



AMERICAN FORK CITY COUNCIL
NOVEMBER 11, 2025
CITY COUNCIL MINUTES

Members Present:

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| Bradley J. Frost | Mayor |
| Staci Carroll | Council Member |
| Ryan Hunter | Council Member |
| Tim Holley | Council Member |
| Ernie John | Council Member |
| Clark Taylor | Council Member |

Staff Present:

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| David Bunker | City Administrator |
| Christina Tuiaki | Executive Assistant |
| Anna Montoya | Finance Officer |
| Stephanie Finau | Deputy Recorder |
| Patrick O'Brien | Development Services Director |
| Sam Kelly | PW Director |
| Heather Schriever | Legal Counsel |
| George Schade | IT Director |
| Aaron Brems | Fire Chief |
| Cameron Paul | Police Chief |

Also present: Stewart Harman (Bach Homes Counsel), Christine Anderson (Planning Commission Chair) Joseph & Donnella Bushman, Dale Hill

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, November 11, 2025, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

PUBLIC HEARING

- Receiving public comments on amendments to the fiscal year ending June 30, 2026, city budgets.
No public comments were received.
The public hearing was closed.

REGULAR SESSION

1. Pledge of Allegiance; Invocation by Council Member Hunter; roll call.
Mayor Frost welcomed everyone to the meeting. Those in attendance recited the Pledge of Allegiance and the invocation was offered by Council Member Hunter. Roll call was taken.
2. Presentation of the Gene Moser Award to Christine Andersen.
Mayor Frost stated that planning a city over time requires significant effort, collaboration, and public input. He noted that even the smallest land use decisions can have lasting

impacts on the community for generations. He emphasized the important role of the Planning Commission in reviewing proposals, gathering public feedback, and making recommendations to the City Council. He expressed appreciation for the Commission's diligence and commitment, noting that the City Council greatly relies upon and trusts their work.

Mayor Frost recognized Christine Anderson, Chair of the Planning Commission, for her leadership and service. He explained that Ms. Anderson recently received the Gene Moser Award from the Utah Chapter of the American Planning Association. Although she received the award last month, the city wanted to publicly acknowledge her achievement.

Mayor Frost described the Gene Moser Award as being presented to a person who is neither a professional planner nor an elected official, but who has made a significant contribution to excellence in planning. Nominees may include planning commissioners, members of development boards, appointed officials, or interested citizens residing within the State of Utah.

Mayor Frost read a letter that was written by Mr. O'Brien that got her recognition for this award.

Christine Anderson has demonstrated exceptional dedication and leadership in the field of community planning as the long-serving chair of the American Forward Planning Commission. Her service on the commission spans many years, during which she has provided thoughtful guidance, fostered constructive public engagement, and championed smart, sustainable growth for the community.

In addition to her local leadership, Christine has contributed to the broader planning profession as the APA Utah Citizen Planner Liaison, advocating for the vital role citizen planners play in shaping the future of Utah cities. Her ability to balance vision with practicality while maintaining an unwavering commitment to public goods embodies the spirit of the Gene Moser Award. Christine's deep knowledge, collaboration, collaborative spirit and passion for community makes her a truly deserving nominee.

Mayor Frost invited Ms. Anderson to come forward to be recognized.

Ms. Anderson expressed her appreciation for being involved in planning, describing it as a meaningful and special endeavor. She shared that she teaches part-time at the high school and often reflects on how the committee's work benefits not only her students but also their families and the broader community by enhancing quality of life and promoting equity. She noted that planning requires patience and belief, as many of the outcomes take time to materialize, but emphasized the importance and long-term value of the work. Ms. Anderson concluded by stating that she is proud to be part of the group and thankful for the opportunity to contribute.

3. Twenty-minute public comment period - limited to two minutes per person.
No comments were made
4. City Administrator's Report

Mr. Bunker congratulated Ms. Anderson on receiving her award, noting that she is very deserving of the recognition. He shared his appreciation for her work with the Planning Commission, commenting that she effectively keeps the group focused, ensures key issues are addressed, and helps members make informed and thoughtful decisions.

Mr. Bunker expressed gratitude to the Cemetery Committee for organizing the Veterans Program. They highlighted the spirit of thankfulness for both past and present veterans and acknowledged Council Member Holley for his service, noting his presence in his Marine Corps uniform. Appreciation was also extended to Brigadier General Franson for leading the ceremony, including a moment when fifth graders were invited to participate, which added a fun element to the program.

Mr. Bunker announced that a tree lighting ceremony is scheduled for Tuesday, November 25th, at 6:00 p.m. at Robinson Park, noting that a special guest, including the mayor's favorite—Old St. Nick—will be present. The public is invited to attend and witness the lights being turned on.

5. Council Reports

Council Member Hunter reflected on his prior service on the Planning Commission with Ms. Anderson before joining the council, noting that the experience was rewarding. He congratulated her for her years of service. He emphasized the significance of Veterans Day, acknowledging the personal impact it has on individuals and families. He shared that he recently visited his son, who is serving in the Air Force in San Angelo, Texas, and reflected on the challenges faced by military families, including time apart and uncertainty for children when a parent is deployed overseas. Council Member Hunter expressed heartfelt gratitude to all residents of the city who have served or are currently serving in the military. He commended the city for its well-executed Memorial Day and Veterans Day programs and expressed pride in being part of these observances.

