

AMERICAN FORK CITY COUNCIL  
DECEMBER 10, 2019  
REGULAR SESSION MINUTES

Members Present:

|                      |                |
|----------------------|----------------|
| Bradley J. Frost     | Mayor          |
| Kevin Barnes         | Council Member |
| Staci Carroll        | Council Member |
| Barbara Christiansen | Council Member |
| Rob Shelton          | Council Member |
| Clark Taylor         | Council Member |

Staff Present:

|                     |                       |
|---------------------|-----------------------|
| David Bunker        | City Administrator    |
| Wendelin Knobloch   | Associate Planner     |
| Terilyn Lurker      | City Recorder         |
| Stephanie Finau     | Deputy Recorder       |
| Aaron Brems         | Fire Chief            |
| George Schade       | IT Director           |
| Cherylyn Egnor      | Legal Counsel         |
| Adam Olsen          | Senior Planner        |
| Darren Falslev      | Police Chief          |
| Scott Sensanbaugher | Public Works Director |

Also present: Cody Hill, Lisa Halverson, Carolyn Lloyd, Laramie Merritt, John Woffinden, Bruce Frandsen, Mike Beck, Mark Greenwood, Roger Harding, Steven and Lori Eyre, Reese Johnson, Greg Libert, Stacie Carter, Andrea McAllister, Jacob Moody, McKensie Soupham, Norman Chadwick, Brent Skidmore, Justin Fenn, Tyler Skidmore, Stan Cederbloom, Tim Hunt, and approximately 20 additional people.

REGULAR SESSION

The American Fork City Council met in a regular session on Tuesday, December 10, 2019, in the American Fork City Hall, 31 North Church Street, commencing at 7:20 p.m.

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

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

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

Stacie Carter referred to action item #4 on the Mike Beck property. She said as the Council was talking in the RDA public hearing and she suggested waiting until the City knew more about what was happening. She asked if the City was going to vote on the development. The public's concern was the construction traffic on 200 South. They had tons of development continuing in the area and everything came off 200 South. She did not know if there was something the City could do in the meantime to make it safer or hold off on some of the development until the City could make it safer.

Dixie Fenn Jones said she owned the Fenn Farm. She was there after 14 years hoping to get final plat on the property. She hoped for closure. She understood the concerns of those present but wanted the contract to come to an end.

Norman Chadwick said in reference to the plat approval, the residents were told there would duplexes and single-family homes, but in the last Planning Commission meeting, they had eight-plexes and four-plexes, which were not part of the agreement. He thought he should have the right to veto that as a property owner of the plat. He would not sign that plat. They wanted single family homes - long-term residents that were family friendly.

Andrea McCallister wanted to address some things in the code. She read from the staff report about access to the plat; the public wanted to know what the meandering trail system would be like. The City had discussed open space being calculated but thought that was a mistake. She thought there were flaws in the code. She asked if something were going to be done to beautify the area. There had been wetlands accounted for. The area across from her house was no longer wetland. She watched soil dumped before they took samples. She wanted to know what they were doing to do to beautify the area as part of the development.

Andrea McCallister also wanted to address section 17.7.503. She said the code allowed the Planning Commission the flexibility to change to requirements. She wanted to appeal to the Council Members. The Council had the power to change this. There were residents that had been there for several years. They knew what the housing looked like behind Deseret Industries. There were houses very close together with little lots, which was okay, but in the code, it needed to be like the surrounding area. Right next to this property, it mentioned there were homes to the North. It did not mention the homes that were on one and two acre lots. If they put massive amounts of homes on small lots, it was not consistent with the area. She asked that the City consider that.

Andrea McCallister continued in 17.7.503d, stating that it would have a variety of style and quality of nearby, but she did not think that would be met. She did not know that the intent was to have it in the code if it was not adhered to. The Planning Commission had relieved themselves of the duty of this subdivision because it adhered to the code, however what she had read did not adhere to the code. She read from the code. Currently, the space was unsightly, and she hoped that if the subdivision came through, it could be cleaned up and developed into a park so kids moving in with families would have a place to go.

