

AMERICAN FORK CITY COUNCIL
MAY 26, 2020
REGULAR SESSION MINUTES

This meeting was held electronically.

Members Present:

Kevin Barnes	Council Member
Staci Carroll	Council Member
Barbara Christiansen	Council Member
Rob Shelton	Council Member
Clark Taylor	Mayor Pro Tem

Members Absent:

Bradley J. Frost	Mayor
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Staff Present:

David Bunker	City Administrator
Camden Bird	Community Services Director
Wendelin Knobloch	Associate Planner
Terilyn Lurker	City Recorder
Anna Montoya	Finance Officer
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Derric Rykert	Parks and Recreation Director
Scott Sensanbaugher	Public Works Director

REGULAR SESSION

The American Fork City Council will meet in a regular session on Tuesday, May 26, 2020, electronically, commencing at 7:00 p.m.

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

Mayor Pro Tem Taylor, welcomed everyone to the meeting. He led the Pledge of Allegiance. An invocation was offered by Council Member Carroll. All Council Members were present with the exception of Mayor Frost who was excused from the meeting.

Council Member Taylor noted that Mayor Frost had asked to be excused from the meeting as his daughter graduated from American Fork High School and was engaged in a family celebration. Because of this Council Member Taylor would be conducting the meeting.

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

There were no public comments.

3. City Administrator's Report

David Bunker, City Administrator, stated that the City's webmail certificate expired and had not renewed. Staff were working on getting the renewal submitted, however, there might be a 24-48-hour period where there may be problems with webmail. George Schade, IT Director, was working closely with Rocky Mountain Tech to get the certificate renewed.

Mr. Bunker also stated that on Saturday night there was an event in American Fork "Cruise Mainstreet" for the American Fork Highschool graduating class of 2020. He said that it was a lot of fun and that both Council Member Carroll and Council Member Taylor were in attendance.

4. Council Reports

Council Member Carroll commented that the Memorial Day video was touching and poignant as it was different than what they normally do. She wanted to compliment everyone who was involved with the video and noted that it was easy to share electronically.

She also reported on the Chamber of Commerce events. She said that the cruise on Main Street was the first in-person event they had. She noted that they held the event outside and tried to maintain distances to maintain protocols. The next event will be the Women in Business Day where there will be a speaker from the For Foods Group who will be presenting on June 16th at 11:45 a.m. at the Hyatt House in Pleasant Grove. Council Member Carroll stated that this event had been originally scheduled in March. She said that she is hopeful that they will be able to hold the event as the Chamber of Commerce has been wanted to start the Women in Business group to support female entrepreneurs.

Council Member Barnes said that he also saw the Memorial Day video and was pleasantly surprised; it was done appropriately and they did a great job. He noted that it is on the City's website for people to view.

Council Member Shelton said that he thought some of the best things with the COVID situation was the out-of-the-box thinking and the creative ways to serve people in the light of social distancing. He voiced that he hoped they continued to utilize technology creatively to reach out to people. Council Member Shelton reported the Beautification Committee met to touch base on Steel Days and the flowerpots on Main. He said that the watering the flowerpots continues to be a concern. The committee is trying to outsource that task to someone who could consistently water the flowerpots. He said that if any of the Council or staff have any opinions about the flowerpots on Main Street, they could get in touch with him. In addition, the dispatch had their board meeting where they were adopting the final budget. He shared that the fund balance was higher than normal because some capital expenditures did not cost as much. Due to this they considered funding the radio re-programming cost as a result of the police channel between Lehi, American Fork, Saratoga Springs, and Eagle Mountain being split. Currently, that cost would fall to individual cities, but the Dispatch Committee is considering taking up that cost with the fund balance.

Council Member Christiansen stated she appreciated all the work everyone has done to hold events such as the cruise. She noted that the Library opened up today. They had a trial run on Friday to practice the new policies.