Council Member Holley reported the Cemetery Committee recently voted to maintain the cemetery wall as it is, limiting it to those buried in the cemetery. The committee intends to present their discussions and findings to the city council in the future. He expressed appreciation to the Cemetery Committee, and all involved in coordinating the annual Veterans Program, acknowledging the extensive planning and effort required to organize speakers and the event.

Council Member Holley reflected on the importance of honoring veterans, highlighting the recognition and respect shown in the community, particularly for Vietnam veterans who were previously overlooked. He shared observations from reviewing the names of service members, noting the sacrifice from World War I, Reno Wagstaff and Jackie Wagstaff, a World War II service member who was killed in action just one week before V Day, as an example of the dedication of local veterans. He expressed pride in being part of a community that honors its veterans and in his own service in the Marine Corps.

Council Member John stated that he wasn't going to say anything about Veteran's Day ceremony except kudos. He commented that pretty much everything had been said and thanked Council Member Holley for his service and expressed his gratitude to him. He then provided several updates, including an upcoming public hearing on November 17th at

Northland Best Service District at 6:00 p.m. regarding a budget modification that will not impact the city.

Council Member John explained a change to the mattress recycling program at the transfer station. Previously, residents could dispose of their first mattress for free, but due to rising costs the policy will change so that all mattresses are recycled at cost. They noted that over 10,000 mattresses are processed annually and described the recycling process, which involves manually dismantling and cleaning mattresses, with metal components crushed for recycling. He emphasized that this program helps reduce landfill costs and is a valuable service to the community.

Council Member Carroll expressed appreciation that the recognition of Ms. Anderson was presented in this setting. She noted several qualities she values in Ms. Anderson's service and leadership, including her commitment to ongoing professional development through APA trainings and her efforts to remain current on planning knowledge. Council Member Carroll commended Ms. Anderson for her ability to lead challenging or unruly meetings, whether involving differing perspectives from Planning Commission members or public commenters. She further acknowledged Ms. Anderson's understanding of the impact planning decisions have both on the community as a whole and on individuals' daily experiences within the city. Council Member Carroll concluded by expressing gratitude for Ms. Anderson's work and thanked Mr. O'Brien for recognizing and nominating her for the award.

Council Member Carroll reported that she was unable to attend the City's Veterans Day event and expressed her regret for missing it. She stated that attending Veterans Day and Memorial Day observances has become a meaningful practice for her since joining the City Council, and she encouraged residents to participate in these events to gain similar perspective. Council Member Carroll remarked that although she sometimes feels disconnected from veterans, both of her grandparents served in World War II, making the topic part of her family history. She expressed appreciation for the opportunity Veterans Day provides to pause and reflect on the service and sacrifices of veterans.

Council Member Taylor reflected on Ms. Anderson's award and commented on the significant impact she has had, as well as the overall strength of the Planning Commission. He noted that when he first served on the Planning Commission in 1996, the experience was extremely challenging, with lengthy and contentious meetings. He contrasted that period with the present, stating that the difference in functionality and effectiveness is "night and day." He stated that the Council now receives Planning Commission materials with a high degree of confidence, and that the quality of the Commission's work allows Council members to feel well-prepared for discussions even without attending Commission meetings. He attributed much of this improvement to the role and leadership of the chairperson.

Council Member Taylor expressed appreciation for the Veterans Day program and aligned his comments with those made by Council Member Carroll. He noted the enthusiasm of the fifth-grade students who attended and reflected on the value of such experiences, stating that he wished he had been exposed to similar opportunities in his youth. He recounted moments from past and current observances, including seeing veterans stand as the armed forces' tributes were played, and described the humility he

felt watching elderly World War II veterans being assisted by family members as they stood to be recognized. Council Member Taylor further commented on the experiences of local veterans, including a family known to the Council, and stated that these reflections reinforce his support for recognizing all veterans with ties to the community on the City's memorial walls. He expressed his belief that residents who grew up in American Fork or lived in the community for a substantial period should be eligible for recognition, regardless of where they were ultimately laid to rest. He asked that the Council have an opportunity to discuss this policy in the future and expressed confidence in Council Member Holley's objective on the issue. He concluded by noting the humbling experience of observing individuals in uniform dress participating in the ceremony with respect and dignity. He expressed deep appreciation for the city, its traditions, and the meaning the Veterans Day observance holds beyond the date itself.

6. Mayor's Report

Mayor Frost expressed appreciation for the Planning Commission, echoing the comments made by Council Members. He referenced a story previously mentioned by Council Member Taylor and noted the meaningful visual associated with it. He reported that, upon noticing a neighbor's flag early that morning, he placed his own flag outside, which set the tone for a day of reflection on the country and its veterans. He commented on the Veterans Day program held earlier, noting that while the students were energetic, they were attentive during key moments. The mayor stated that one of the most powerful portions of the ceremony was the reading of the names of approximately 54 to 57 American Fork residents who died in battle, a tradition he described as reverent and impactful. He remarked that many of the names have become familiar to the community over time and referenced families such as the Ingersoll family.