Ms. McCallister read from the code, stating: "This site was suitable for development of the conservation...consists of lower density...the land use plan designates this as TOD." She asked if Fenn Farms was in the TOD, and when that happened. Mayor Frost said he did not think it was in the TOD, but stated it was in the TOD overlay but not using the TOD zoning.

Andrea McCallister said was speaking on behalf of several people who could not be there. It did not go with what the code said, and it did not create any more safety or beauty. The biggest concern was the safety and the roads. She did not think the residents were ready for it and asked that the City put a moratorium on it or slow it down.

Greg Libert said this went back to the concern of continued development in the area without fixing the infrastructure first. He tried to understand where the City was coming from. He thought he would share his commute. He would like it to be single residential, nicer homes because that increased home value. But he understood that that may not be the case moving forward. He asked

what the City's motivation was to approve this, and what drove them to approve it. He understood that the developers had property rights; the difference was that the residents lived there, and the developers did not. He asked if they could they slow it down until the City got 200 South figured out. The development on the agenda would add 70 homes. They asked that the City respect their rights as well. He had a three-year-old at his house and they did not like having him out in the front yard because it was dangerous. If they could fix the road and get better infrastructure it would make a big difference.

### 3. City Administrator's Report

David Bunker shared that for any seniors in the community, discounted Fitness Center passes were on sale. The Fitness Fair would be held on January 11<sup>th</sup>, and there would be discounted passes for city residents.

### 4. Council Reports

Council Member Barbara Christiansen thanked everyone for their participation. They had many wonderful programs that were put on by and for the community. They were grateful for those who attended and supported this.

Council Member Rob Shelton had a quick meeting on the North Pointe solid waste; the budget was approved. He asked for information on the green waste cost projections with TSSD halting accepting green waste. He would be happy to share more information about this.

Council Member Kevin Barnes had nothing to report but expressed appreciation for those who made comments that night. The City did not make decisions in a vacuum. This area was discussed for a very long time. They really did appreciate public comments and good conversation and a give-and-take without accusations and name calling.

Council Member Staci Carroll had nothing to report.

Council Member Clark Taylor also had nothing to report.

### 5. Mayor's Report

Mayor Frost went to the Senior Citizens dinner at the American Fork High School. It was completely full. Seniors participating ranged from 65 to 107. He was able to speak with them for a bit and he reflected on the sociality of the group. It was wonderful to see the senior citizens have somewhere to go if they wanted to. He was also able to participate in an Eagle Project at Martin Park. It was a rock with an engraving in honor of Nathan Barnes who died while serving the country. He encouraged everyone to stop by Martin Park to look. They all needed to be reminded of the sacrifice of those who paid the ultimate price. Mayor Frost also helped usher Santa Claus through town to the Library.

### 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 November 12, 2019 Minutes
2. Approval of the November 19, 2019 Minutes
3. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$5,000.00 and issue a Notice of Acceptance for the AF BUSINESS PARK/SHARP WAREHOUSE construction of public improvements located at 1442 South 500 East.
4. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$10,200.00 and issue a Notice of Acceptance for the LIBERTY COVE PLAT A construction of public improvements located at 417 EAST 570 SOUTH
5. Consideration regarding authorization to release the Improvements Durability Retainer of \$4,599.00 for NORTH COUNTY PROFESSIONAL PLAZA, located at 321 N. NORTH COUNTY BLVD.
6. Acceptance of Improvements - TIMP HOLLOW PLAT B

It was noted there was one spelling correction on the November 19, 2019, minutes.

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

|                  |                                                                              |
|------------------|------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [5 TO 0]</b>                                                     |
| <b>MOVER:</b>    | Clark Taylor, Council Member                                                 |
| <b>SECONDER:</b> | Rob Shelton, Council Member                                                  |
| <b>AYES:</b>     | Kevin Barnes, Staci Carroll, Barbara Christiansen, Rob Shelton, Clark Taylor |

#### ACTION ITEMS

1. Ratification of City payments (November 19, 2019 to December 3, 2019) and approval of purchase requests over \$25,000.