Mayor Pro Tem Taylor noted that he thought the cruise was a lot of fun. He said that he realized that they had asked a lot of the seniors to shelter in place at a time of connection and celebration. He felt the kids did a tremendous job in sheltering in place. The celebration was fun and nice, with the participation of businesses sharing banners to congratulate seniors. He provided an update on what had been happening at Fox Hollow noting the level of caution being taken. He said those efforts got some notice. The Utah Section of the PGA called them and asked if they could have State Championship at Fox Hollow. Tomorrow the girl's golf state championship for 5A and 6A be held at Fox Hollow with all the necessary precautions. He said there would not be a banquet following. He said that it was nice to be recognized that Fox Hollow was taking the right precautions.

COMMON CONSENT AGENDA

(*Common Consent* is that class of Council action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda.)

1. Approval of the April 28, 2020, City Council minutes.
2. Approval of the May 5, 2020 Work Session minutes.
3. Approval of the May 5, 2020 Special Session minutes.
4. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$13,096.60 and issue a Notice of Acceptance for the FURRY TAIL TRANSFORMATIONS construction of public improvements located at 55 East 400 North.
5. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$1350.00 and issue a Notice of Acceptance for the GROSSGEBAUER SUBDIVISION construction of public improvements located at 1370 North 100 East.
6. Approval of the authorization to release the Improvements Durability Retainer of \$3,306.50 or GROSSGEBAUER SUBDIVISION, located at 1370 North 100 East.
7. Approval of the authorization to release the Improvements Durability Retainer of \$30,999.68 for HANSEN RANCH PHASE 1, located at 480 North 1100 East.

Council Member Staci Carroll moved to approve the common consent agenda. Council Member Barbara Christiansen seconded the motion. Voting was as follow:

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

ACTION ITEMS

1. Ratification of City payments (May 6, 2020 to May 19, 2020) and approval of purchase requests over \$25,000.

Council Member Christiansen noticed that on the soccer refunds that a couple had multiple kids. She noticed an inconsistency in the notation of how those refunds were issued and wondered about

the process for reimbursement. Mr. Bunker said that typically refunds were issued based on the program each child was registered for, but that there were some instances where a whole family was refunded at once.

Council Member Barbara Christiansen moved to ratify the city payments for May 6, 2020 to May 19, 2020 and approve purchase requests over \$25,000. Council Member Staci Carroll seconded the motion. Voting was as follows:

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

2. Review and action on an ordinance approving the disbursement of fiscal year 2019-2020 PARC Tax funds.

Mayor Pro Tem Taylor noted that the Council had multiple meetings regarding this item and that the action aligned with what was discussed. He asked if the Council had comments. Council Member Christiansen suggested the PARC Tax committee look into ways to come up with funds for the sewing machines for the New Friends Quilting Circle. She suggested that they take the \$2,400 needed for the sewing machines from the \$4,500 allocated to the Heritage and History Pageant.

Council Member Carroll said that she thought that the History and Heritage Pageant had requested more than the \$4,500 awarded. She thought they had requested \$6,000. Council Member Christiansen stated she understood that it was canceled this year. Mayor Pro Tem Taylor confirmed that the \$6,000 was their request.

Council Member Carroll sought clarification for when the History and Heritage Pageant was held as she thought it was a summer event. It was explained that it was intended to be held in May, so they would not be hosting the event this summer. Council Member Barnes said that he thought they now planned to hold the event in August of September. There was some continued fact finding about the dates of the History and Heritage Pageant, as well as the New Quilting Circle request.

Council Member Shelton explained that he had re-listened to the PARC Tax Committees discussions. He noted that he felt it was valuable that these were now published online to be able to review again. He pointed out that it seemed that the arts got a little less funding because they could not hold some of their events. He said there was discussion by the committee about how the funds that were not spent could be used in the future. He asked if there was a policy about how funds not spent could be used in the future.

Cherylyn Egner, Legal Counsel, stated that in the ordinance before the Council tonight for passage, section 10 had a provision related to COVID-19. She explained that when the PARC Tax Committee convened to allocate funds the initial discussion did not consider money that would be carried over, but that there were several organizations, including Harrington, that requested that funds be able to be carried over into the next year for the same purpose. For example, Harrington was awarded some concert in the park money that would be able to be applied to that project next year.