Mayor Frost noted his longstanding pride in the City's name, observing that American Fork is one of only three cities in the nation containing the word "America." He stated that the community embraces that identity. He then highlighted the Freedom Tree located at Robinson Park. He recounted the story of Captain Chipman, an Air Force officer who was missing in action in Vietnam for 50 years before partial remains were recovered and returned home. He described participating in the procession bringing Captain Chipman back to American Fork as one of the most significant experiences of his life. He noted the support of law enforcement and the community during that event and the history learned about the Freedom Tree at that time. He concluded by stating that the Freedom Tree is lit for the season and will remain illuminated through the holidays.

Mayor Frost noted that he will have a brief appearance with Santa on the 25th of November, emphasizing that the focus of the event is for the children and not for him. He stated that his remarks will highlight the Freedom Tree, which is the first tree lit during the holiday season and symbolizes the moment when the city begins illuminating Main Street. He explained that the Freedom Tree's significance, rooted in its connection with Captain Chipman and all veterans, provides meaning to the broader holiday lighting tradition.

Mayor Frost reported that a social media post further explains the tradition and encouraged residents to visit Robinson Park to view the large tree planted in Captain Chipman's honor and in honor of all veterans. He concluded by expressing that American Fork is a great place to live.

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 21, 2025, work session minutes.
2. Approval of the October 28, 2025, city council minutes.
3. Approval of the authorization to release the Improvements Construction Guarantee and issue a Notice of Acceptance for the Storrs Court construction of public improvements located at 162 West 400 South.
4. Ratification of city payments (October 22, 2025, to November 4, 2025) and approval of purchase requests over \$50,000.

Mayor Frost noted a site plan that had been omitted in the October 28th meeting and would be added.

Council Member Taylor motioned to approve the common consent agenda. Council Member Hunter seconded the motion. Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Clark Taylor, Council Member |
| SECONDER: | Ryan Hunter, Council Member |
| YES: | Carroll, John, Holley, Taylor, Hunter |

ACTION ITEMS

1. Review and action on a resolution approving a Land Use Map Amendment for properties located at approximately 400 East on 1100 South. The Land Use Map Amendment will be on approximately 30.52 acres. The proposal looks to change from the Design Industrial land use designation to the Residential Medium Density land use designation.

Mr. O'Brien reported that the property under consideration is adjacent to land reviewed by the Planning Commission and City Council a few months earlier, during which a proposal was approved to change the land use from one residential density category to another. He explained that the current request is being brought forward because planned updates to the General Plan identify this area as one where a modest increase in residential density is appropriate, given its location and context. Mr. O'Brien stated that the proposed land-use change would also allow the property owners involved in both parcels to move forward with a unified residential concept, consistent with the City's intentions for the area, rather than defaulting to any planned industrial or light industrial designation upon annexation. He noted that, upon annexation, the City is required to apply its underlying land-use designations and zoning standards, making it important to address the land-use designation at this stage.

Mr. O'Brien indicated that staff had discussed the proposed change with the property owners, who were supportive of petitioning for the amendment. He clarified that the current petition applies only to the portion of the property not yet annexed, though additional adjacent land—currently designated with a different land use and significantly lower zoning—may also need future adjustments as part of a potential master-planned development being explored by several property owners. He invited questions from the Council regarding the petition or the applicants' anticipated future development plans.

Mr. Hill introduced himself as representative of Property Reserve, Inc. He stated that the applicant's intent for the property is residential development, with a focus on more affordable, small-lot housing and potentially some townhomes. He indicated that they are targeting a density of approximately 6–7 units per acre.

Mayor Frost asked whether the proposed development would provide individual ownership opportunities. Mr. Hill responded that the proposal is currently envisioned as a rental community owned and operated by Property Reserve, Inc., though final plans have not been finalized. He noted that the company has developed similar communities in Utah, including in Riverton and Saratoga Springs, which are typically high-quality, well-maintained, and include amenities such as pools and community centers. He explained that if developed in this manner, the community would be owned and managed long-term by the company. He added that, in coordination with a neighboring landowner developing for-sale residential units, the combined area could offer a mix of ownership and rental opportunities to meet diverse housing needs. He expressed enthusiasm about the project and noted the residential development next to theirs will be sale opportunities, and they would prove the rental opportunities. He did express his concern about the rent proportion of it.

Mayor Frost noted a personal concern regarding the proportion of rental units in the proposed development. He acknowledged that the City may not have the authority to legislate ownership versus rental but emphasized that small-lot housing could provide an affordable path to homeownership, especially in comparison to traditional $\frac{1}{4}$ -acre lots. He commended American Fork for providing a variety of rental options and invited Council members to ask questions.

Council Member Holley asked whether the proposed development would be governed by a homeowners' association (HOA). Mr. Hill replied that the proposed residential development would not be governed by a homeowners' association (HOA) and would instead be privately owned and managed. Since the proposed rental community would be fully owned and managed by the developer, on-site property management and leasing staff would handle all operations, maintenance, and community services.