**Council Member Carroll moved to approve the ratification of city payments and approval of purchase requests over \$25,000. Council Member Christiansen seconded the motion. Voting was as follows:**

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                     |
| <b>MOVER:</b>    | Staci Carroll, Council Member                  |
| <b>SECONDER:</b> | Barbara Christiansen, Council Member           |
| <b>AYES:</b>     | Barnes, Carroll, Christiansen, Shelton, Taylor |

2. Review and Action on a Reimbursement Agreement for Woodside Homes of Utah, LLC for system improvements along Storrs Avenue.

**Council Member Taylor moved to approve the reimbursement agreement with Woodside Homes of Utah. Council Member Shelton seconded the motion. Voting was as follows:**

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                    |
| <b>MOVER:</b>    | Clark Taylor, Council Member                   |
| <b>SECONDER:</b> | Rob Shelton, Council Member                    |
| <b>AYES:</b>     | Barnes, Carroll, Christiansen, Shelton, Taylor |

3. Review and action on an ordinance relating to cannabis cultivation and processing.

Cherylyn Egner stated that State law had changed relating to cannabis. If the City did not designate a specific area or zone where cannabis could be cultivated, the State law allowed it to be in all areas. American Fork designated a specific agricultural zone in the RA-5 and I-1 zone for that cultivation. This limited and narrowed down where cannabis could be grown and cultivated.

Council Member Taylor said based on size, the City would only have one pharmacy. That was correct.

Council Member Carroll said a pharmacy was not allowed in zones primarily in residential zones but a mixed-use facility was allowed. Cherylyn Egner said they went back to primarily; the mixed-use zones fall under residential. Adam Olsen said this was true in commercial zones only.

Council Member Carroll asked what happened when cannabis was near a non-residential area and that zone switched. Cherylyn Egner said if the zone changed but the cannabis was allowed it would be grandfathered in. Council Member Shelton made a comment about twelve months of non-usage; Cherylyn Egner stated that was correct and like tobacco or other specialty businesses with similar restrictions.

Council Member Barnes referred to page 33 of the packet: the standards for cannabis production establishment. He read Section A and asked how the City could control the odor of the growing process. Cherylyn Egner said it came down to nuisance laws essentially. The City did not want to create a nuisance for residents. Growing should not create an odor.

Council Member Barnes said in the next section under standards – in one case it said (A) drive through service shall not allowed be allowed and the following (B) outdoor seating areas shall be prohibited. He asked if there were different meanings or a reason for the word choice between “prohibited” and “not allowed”? Cherylyn Egner said it meant the same thing.

**Council Member Carroll moved to approve Ordinance No. 2019-12-79 relating to cannabis cultivation and processing. Council Member Taylor seconded the motion. Voting was as follows:**

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                     |
| <b>MOVER:</b>    | Staci Carroll, Council Member                  |
| <b>SECONDER:</b> | Clark Taylor, Council Member                   |
| <b>AYES:</b>     | Barnes, Carroll, Christiansen, Shelton, Taylor |

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 ordinance adopting the final plat and site plan of Fenn Farms Conservation PUD, consisting of 79 units, located in the area of 350 South 570 West in the PR-3.0 Planned Residential zone.

Mr. Olsen explained this property was annexed several years ago in the PR-3 zone; the base density was three units per acre. This was not zoned TOD but did lay within the overlay zone. One of the developments allowed was the conservation subdivision; this was typically seen when there were

parts of the property not easily developed. The code required any unbuildable area be set aside for open space; they only got half the base density. They took the area with no limitations and the area with limitations to determine what was allowed. This was 80 total units for this area. The lots were smaller, but that was allowed in this zone. The trail was located on the plat and identified in the documentation of the subdivision. The west of this area was being built with a higher density with 700 West which acted as a barrier. 700 West was proposed to go over the tracks and tie into Pioneer Crossing. The concerns were about traffic on 200 South; the report addressed the immediate access points into the subdivision on 700 West and 350 South.

Council Member Carroll asked how the lot sizes compared to other parts of the City. Mr. Olsen explained that it depended on the zone. The PUD options in the code allowed for a range of lot sizes and they were typically on the smaller size because they wanted to preserve the open space. Instead of having homes with larger standard lots, what they did was cluster the homes together to keep open space. Another PUD option allowed in the zone was attached houses, but this development was only utilizing single-family homes.