Mayor Pro Tem Taylor noted that the actual request for the sewing machines was \$6,400. Council Member Shelton clarified that if the \$4,500 allocated this year rolled over to the next year, an organization would have \$9,000 for that line item in the following year. Cherylyn Egner, Legal Counsel, said that was correct. Council Member Rob Shelton said that if that were the case, he would be supportive of Council Member Christiansen's suggestion to take some money from the History and Heritage Pageant.

Council Member Carroll said that she thought the History and Heritage Pageant would happen for this coming summer and therefore had not happened yet, so they would still need those funds. Cherylyn Egner, Legal Counsel, further explained that the contract signed by the Timpanogos Arts Foundation (TAF) stated that those funds had to be expended by June 30th of 2020. When they get the next cycle of funds, they will have to be spent by June 30th of 2021. Because of this, if the Pageant has not occurred by June 30, 2020, then the funds would roll over into FY 2021.

Council Member Carroll clarified that the funds they were talking about allocating were for 2021. Mr. Bunker said that the question was if the History and Heritage Pageant happened in July, August, or September of last year.

Council Member Shelton said that in their last packet on May 5, 2020, the budget for the Pageant was \$6,962.81. They reported that they had not spent any of that money and there was a note that the event was not held as the event was scheduled for April 2020 and was cancelled due to COVID-19. Council Member Carroll confirmed that they did have money.

Council Member Shelton stated that there was more money than would be allocated this year. Because of this he would be supportive of looking at allocating some funds to the sewing machines.

There was discussion about the funding amount they would need to come up with. If the Council pulled the \$4,500 from the History and Heritage Pageant, they would still be \$1,900 short of the New Friends Quilting Circle request.

Council Member Barnes asked if there was any money left in the PARC Tax account from previous years that was unassigned. He said he found it hard to believe that they spent every single penny each year. Council Member Shelton said that he was looking at page 23 of their packet. He said that it shows that there was already \$2,000 going to the New Friends Quilting Circle in their allocations. Council Member Carroll said that perhaps she was getting confused now as she thought that the \$2,000 allocated to the New Friends Quilting Circle was actually allocated for a fabric request for the Quilts of Valor Packet.

Mayor Pro Tem Taylor said that the actual amounts that the Council is being asked to approve for distribution began on page 25 of the packet. He said that if they gave the \$4,500 allocated to the History and Heritage packet to the New Friends Quilting Circle, could they not just take equal amounts off all of the items to come up with the \$1,900 difference. He suggested they take \$100 off of all items of \$5,000 or more.

Council Member Shelton said that he calculated all of the allocations and that it added up to \$920,000. He thought that this was the amount that they were trying to budget for. Ms. Egner said that one thing that was missing from the ordinance that Council Member Staci Carroll noted was pointed out the \$2,000 that was already allocated the New Friends Quilting Circle group that

was missing and needed to be added in. Because of this, if the \$2,000 was going back in, any motion passed would need to address the addition in the motion so that the ordinance could be updated before signature.

Council Member Shelton had a question about Children's Programing Room. He wanted to be reminded of what the \$110,000 was for and the timeline of the project. Camden Bird, Community Service Director, said that during the current PARC Tax year (2021) they hoped to get the design for a remodel of the Children's Programming room done for future construction of the facility. The PARC Board said that if possible, they would like to apply additional funds for the next program year (2022) if those funds were needed. Staff hoped to schedule the design work for the end of the year to be able to better connect the different project elements with the allocation of PARC Tax funds.

Council Member Shelton said he would take that \$1,900 from the library programming room knowing that they were going to bridge two fiscal years anyway. He said the \$1,900 could be allocated if needed after evaluation of the sales tax revenues coming in. Council Member Staci Carroll said that was a good idea.

Mayor Pro Tem Taylor summarized that they were suggesting taking the \$4,500 from the History and Heritage Pageant and \$1,900 from the programming room project to meet the \$6,400 request from the New Friends Quilting Circle.