Council Member Holley inquired whether the proposed rental development would be part of a shared project with the adjacent ownership community or operate as a separate community. Mr. Hill clarified that the developments would be separate but adjacent, with the ownership community located to the north and the rental community to the south. He stated that the rental community would provide safe, well-maintained housing with on-site management, targeting residents such as service members and families who may not yet be ready for homeownership. He emphasized that the development would offer a pathway for residents to transition to ownership opportunities within American Fork in the future.

Council Member Carroll expressed concern that the proposed land use change could create a residential pocket surrounded by industrial land, which the city typically seeks to avoid. Mr. O'Brien explained that north of the tracks is Auto Mall Drive and south of 1100 South, residential land would be partially enveloped by industrial uses, but it connects to existing residential areas to the west.

Council Member Taylor noted that all land west of the tracks and north of 1100 South is residential. He clarified that while the land is annexed and zoned R1-12000, the land use designation still requires updating. Council Member Taylor confirmed a church is located within the zone.

Council Member Carroll stated she has limited concern about converting the area to residential but cautioned against placing residential development adjacent to industrial uses and strongly opposed higher-density development, noting single-family lots or duplexes would be more consistent with recent resident feedback.

Council Member Hunter inquired whether the proposed R2-7,500 designation would be an overlay zone and whether it would eventually apply as zoning, noting the impact on lot widths and residential unit types. Mr. O'Brien clarified that no zoning changes are proposed at this time and that the discussion concerns land use, explaining the differences between standard and overlay zoning and the resulting lot size implications.

Council Member Hunter also raised concerns regarding the justification for increasing residential density, particularly near train tracks, questioning why the land is being converted from industrial/commercial rather than remaining industrial. Mr. O'Brien explained that staff followed previous Council direction restricting industrial uses north of 1100 South, that similar situations exist elsewhere in the city, and that adjustments to the bike path were made to preserve east-west connectivity while avoiding proximity to industrial uses.

The discussion addressed the proposed medium-density residential designation, with Mr. O'Brien noting the parcels would remain primarily R2-7500, with potential for R3-5000, and that the annexation agreement could cap density at approximately 6–7 units per acre. Council Members supported using the annexation agreement to formally bind density limits.

Mr. O'Brien clarified that previous lower-density numbers referred to owner-occupied single-family units, whereas the current proposal includes rental units, single-family homes, and some town homes. He also noted a conceptual land swap to square out the developments, with the Moran development in the northern portion and the PRA development in the southern portion of the triangular area. The proposal remains conceptual pending final agreements.

Council Members Taylor, Hunter, and Carroll discussed concerns regarding density in the proposed development. Council Member Taylor noted that land use is being considered now, but the annexation agreement will allow the city to dictate final zoning and density.

Council Member Hunter emphasized the need to maintain consistency, expressing concern that density could incrementally increase with each discussion, citing resident feedback opposing higher-density development. Council Member Carroll agreed, stating she supports smaller lots but is concerned about higher-density housing. Both Council Member Carroll and Council Member Taylor noted that owner-occupied smaller lots were desirable, particularly given proximity to the train tracks, and that thoughtful

designs such as adequate driveways and parking—would help ensure a respectful development.

Council Member Hunter also noted that similar developments referenced by Mr. Hill in Riverton and Saratoga Springs were owner-occupied, implying a comparable model might be expected.

Mr. Hill explained that their prior developments have been fully rental communities with higher-quality design than typical single-family rentals, including deeper driveways to reduce street parking issues, high ceilings, and attractive amenities. He emphasized that the developments are intended for long-term tenancy to foster stable communities and offered a tour of an existing development in Riverton to demonstrate quality.

Council Member John asked for clarification regarding the land swap, noting that only 4-acres in the proposed layout are not owned by the church, and confirmed that Mr. Hill was representing those 4-acres.

Council Member Taylor replied that the proposed land swap involves the Horan property. Mr. O'Brien noted that other previously approved lots extend west to 100 East and south to 1100 South. Mr. Hill added that they intend to protect the area around the church by building high-quality development.

Mayor Frost encouraged the developer to explore creative approaches to affordable housing, noting the governor's mandate and the challenge of achieving affordability even on small-lot developments. He suggested using the current opportunity to develop a unique model that could provide attainable homeownership while maintaining quality.

Council Member Taylor observed that such an approach would represent a significant shift in development philosophy, noting that the Council generally favors owner-occupied units, which differs from the developers' rental-focused model.

Mr. Hill explained that they are community stakeholders and intend to bring multiple housing types to American Fork. While the current 30–35-acre site is planned as a rental development, they anticipate developing additional land for sale residential units in the future.

Council Members asked clarifying questions about the total acreage, unit count, and long-term ownership. Mr. O'Brien noted that some existing incorporated land is not included in the 30.68 acres under discussion.

Mr. Hill shared that their existing developments can be viewed online and emphasized that the rental communities are built and managed for the long term, typically 30+ years, without an exit strategy. He also noted that the final number of units will depend on city-approved density and that their developments typically include amenities such as pools and community spaces, which require a minimum unit count to justify construction.