Council Member Shelton indicated he had looked around the City and found that in Val Vista, there were smaller lots than were being proposed here. North of the Murdock development was part of the PR-3 zone. Down the hill from the temple was also another development. This was not targeting the TOD area; this type of development had been allowed for years and was not a new provision. He thought it was consistent with other areas.

Council Member Shelton was concerned about the wetland area and that it would not be developed in the typical park sense. Mr. Olsen said code required they had to retain unbuildable space as open space, and they proposed a trail system through the development. Council Member Shelton asked what “native” meant in the code language, to which it was noted that this meant there wasn’t a trail through it.

Council Member Barnes asked if there were some grassy park areas in the design. Mr. Olsen said they took the areas not utilized. Mike Beck stated that to the south of the project and to the north were grassy. The buyer had discussed putting in a pickle ball court. The far southwest corner was a detention pond, so nothing could go in there. Around the wetlands there were grassy areas that would be turned into more of a grass area, maybe more pickleball courts. The wetlands had to stay native and was governed by the Army Corp of Engineers. Mr. Beck said for their purpose there would not be any changes.

Council Member Taylor stated he a comment that would be unpopular. He noted that he did drive that road and tried to do it routinely because he wanted to understand. Contrary to what the public felt, the City Council was not the adversarial team. He knew Mike Beck and felt for Ms. Fenn-Jones. But he did not see how, unless the CRA was going through, how they could dump more construction traffic into the 200 South. From a public safety standpoint, they were aware of the condition of 200 South. In his gut, he could not do it.

Council Member Shelton had a chance to visit with neighboring communities and how they were dealing with the development and infrastructure. The news came out and said Utah had something close to the most building permits in the nation. He had some of those similar concerns, but he did not think they could do anything for this project. If they met the code, he felt the City’s hands were tied. This did not mean they were tied for future projects. Some communities have said to slow it down the development by increasing the processes. Most communities were concerned

with putting in a moratorium. If they were going to turn dirt on 200 South project in the spring, he would be more comfortable with where the project was headed, but if not, he too, had major concerns.

Council Member Taylor said Mr. Skidmore mentioned lights. He asked if there was something the City could do to mitigate the lighting in that area for the time being. The City felt the CRA had a good chance of going through. Everyone wanted their value to go up but did not want to pay more in taxes. He asked again if there was anything the City could do, aside from law enforcement being stationed on 200 South, to help the situation. He felt the city's hands were tied.

Council Member Shelton said the City purchased the streetlights which saved them about \$100,000 a year. He suggested that staff look at adding the lights from the general fund. He thought there were a lot of telephone poles that they could add lights to. Streetlights would help, but it was not built to handle this traffic. He noted that the frontrunner station was not put there by the City. Council Member Shelton said they were very aware of the concerns that were brought up this night. This was not just an American Fork City issue, although this meeting was. He asked other than widening the road, which would be a huge expense, what the City Council could do.

Mayor Frost said the City may not have the answers in front of them, but he was happy to ask staff of several departments to come back in January with a temporary fix to bridge the gap until 200 South came to fruition. They had the issue with the railroad; they were looking at doing a double track through that area. He tasked staff to come back with options.

Council Member Shelton said it would be helpful to have a timeline to know where they were at with the CRA. He loved being kept up to date. If they did not construct the road for a couple of years, then he agreed that they should implement a moratorium. Also, he would love to see the revised CRA budget. It looked like \$10 million was set aside for infrastructure improvements but instead was put on a community gathering line item. He wanted to make sure that was correct and in the right place. They also needed to push the State hard to get that allowed.

Council Member Taylor understood the residents in the area were going through a lot. Maybe there would be a speed hump installed to slow things down. Maybe they could route construction traffic in from one direction only. He knew it would not be any more comfortable, but perhaps the City could help with lighting and road shoulders. If any staff could do it, this staff could do it. The City was not the adversary in this; they were all working together to fix this issue. No one was advancing an agenda. He gave the public his word that he would stay on this and try to remedy something to help them.

Council Member Barnes said he was a little late moving to this City. In 1989, he moved onto 350 West. When he and his wife first moved in, he felt they had an ideal place. Within two years, they developed the area, and it had grown. From that perspective, the City understood the problems that came with growth. Maybe not to the same degree as right now, but they had some perspective. He had been down there during the day and they were trying to work on this. Was the Council perfect? No, but they were trying.