Council Member Shelton said he had another question but did not want to cloud the previous discussion item. He said that in the past there was some discussion about matching funds. He said that personally he hoped to see matching funds be a staple for the Timpanogos Arts Foundation (TAF). He said that he did not feel as though this was all that different from other grants the City was pursuing. After review of previous financial statements, he found that there are some TAF programs that do a great job of getting additional funding, but that there were some programs that were completely funded by PARC Tax money. He recognized that TAF was not receiving their full ask but moving forward he would like to see the matching component be something they strove for in the future to encourage economic self-sufficiency. Mayor Pro Tem Taylor said that he did not feel that Council Member Shelton's request was a departure from previous discussions and that this would probably not surprise TAF.

Ms. Egner asked if the Council would like the matching fund language added to this year's contract. She asked if the Council did want this included what was qualified as matching funds.

Mayor Pro Tem Taylor said that he did not know if that language could be included this year, especially because they were not getting the full amount requested. He asked the other Council Members' opinions. Council Member Kevin Barnes thought they had already made it mandatory for this year. He said that he was not opposed to letting it go one more year, but he worried about continuing to just kick the can down the road. Mayor Pro Tem Taylor said it was only strongly suggested by the PARC Committee and that there was no mandatory match that was every discussed at the PARC Committee level.

Council Member Carroll said that in 2020 there was a provision for matching funds to cover their administrative fee and that halfway through the year there was a big discussion about what constituted matching funds. She noted that they had included a requirement, but that it was not

qualified enough for the Council to determine if the requirement was met. She asked if the Council wanted to define what constituted matching funds or if they just wanted to encourage it.

Council Member Shelton said that he did not want to make things more complicated and develop a big spreadsheet of what qualified as a match. He said that the form 990 was required by the IRS for every nonprofit to file. He said that in part 8(1)(C) of the 990 form organizations have to report revenue from fundraising events. Because this was already defined, he suggested that anything that fell within that line item could be considered for the match.

Ms. Egner said that from a contract perspective that was easy language for her to include. She said she would like clarification on the amount of the Timpanogos Arts Foundations funds would require a match this year.

Council Member Carroll said that in an effort to make TAF sustainable, she wanted them to charge for their events to be more like a business. She wanted TAF to be able to use their revenues as part of their fund match.

Council Member Shelton said that on IRS 990 form, there were seven categories to utilize in fundraising items. He noted that the form designates different revenues such as contributions, gifts, grants, membership dues and program service revenues. He explained that it was these, program service revenues, that Council Member Carroll might have been referring to. He said he was pleased to see that TAF was charging membership dues. He felt that the Council could use these line item categories on the 990 form to decide what would count as matching.

Council Member Barnes said that he thought that revenue was revenue. He thought that money generated from ticket sales should be considered. He felt their total revenue should be considered.

Mayor Pro Tem Taylor said that would make it easier for TAF to meet a matching requirement. Council Member Carroll asked if the Council wanted to require a match. Council Member Shelton was in favor of requiring the match and as something that TAF would strive for in the future. He said that the City was matching their PARC Tax funds with impact fees.

Council Member Barnes recollected that they had come to a decision before on the percentage of funds that would need to be matched. Council Member Shelton said that he did not remember coming to a decision. He felt that fundraising had to be a foundation of any non-profit for it to be sustainable. He thought that it was great to reward creativity. His biggest concern for TAF is their lack of fundraising.

Mayor Pro Tem Taylor noted that they have awarded a substantial amount of PARC Tax dollars to the Timpanogos Arts Foundation (TAF) and that the City is looking to see some fruits to that investment. He said he wondered if the Council felt like TAF had demonstrated enough progress to continue to invest in them.

Council Member Christiansen said that she felt the Council had communicated that they wanted the Timpanogos Arts Foundation to be successful and continue to contribute to the community and provide arts opportunities, but that they could not just count on PARC Tax funds and therefore needed to work towards being self-sufficient. Mayor Pro Tem Taylor said that was an encouraged management style that the Council is bring forward to help organizations have practices that allow them to be sustaining and successful.