Council Member Holley asked whether the Viviano development consists of single-family homes or townhomes. Mr. Hill confirmed that the development includes detached single-family homes, each with a yard, and is pet friendly.

Council Member Carroll inquired about the range of zones classified as medium density. Mr. O'Brien explained that it could include R1-7500, potentially an R1-7500 overlay, R2-7500, and possibly R3-7500 at the higher end. He noted that final zoning would depend on the annexation application, coordination with all property owners, and updates to the general plan and development code to ensure that densities and requirements meet Council expectations.

Council Member Hunter asked about the typical unit count in Mr. Hill's communities, and Mr. Hill confirmed approximately 300 units per development. Council Member Taylor noted that this equates to roughly 10 units per acre unless additional acreage is included. Mr. O'Brien clarified that the total area is more than the 30-acre site, incorporating surrounding parcels near the church.

Council Member Hunter expressed support for converting the land from industrial/commercial to residential but emphasized that he would not support densities above 6 - 7 units per acre, highlighting the importance of maintaining a sense of community and transparency regarding amenity needs versus land area.

Mr. Hill reaffirmed the developers' intent to be long-term stakeholders, focusing on creating a quality community that fits with American Fork's character. Mr. O'Brien and Mayor Frost acknowledged the importance of building a strong relationship with the developers and ensuring community-oriented development. The discussion concluded with a prompt reply for the Council to consider a motion.

Council Member Taylor asked whether the action could be described any more specifically than a change in land use. He noted that the city would rely on the annexation agreement to secure the number of units previously discussed in order for the item to move forward that evening.

Council Member Taylor moved to adopt Resolution No. 2025-11-23R approving the land use map amendment located approximately 5300 West 1100 South, American Fork City, design industrial land use to the residential medium density land use designation, subject to any conditions found in the staff report, with instructions of the City Recorder to withhold publication of resolution subject to all conditions identified in the public record of the October 22nd, 2025 Planning Commission meeting have been met. Council Member Holley seconded the motion. Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Clark Taylor, Council Member |
| SECONDER: | Tim Holley, Council Member |
| YES: | Hunter, John, Carroll, Holley, Taylor |

Council Member Holley stated that he agreed with the comments made by Council Members Taylor and Hunter. He emphasized the importance of having reliable partners and noted that the city had previously been burned when intent or collaboration did not follow through. He said the forthcoming annexation agreement would need to be very clear and well-written, specifying exactly what would be required, including unit counts and other commitments. He clarified that it was not a matter of distrust but a desire for a

strong, long-term partnership. He concluded that the Council would need to be very strict in reviewing the agreement.

2. Review and action on a resolution approving amendments to the fiscal year ending June 30, 2026, city budgets.

Council Member Holley noted that while increased sales tax revenue was positive, much of the initial increase had been used to cover salaries. He commented that it may not be productive to speculate but questioned where funds for salary increases would have come from if the City had not received the additional \$400,000 in sales tax revenue.

Ms. Montoya explained that the city budgets sales tax revenue very conservatively to avoid overestimating income. She reported that actual sales tax revenue had already exceeded projections for the year, making her comfortable using the additional revenue to support the budget. She added that most of the proposed budget amendments were carryovers from the prior fiscal year, using previously budgeted appropriations and fund balance. Only minor adjustments were tied to increased sales tax estimates, which had already been realized.

Council Member Holley was concerned after seeing line items such as \$150,000 in increased salaries and another \$96,000 for additional expenses. He stated that while conservative revenue forecasting was beneficial, he worried about a scenario in which the city underestimated wage needs while simultaneously overestimating sales tax revenue. If sales tax revenue were flattened or did not exceed projections, He questioned how the city would cover a potential \$400,000 gap for employee salaries. He clarified that this was the core of his concern.

Ms. Montoya responded that the concern was valid and explained that the city is very deliberate when budgeting salaries, calculating them by position and by employee. She stated that the recent salary adjustments were tied to unusual circumstances. A salary range adjustment for police had been implemented after the FY24–25 budget was approved, requiring a mid-year correction. In addition, staff turnover within Administration led to a small reorganization: business licensing duties were moved to the Planning Department, and a part-time position was added to provide front-desk coverage. She emphasized that the city remains very cautious in its salary budgeting practices.

Council Member Holley explained that he raised the issue because Provo had experienced declining sales tax revenue in recent years, something he was aware of through his own business operations there. He acknowledged that American Fork was performing well and expressed appreciation for staff's work. He noted that the Council revisits this topic each budget cycle and reiterated his concern about what would happen if the city ever miscalculated sales tax revenue and suddenly needed to find several hundred thousand dollars to cover salaries. He emphasized that he trusted staff and appreciated their efforts.

Council Member Hunter added that, in addition to conservative sales tax projections, it was important to recognize that the City had never—at least in his recollection—used sales tax revenue to fund salary increases. He emphasized that the current situation was a one-time circumstance. He stated that the City could instead use General Fund balance to cover the adjustments if needed, but this year they had the opportunity to use excess sales

tax revenue. He clarified that this should not be viewed as a long-term expectation or budgeting practice.