Council Member Christiansen said even if the City put a moratorium now, the projects already submitted could not be stopped.

Mayor Frost asked if the City had the ability to stop this. Cherylyn Egner said the Council would have to evaluate whether they met the codes and it appeared that the plans did in fact meet City code. It would need to move forward or be tabled for further discussion.

Council Member Taylor understood why they would want to table this, but there was no legal reason to table this. If residents were on the other side, they would not want anyone else to stop their development. He knew it was disconcerting, but they wanted to be treated according to the code. By tabling, they got no further.

Mayor Frost asked the citizens to let the Council deliberate.

Council Member Carroll could not disapprove of this when the applicant met all the requirements. She had listened to the public's comments and she knew it needed improvements. The City had been working for the last year on a CRA to help this. A CRA was not easy to understand, but that was the funding mechanism they would use to solve the problem they were complaining about. The timing was unfortunate. If they could do something in the meantime, she liked that idea. It was not fair to the owner to table the issue.

**Council Member Shelton moved to approve the final plat and Ordinance No. 2019-12-80 adopting the site plan of Fenn Farms Conservation PUD 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 and publication of the ordinance subject to all conditions identified in the public record associated with the November 6, 2019 Planning Commission meeting and to direct staff to come back at the next work session in January to discuss time lines and solutions and to take a look at whether or not a moratorium is needed or what solutions are available. Council Member Taylor seconded the motion. Voting was as follows:**

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                     |
| <b>MOVER:</b>    | Rob Shelton, Council Member                    |
| <b>SECONDER:</b> | Clark Taylor, Council Member                   |
| <b>AYES:</b>     | Barnes, Carroll, Christiansen, Shelton, Taylor |

5. Approval of the updated Water Conservation Plan

Mayor Frost asked if there were any questions. Council Member Shelton stated this was the report they had to make on an annual basis.

**Council Member Shelton moved to approve the Water Conservation Plan update. Council Member Barnes seconded the motion. Voting was as follows:**

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                    |
| <b>MOVER:</b>    | Rob Shelton, Council Member                    |
| <b>SECONDER:</b> | Kevin Barnes, Council Member                   |
| <b>AYES:</b>     | Barnes, Carroll, Christiansen, Shelton, Taylor |

6. Review and action on an ordinance setting the time and place of the 2020 City Council meetings.

**Council Member Shelton moved to adopt Ordinance No. 2019-12-81 setting the time and place of the 2020 City Council meetings. Council Member Christiansen seconded the motion. Voting was as follows:**

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                     |
| <b>MOVER:</b>    | Rob Shelton, Council Member                    |
| <b>SECONDER:</b> | Barbara Christiansen, Council Member           |
| <b>AYES:</b>     | Barnes, Carroll, Christiansen, Shelton, Taylor |

7. Review and action on a Right-of-Way Licensing Agreement with Zayo Group LLC.

**Council Member Taylor moved to approve the Right-of-Way licensing agreement with Zayo Group, LLC. Council Member Barnes seconded the motion. Voting was as follows:**

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                    |
| <b>MOVER:</b>    | Clark Taylor, Council Member                   |
| <b>SECONDER:</b> | Kevin Barnes, Council Member                   |
| <b>AYES:</b>     | Barnes, Carroll, Christiansen, Shelton, Taylor |

8. Review and action on the appointment of the City Attorney.

Mayor Frost explained that Tim Merrill had left the City to work for the Attorney General's office. He put forth the name of Cherylyn Egner to be the City Attorney. He was comfortable with her and she had a wonderful staff.

Council Member Shelton asked if the agreement was the same as the previous. Cherylyn Egner stated that was correct. This was merely the appointment.