Council Member Shelton said that he agreed. He was encouraged by the Timpanogos Arts Foundations acquisition of the Valentine Theatre. He said that he worried that if the allocation of the PARC Tax did not continue to be passed by residents these organizations would request money out of the General Fund because arts were important in American Fork. Should this happen, Council Member Shelton felt it was important that TAF have some level of self-sustainability. He also said that when an organization was raising some of their own money, the Council could more easily justify the dollar amount awarded to them as they had demonstrated the work, they were putting in. Mayor Pro Tem Taylor thought Council Member Shelton's point made sense.

Council Member Carroll said that perhaps another way to structure the allocation of funds was to put a limit on the percentage of an organization's income that could come from the PARC Tax.

Camden Bird, Community Services Director, said that he texted Reggie Walker, Executive Director of Timpanogos Arts Foundation, regarding the History and Heritage Pageant. He said that TAF hoped to hold it this fall or next spring depending upon what was allowed. Mr. Walker also mentioned that it would be difficult to do the deep re-organization they have planned to be more efficient and organized as well as meeting all the matching requirements.

Council Member Carroll recognized that Mr. Walker, Executive Director of TAF, was looking to reduce expenses which would go a long way in being sustainable.

Council Member Shelton suggested that the Council require a 100% match on the funds allocated to administrative budget, but that the 100% match could come from any income source. Therefore, they would have to match \$47,000.

Council Member Carroll voiced concern that the money was allocated up front. TAF would receive the \$47,000 on July 1, 2020, but not have to prove that they had matched the funds until July 1, 2021, at which point they would have already spent the \$47,000.

Ms. Egner stated that in fiscal year 2020 TAF received half of their administrative funds and then had to demonstrate their matching funds before being awarded the second half.

Mayor Pro Tem Taylor said that at this point the Council needs to come up with a motion to solidify their course of action and move forward. Council Member Barnes said that he liked the idea of issuing half the funds at the onset and waiting to distribute the other half of the funds after the match was proven as was done in fiscal year 2020. Council Member Carroll said that she still did not understand that because an organization would be awarded money and then the clock would start to be able to match it.

Council Member Shelton said that organizations generally have a whole year to raise matching funds; the money is awarded and there is a good faith contract that money will be matched. He said that it was not on the City to micromanage them, but they have to prove at the end of the year that they matched the requirement.

Ms. Egner said that the contract could be drafted to read as Council Member Shelton suggested. She noted that was not how the contract was drafted for fiscal year 2020, but she was happy to craft that provision.

Mayor Pro Tem Taylor asked if any of the Council Members would like to take a shot at a motion.

Council Member Barnes addressed section 10 of the ordinance that talked about if organizations were unable to spend the 2018-2019 (FY 2019) funds as a result of COVID-19. He said that he thought they were talking about funds from 2019-2020 (FY 2020). Ms. Egner explained the funds that were being allocated this were where the 2019-2020 (FY 2020) funds that could then be used from July 1, 2020 through June 30, 2021 (FY 2021). Because the previous fiscal year's funds are spent in the next fiscal year, the 2018-2019 (FY 2019) funds that would have been spent from July 1, 2019 to June 30, 2020 (FY 2020) would be rolled over to the next fiscal year from July 1, 2020 to June 30, 2021 (FY 2021).

Council Member Carroll said she got it and that the ordinance worked. There was discussion about if funds were awarded based on the past year's collected revenues or based on predicted revenues for the coming year.

Council Member Carroll said that there would also be some estimate because the PARC Tax had to make decisions about the allocation of funds for the next fiscal year prior to the current fiscal year's competition and there was always a delay in the sales tax data. Ms. Egner explained that was correct. That funds were still being collected for fiscal year 2020 that would be awarded for fiscal year 2021 starting on July 1. The budget had to be reduced because COVID-19 impacted sales taxes for the current fiscal year that they were still collecting funds from.

Anna Montoya, Finance Officer, stated there was approximately \$925,000 in the PARC Tax Fund balance.

Council Member Barbara Christiansen said that the problem was that there were two different types of years – years in which taxes are received and years for which funds are awarded.