Mr. Bunker stated that the question was an important one and emphasized that the city continually reviews its budget to operate as efficiently as possible. He noted that staff and the Council work carefully to ensure that every dollar is spent responsibly, reflecting the City's fiduciary duty to residents. He explained that during the budget process, each line item is reviewed to confirm its necessity, and that this detailed approach helps build public confidence in the City's budgeting practices.

Council Member Holley moved to approve Resolution No. 2025-11-24R adopting the budget adjustments for the fiscal year ending June 30, 2026, budget. Council Member Taylor seconded the motion. Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Tim Holley, Council Member |
| SECONDER: | Clark Taylor, Council Member |
| YES: | Hunter, Carroll, John, Taylor, Holley |

3. Review and action on approval of granting an easement to Rocky Mountain Power on City property.

Council Member Carroll asked whether the project would require digging in the parking lot. Mr. Bunker responded that the work would take place on the east side of the Administration building parking lot, along the border of the property.

Council Member Carroll asked who would be responsible for paying for the installation. Mr. Bunker stated that the developer would cover the cost. Council Member Hunter questioned if the developer would also be installing the new fence. Mr. Bunker clarified that the fence installation was not part of the agreement with Rocky Mountain Power, but it was included in the developer's resubmitted site plan for the project.

Council Member Carroll moved to approve the right-of-way easement agreement with Rocky Mountain Power as presented. Council Member John seconded the motion. Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Staci Carroll, Council Member |
| SECONDER: | Ernie John, Council Member |
| YES: | Holley, Taylor, Hunter, Carroll, John |

4. Review and action on a resolution approving the disposition of lost or mislaid property or seized property.

Council Member Holley moved to adopt Resolution No. 2025-11-25R authorizing the disposition of lost or mislaid property or seize property. Council Member Taylor seconded the motion. Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Tim Holley, Council Member |
| SECONDER: | Clark Taylor, Council Member |
| YES: | Carroll, John, Taylor, Hunter, Holley |

5. Consideration of the appeal by Bach Homes on the denial by the Development Review Committee of the High Pointe preliminary plat approval.

Ms. Schriever explained that the Council was currently sitting as the appeal authority to review the Lake City Row / Bach Homes / High Point Apartments appeal of the Development Review Committee's (DRC) denial of their final plat application. She noted the procedural complexity, as the original application was for a preliminary plat, but the applicant chose to move the matter forward for Council review.

Ms. Schriever stated that the appeal was being conducted under American Fork City Code §17.7.212, which allows a developer to appeal a denial of a final plat to the City Council within 30 days of the DRC's final decision. In this setting, the Council may either affirm the DRC's denial or overturn it. She emphasized that the Council was acting in a quasi-judicial, not legislative, capacity and must base its decision solely on the record. This includes all documents submitted, materials in the packet, arguments made at the first hearing, and any additional information added to the record that evening. She then asked if the Council had any questions about the capacity to which it was proceeding.

Council Member Holley asked whether, in deciding to approve or uphold the DRC's denial, the Council must rely solely on the DRC's stated reasoning. He questioned whether the Council could base its decision on other reasons for denial, or whether the issue was limited only to the lack of a commercial element.

Ms. Schriever responded that the Council's review was limited to the commercial element issue, as that was the basis of the DRC's decision and the subject of the appeal. She noted that the application does contain additional technical issues that would need to be addressed if the Council were to overturn the denial and demand the matter for further land-use review.

Mayor Frost stated that the Council had previously tabled the item because a substantial amount of information had been provided at once and the Council needed more time to review it. He asked staff whether anything new had been submitted since the matter was tabled.

Stewart Harman, legal counsel for Bach Homes, replied that staff continued to rely on the information previously presented. He stated that their conclusions were based on existing code definitions, as well as best practices from the planning profession and legal definitions and guidance obtained through legal resources and their professional association. He stated that the only new material submitted to the Council consisted of references to prior meetings: November 26, 2019, City Council meeting and the August 19, 2020, Planning Commission meeting where Lake City Row was discussed. He noted these references were included in the last pages of the Council's packet. Mr. Harmon offered to provide additional details from those meetings if requested, emphasizing that these discussions had not occurred during the prior special session.

Mayor Frost responded that he would allow the Council to review and discuss the information as needed, suggesting that they could talk among themselves if necessary.

Council Member John asked how long it would take to update the city code in this specific instance, seeking clarification from staff. Mr. O'Brien replied that while some issues could be addressed within the existing code, this is a development issue.

Council Member John stated that while not applicable to the current item, he would like mixed-use to be explicitly identified as commercial within the City's code. Mr. O'Brien reported that proposals to make this clarification are already included in the upcoming code rewrite, which is scheduled for January. Mayor Frost noted that the code rewrite will be brought to the Council for direction on how they would like to proceed.

Council Member Holley expressed significant concerns regarding the development's current condition and its alignment with the original intent of the planned community agreement. He reported visiting the community earlier in the day and stated that it appeared dominated by apartments, asphalt, and concrete, with limited open space, walkable areas, or meaningful community amenities. He noted that he observed only one small playground and no evident commercial or first-floor activation features.