**Council Member Shelton moved to approve the appointment of Cherylyn Egner as City Attorney. Council Member Taylor seconded the motion. Voting was as follows:**

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                     |
| <b>MOVER:</b>    | Rob Shelton, Council Member                    |
| <b>SECONDER:</b> | Clark Taylor, Council Member                   |
| <b>AYES:</b>     | Barnes, Carroll, Christiansen, Shelton, Taylor |

9. Review and action on an ordinance creating Chapter 8.10 of the city code regulating camping on public property.

**Council Member Carroll moved to adopt Ordinance No. 2019-12-82 creating Chapter 8.10 of the city code regulating camping on public property. Council Member Taylor seconded the motion.**

Council Member Barnes said the Council kept making regulations but did not have staffing to enforce it. He hoped they were correcting that.

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

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                     |
| <b>MOVER:</b>    | Staci Carroll, Council Member                  |
| <b>SECONDER:</b> | Clark Taylor, Council Member                   |
| <b>AYES:</b>     | Barnes, Carroll, Christiansen, Shelton, Taylor |

10. Review and action on an ordinance amending Chapter 8.08 of the city code relating to nuisance enforcement and recreational vehicles.

Council Member Christiansen asked if the Council could put a time limit there in case there was someone visiting for a few days. Council Member Barnes said living quarters seemed to define something more permanent. Council Member Carroll asked if this term was defined anywhere. Cherylyn Egner said this was not addressed.

Chief Falslev said there were a lot of people who had chosen to move into back yards that were disposing waste in backyards. If they changed the language to be more specific, he did not think they could enforce it effectively.

Council Member Carroll asked why the nuisance ordinance was currently not enough. Chief Falslev said a lot of drug activity took place and trailers were moved into backyards and people sold drugs out of them. There were some individuals who moved from place to place; they were not going after the people who had family staying. This was intended to address drug operations.

Council Member Christiansen asked what was different about this; what was this amended. Chief Falslev said the current code allowed them to address dumping waste, but not living in trailers.

Cherylyn Egner said this was also piggybacking off parking on the road. There were some people that move their trailer one car length over, and this created enforcement issues. It would not address regular cars, but it would address the RVs which were causing some of the larger issues in the community.

Council Member Carroll had seen cars that were used as dwelling places, but she was not sure if that would fall under this. Chief Falslev said that could fall under the previous ordinance approved. Cherylyn Egner recommended enforcing something as a “similar vehicle” for the purpose of a dwelling place. The “similar vehicles used as a living quarters” covered this as well.

Council Member Shelton asked if the City had to do just as much surveillance to prove it was a living quarter. Cherylyn Egner said, the officers were responding to someone they had received numerous complaints about. Council Member Shelton thought they would have to do just as much surveillance to prove that they were living in there as the City would to prove the time period requirement. Cherylyn Egner understood, but felt the difference was that the officers were acting on complaints, and had been out there many times, and the complaints made were documented.

Chief Falslev explained they went out and gave a fourteen-day fix-it notice. If the individual complied, they did not move to this stage.

Council Member Shelton commented on the first offense as a Class C Misdemeanor. If they did a fix-it ticket first, he was okay with it. He commented about making criminals out of individuals. Chief Falslev said this was for those who refused to cooperate.

**Council Member Taylor moved to approve Ordinance No. 2019-12-83 amending Chapter 8.08 of the city code relating to nuisance enforcement and recreational vehicles. Council Member Christiansen seconded the motion. Voting was as follows:**

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                     |
| <b>MOVER:</b>    | Clark Taylor, Council Member                   |
| <b>SECONDER:</b> | Barbara Christiansen, Council Member           |
| <b>AYES:</b>     | Barnes, Carroll, Christiansen, Shelton, Taylor |

11. Review and action on rescinding Resolution No. 2019-11-49R relating to LightHub Communication Agency.

**Council Member Carroll moved to rescind approval of Resolution No. 2019-11-49R relating to LightHub Communication Agency. Council Member Taylor seconded the motion.**

Council Member Shelton asked if the Council would have a work session to address this. Mayor Frost said that they would. Council Member Shelton appreciated the opportunity.

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

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                     |
| <b>MOVER:</b>    | Staci Carroll, Council Member                  |
| <b>SECONDER:</b> | Clark Taylor, Council Member                   |
| <b>AYES:</b>     | Barnes, Carroll, Christiansen, Shelton, Taylor |

12. ADJOURNMENT

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

The meeting adjourned at 8:45 p.m.



Terilyn Lurker  
City Recorder