Council Member Carroll said that she felt it was pretty pointed to ask just one part of a single organization to have matching funds. She wanted to know what the rationale was for only making the Timpanogos Arts Foundation (TAF) have a matching requirement.

Council Member Shelton said that when he considers the dollar amounts being allocated there is a huge difference in what TAF, a 501-C-3 receives, and the next nonprofit that is only being allocated \$35,000. In regard to City funds that are also being awarded in large amounts, he felt those funds were matched through impact fees and the operating expense the City puts into projects and public spaces.

Council Member Christiansen clarified if the concern was the amount of money the received or the percentage received relative to an organization's revenue an operating budget.

Council Member Shelton asked if the Alpine Community Theatre (ACT), the other nonprofit, would still be around next year if they do not get funds. He believed, even though they might have to cut some expenses they would be. Would Friends of the Quilt Circle be around. They might have fewer sewing machines, but they could be. This was true for the Harrington Center, Wasatch Dance, etc. However, with the Timpanogos Arts Foundation, their fundraising was only \$20,000 last year. Without the PARC Tax Fund, they could not function.

Council Member Carroll said that as long as there was reason as to why they were separating out the Timpanogos Arts Foundation she was okay. She also noted that with Orem's CARE Tax there were not any matching funds, but there were requirements that limited the percentage of an organization's revenue that could come from the CARE Tax.

Council Member Shelton moved to adopt Ordinance No. 2020-05-26 approving the disbursement of the fiscal year 2019/2020 PARC Tax funds as presented and allow the City Administrator to enter into disbursement contracts, with terms substantially similar to those presented, under the direction of the Mayor, with the following changes: (1) add the New Friends Quilting Circle to the ordinance with an allocation of \$2,000 for the quilting event, (2) reallocate the \$4,500 from the History and Heritage Pageant to the New Friends Quilting Circle for sewing machines, (3) reduce the Children's Programming Room allocation by \$1,900 and reallocate that amount to the New Friends Quilting Circle for sewing machines, and (4) include the requirement that the Timpanogos Arts Foundation (TAF) Administrative expenses of \$47,000 shall be matched at 100% with any sources of TAF revenue identified in IRS Form 990. Council Member Staci Carroll seconded the motion. Voting was as follows:

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

3. Review and action on the Water Banking Agreement with Horan Family Trust.

Council Member Rob Shelton moved to approve the water banking agreement with the Horan Family Trust. Council Member Barbara Christiansen seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	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 approving a commercial site plan located at 64 North 900 West in the GC-2 Planned Commercial zone.

Mayor Pro Tem Taylor said that the Planning Commission recommended denial. Council Member Barbara Christiansen said that she did not see how the Council could approve something that went against their ordinance. That would require a petition and consider changing the ordinance before the Council could consider approval.

Council Member Christiansen moved to deny the ordinance approving a commercial site plan located at 64 North 900 West. Council Member Kevin Barnes seconded the motion. Voting was as follows:

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

- b. Review and action on an extension of the approval on the final plats and ordinance adopting the site plans of Dixie Farms A, B, C, D and G located in the area of 900 West and 1000 South.

Council Member Carroll clarified that this was just an extension of what was already passed.

Council Member Staci Carroll moved to approve the final plats and Ordinance No. 2020-05-27 adopting the site plans of the Dixie Farms Plats A, B, C, D, and G Flexible Lot PUD projects in the area of 800-1000 West and 620-1000 South in the PR 3.0 Planned Residential zone and to authorize the mayor and city council to sign the plats and accept the dedications with instructions to the city recorder to withhold recording of the plat subject to all conditions identified in the public record associated with the March 20, 2019, April 17, 2019, and May 8, 2019, planning commission meetings. Council Member Kevin Barnes seconded the motion.

Council Member Barnes said that if he understood correctly the issue was something that the developer had no control over but resulted because of the sewer district was unable to hook up to complete their project.

Scott Sensanbaugher, Public Works Director, confirmed that was correct. He explained that the developer had been working to move forward, but there was just a delay. He said there was nothing that the City was doing to hold them up on moving forward with their project, but that he felt the circumstances were a fair reason to ask for an extension.