Council Member Holley stated that, based on what he has seen, Phase 2 appears to include only apartments, with no townhomes or mixed-use elements represented. He emphasized that the townhomes previously constructed are densely configured and lack green space, feeling more like apartments than traditional town homes. He referenced prior City Council discussions and comments—specifically those from Kevin Barnes about bait and switch, Council Member Carroll talk about ethical agreements, and Buck Swaney talk about collaborative agreements, and the original vision for a mixed and well-planned community. He stated his belief that the outcome to date diverges sharply from those commitments and that the city has been disadvantaged by the direction the development has taken.

Council Member Holley further noted that although some documents reference "mixed-use" in Phase 2, he found no binding language that ensures the inclusion of commercial/retail uses with townhomes. He concluded by expressing that the current development does not reflect the intent of the planned community and feels disingenuous on the part of the developer.

Council Member Holley stated that, as a newer Council Member, this discussion reinforces the importance of having clear written agreements for future developments, including the area south of the highway. He expressed concern that the current development does not reflect the spirit or intent of the planned community and described some of the representations made by the developer as disingenuous.

Mayor Frost expressed appreciation for Council Member Holley's comments and agreed that the situation is challenging. He stated that what the Council originally heard and what exists today are "two different things." He also noted that the city may face legal pressure depending on the decisions made but emphasized that the developer also bears responsibility for the outcome and its impact on their reputation. He acknowledged that the area feels very unplanned and suggested the city may not have had the right agreement in place at the outset.

Council Member Holley expressed concern regarding the development process and communications with the applicant. He stated that during prior meetings the applicant had raised issues about the City's process, including claims that planning procedures were not followed. Council Member Holley emphasized that the developer had previously stated a desire for a collaborative partnership with the City; however, he felt the subsequent appeal—framed around constitutional and equal-protection claims—was inconsistent with that intent.

Council Member Holley stated that invoking constitutional arguments suggested the developer viewed themselves as a victim, which he found inappropriate and unproductive. He noted that the developer did not reach out to discuss the DRC's decision or seek opportunities to negotiate potential solutions with Council Members or staff. He further stated that the approach taken by the developer indicated a lack of interest in collaboration and instead relied on aggressive legal positioning. Council Member Holley remarked that residents have consistently expressed concerns dating back to planning commission discussions prior to May 2021, and that the city has attempted to remain focused on residents' interests throughout the process. He stated that, in his view, the proposed development agreement does not reflect those priorities, and he believed it was important to note for the public record that the City's intent has been to protect and prioritize the community's interests, and the developers were not focused on that.

Mayor Frost thanked Council Member Holley for his remarks, stating that he agreed with much of what he expressed.

Council Member Carroll stated that she shared similar sentiments to those previously expressed. She noted that although the current applicant was not involved in the original process, the development agreement has not resulted in what was intended or originally presented. She stated that anyone reviewing the agreement or the related discussions would see that the outcome does not match the original vision. She commented that she feels somewhat forced into the current position due to the circumstances but also feels a sense of betrayal—not directed at the current applicant, but at the overall situation and how the development has unfolded. She emphasized that developers play an essential role in building the city and that the city seeks to partner with them to achieve quality outcomes. However, she noted that the city relies on developers to fulfill their commitments, and that attempts to avoid over-regulating can sometimes result in negative outcomes that ultimately impact residents.

Council Member Taylor stated that the Council's position has been communicated clearly throughout the process, and he acknowledged that the current agreement predicated the applicant now before the Council. He noted that he visited the development in person and looked for the first floor uses previously discussed, such as the yoga studio, but was unable to locate them. He emphasized that while the applicant is not legally obligated to provide such commercial or activated first-floor space, a voluntary gesture demonstrating partnership with the city—such as incorporating some type of first-floor accommodation—would have gone a long way toward reinforcing a collaborative relationship.

Council Member Taylor also commented that such a gesture could have shown goodwill, even if it did not fully match the original expectations outlined when the planned

community was first discussed. He stated that it is now clear that no such partnership approach is being offered. As a result, he expressed that the Council must decide whether to engage in a prolonged legal challenge or to move forward, acknowledging that neither option is ideal.

Council Member Carroll asked whether, given that some land remains under the development agreement, there is no mechanism for the city to enforce the original intent of that agreement. She inquired whether such enforcement would require an amendment to the agreement. Council Member Holley stated that pursuing an amendment would not be feasible.

Ms. Schriever clarified that the only matter before the Council at this meeting is the DRC appeal and that broader issues related to the development agreement are not under consideration at this time.

Council Member Hunter addressed earlier references to reputation, stating that reputational considerations matter both for the developer and for American Fork City. He noted that he believed Bach Homes had generally held a good industry reputation and expressed uncertainty about how the current situation developed. He emphasized that the city also values its reputation for standing up for its residents.

Council Member Hunter stated that the Council did not feel a collaborative effort had been undertaken by the developer, despite opportunities for dialogue when issues arose. He expressed regret that a more cooperative approach was not pursued and noted that the Council's perception is shaped by prior experiences and the long history of the project, including interactions with previous developers. He stated that reputational challenges within the development industry often stem from patterns of behavior over time.

