided, where 7 of the stalls are being provided through the HOA agreement. The code allows for 4-story buildings with a provision that with the Council's approval, the applicant can go 5-stories. This proposal is for a 5-story building. Mr. O'Brien stated that generally it is outlined at the very beginning when it comes through the district framework plan level but there's nothing in the code that says they can't request that at a later point. He added that there are some concerns with some of the community which we've heard before about height in that area. Mr. O'Brien referred to a section of the TOD code that gives the opportunity to the Council to approve the building 1-story higher where there are two different lot types on a proposal. He commented that there are two lots on the plat in which they would generally go with the lower two lot types in terms of height, and which is why it would allow for staff to recommend the 4-stories. He added that the code does allow the council to approve it with the higher of the two which would allow for the 5-story building. The applicant and Engineer were present and could brief the council on their plan.

Responding to Council Member Barnes's question, Mr. Berg explained the additional story would add 11 feet. Mr. Berg stated that this plat was approved a couple years ago, which was half 5 story, half 4 story, and some outdoor amenities on the top of the 4-story structure. It has since been sold and the new group want to make the project nicer, and they are proposing the amenities to be on the first floor. They are not proposing any additional units, with the 5-story building offering a lobby, lounge, 1,300 sq. ft. game room, 1,300 sq. ft. gym with an additional cycle room, locker room, guest restrooms, dog wash, and a meeting room. With the additional half of the building going to 5-stories, which was approximately 9,000 square feet, almost 2/3 of that was amenities on the first floor. They were requesting this plat be classified as Lot Type 7 for the allowed story.

Mr. O'Brien requested the Council add a note be added to the plat or a condition be made for the height of the building; this would be for clarification purposes and to make sure it was clear for everyone.

Council Member Shelton expressed his concern that down the road, someone would convert some of those amenities to residential units. He was not concerned about the height of the building, but making sure they keep the same density.

Roy Barti, the owner's representative for the developer, addressed Council Member Shelton's concern on the addition of units. He stated that would be a change of use and occupancy, so they would have to go through the process to monetize those spaces. The

amenities are for the residents and is there to attract rentals. He noted they are not looking for any additional units, but this would allow them to create more two-bedroom units.

Council Member Shelton motioned to approve the Flat at Lakeshore Landing Block-4 Plant H final plat located at 495 South 890 West subject to all conditions identified in the public record of October 4, 2023, Planning Commission meeting and to add a condition that on the plat it be added that it reflects a note that the building is approved as a 5-story building. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Kevin Barnes, Council Member
YES:	Barnes, Shelton, Taylor
ABSENT:	Staci Carroll, Ryan Hunter

5. Review and action on a resolution approving the declaration of vehicles to be surplus and disposed of.

Council Member Shelton moved to adopt Resolution No. 2023-10-39R approving the declaration of vehicles to be surplus and disposed of. Council Member Taylor seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Clark Taylor, Council Member
YES:	Shelton, Taylor, Barnes
ABSENT:	Staci Carroll, Ryan Hunter

6. Adjournment.

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

Meeting ended at 8:19 pm



Stephanie Finau
Deputy Recorder