Council Member Hunter encouraged the developer to consider engaging with the city in a more collaborative manner moving forward, regardless of the outcome of the vote. He noted that he believes City staff acted appropriately and that it is difficult for the Council to disregard staff recommendations when legal threats are presented. He concluded by observing that such circumstances place the Council in an unfortunate position when making its decision.

Mayor Frost reflected on the original vision for the PC zone, noting that the area presented a rare opportunity to create a cohesive and innovative community because of the size and continuity of the land. He stated that the outcome has not aligned with that vision. He expressed concern that the legislature may scrutinize the situation, particularly regarding housing issues, and that this project could become a cited example. He indicated he would have no issue explaining the history and circumstances of the project to others. Mayor Frost concluded his remarks by suggesting the Council proceed to a vote. Council Member Carroll noted that she seldom speaks at length during meetings but felt justified in doing so in this instance.

Council Member Carroll moved that the City Council reverse the development review committee's denial of the application of the Lake City Row development in Phase Two and hereby approve the application, subject to all conditions and requirements imposed by the city code, development agreement, and applicable ordinances. The council finds that based on the record and testimony presented, the

applicant has demonstrated compliance with the applicable provisions of the city code sufficient to warrant application approval and that any remaining unresolved technical or procedural items must be appropriately addressed as part of the subsequent Development Review process. The decision pertains solely to the Lake City Row development in Phase Two and is based on the specific facts and circumstances associated with this application as presented in the appeal. Nothing in this decision can be construed to alter, waive, or otherwise affect the interpretation of application or enforcement of the development agreement, annexation agreement, ordinances, or applicable codes as they relate to any other phase of the development or any other remaining or future phases. Each subsequent phase of the development shall be evaluated independently based on its own facts, submittals, and applicable requirements at the time of review. This decision does not establish precedent for, nor bind the City Council, staff or reviewing bodies with respect to any future development application for any other phase. Council Member Taylor seconded the motion. Voting was as follows:

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Staci Carroll, Council Member |
| SECONDER: | Clark Taylor, Council Member |
| YES: | Carroll, Taylor, John |
| NO: | Holley, Hunter |

Mayor Frost invited the applicant to come forward and address the Council. He noted that the Council wished to hear from the applicant.

Stewart Harman, legal counsel for Bach Homes, responded to earlier questions regarding the Elevate development, stating that the project includes 56 townhomes surrounding the property. He expressed uncertainty about why they may not have been visible to a council member but clarified they are present. He noted that he understands the City's position, explaining that he has previously served on a city council and has represented cities as legal counsel, including in equal-protection litigation. He stated that this experience gives him perspective on both municipal and developer roles. He stated that, from the applicant's perspective, the development has proceeded consistently with the original intention of Buck Swaney and prior developers. He asserted that the built phases reflect the land-use patterns and intentions outlined historically by the city and developers.

Council Member John stated that the applicant's comments conflicted with statements made in their written appeal. He read: *“..... the city's failure to require compliance with agreements in Phases 1 and 3 does not shift commercial square footage burden to another phase.”* He noted that the applicant cannot have it both ways.

Mr. Harman clarified that his position is based on the development as constructed to date. He stated that Phase 1 and Phase 5 were always intended for commercial use and that the lack of commercial development in those phases was not the responsibility of Bach Homes. He questioned why light industrial uses were approved in areas originally designated for commercial. He referenced prior meeting minutes indicating the City's stated intent regarding the placement of commercial and residential uses. He also noted that Phase 3 was built out without commercial uses, consistent with that pattern, though

he acknowledged Phase 3 had originally been identified for pedestrian trails. He stated that Phase 2 did not include such trail designations.

Council Member Holley noted that the concept plan for Phase 2 does include a walking trail. Mr. Harman asked whether the walking trail reference applied to Phase 2. Council Member Holley confirmed that the Phase 2 concept plan shows a red arrow indicating pedestrian and bicycle pathways and stated that this contradicts the earlier assertion that Phase 2 did not include such features.

Mr. Harman responded that Phase 3 does not include pedestrian features and has already been fully developed. He stated that Phase 2's development to date—specifically the Elevate project—aligns with what the applicant is proposing for the Summit project. He explained that the proposal reflects the same type of development as Elevate but at a higher standard. He stated that the applicant feels they are being treated differently now compared to prior phases and relative to other developers in the area. He acknowledged the City's desire for commercial uses—particularly retail—but expressed concern that, based on the annexation agreement, development agreement, memorandum of understanding, and the City's planned community code, a wide variety of uses could technically qualify as "commercial." He noted that even an apartment complex paired with self-storage could meet the current definition, though he recognized that is not the type of commercial development the city intends.

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

Mayor Frost pulled this from the agenda.

7. Adjournment.

Council Member John motioned to adjourn the meeting, Council Member Holley seconded the motion. Voting was unanimous.

The meeting adjourned at 8:50 pm.



Stephanie Finau, Deputy Recorder