Mayor Pro-Tem Taylor called for a vote on the motion. Voting was as follows:

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

5. Review and action on a Resolution establishing Continuity in Government in American Fork City.

Mayor Pro Tem Taylor noted the Council was familiar with this item as they approve it every year. He asked if the Council had any questions or discussion.

Council Member Shelton suggested adding the other two council members to ensure that there was a clear succession should something drastic happen. He suggested Council Member Barbara Christiansen be fourth (d) and he be fifth (e). Council Member Barnes asked if there were any

legal requirements on the number of council members required or limited to be included. Ms. Egner said that the statute only requires three, but did not limit the number of people in succession.

Council Member Kevin Barnes moved to adopt Resolution No. 2020-05-09R establishing the Continuity of Government in American Fork City with the addition of Council Member Christiansen to (2)(d) and Council Member Rob Shelton to (2)(e). Council Member Rob Shelton seconded the motion. Voting was as follows:

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

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

Council Member Shelton said he had a chance to read the resolution. He noted that section 1C stated that “fireworks shall only be discharged in the above referenced parks.” He asked if that meant that they would not be allowing any fireworks in neighborhoods.

Council Member Carroll said that the fire chief or Mr. Bunker could probably answer better, but that according to her reading all City streets were allowed.

David Bunker, City Administrator, explained that section 1C reference aerial fireworks traveling less than 150 feet. These fireworks could be used in the parks and in a public right-of-way. Aaron Brems, Fire Chief, said that anything that was sold legally could be shot from the street or the listed parks, as permitted by state law. Anything above 150 feet were limited to designated parks. He said the list of approved parks was the same as the last two years, which the Fire Department had good success with.

Council Member Staci Carroll moved to approve Resolution No. 2020-05-10R adopting annual fireworks restrictions in American Fork City. Council Member Barbara Christiansen seconded the motion.

Council Member Rob Shelton said he was still hung up on Section 1(C) where it specifies “fireworks shall only” as it includes all fireworks as there was no specification as to ground or areal.

Mr. Bunker asked if the concern were that people could not light fireworks on their own property. Council Member Carroll said that she agreed with Council Member Shelton that it appeared that the ordinance read that they could not light fireworks in the street. Council Member Shelton said that the way he read and interpreted the ordinance as it was written was that even ground fireworks could only be used at City parks.

Council Member Carroll clarified that the ordinance was only dealing with areal fireworks. Aaron Brems, Fire Chief, said that anything sold legally could light them off in the streets; this was just aerial fireworks.

Ms. Egner asked if they could add definition to fireworks that it was only those firing greater than 150 feet that were limited to city parks.

Mr. Bunker outlined the ordinance. Section 1(A) stated that ground fireworks would be allowed at all parks. Areal fireworks, less than 150 feet, could be used at these parks (with a list following). If it is over 150 feet a permit is required. He said that if you go to the map, it shows that city streets permit ground fireworks and aerals less than 150 feet in city streets.

Council Member Christiansen asked if a sentence could be added in the ordinance, “according to the chart below.”

Mayor Pro Tem Taylor said the chart was already referenced in Section 1(C). Council Member Shelton said he felt the language was conflicted. In Section 1(C) he would like, “areal fireworks less than 150 feet shall only be discharged in the above referenced parks” for clarification. The current language “all fireworks,” or “fireworks shall only be discharged” suggests that no fireworks can be deployed in streets.

Mayor Pro Tem Taylor asked if they needed to change the verbiage. Council Member Carroll did not think they needed to. She felt most people would look at the map.

Council Member Barnes had a question regarding Section 1(B). He wanted to know if that meant that the list were the only city parks that could be used for fireworks. Aaron Brems, Fire Chief, said only for aerals less than 150 feet. They did not want people launching aerals at another park. Mr. Bunker said that Section 1(C) was referring to Section 1(B) and included the word only so that they station fire department does not have to watch every park.

Mayor Pro-Tem Taylor called for a vote on the motion. Voting was as follows:

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

7. Review and action on an ordinance adopting modifications to Section 15.16 of the American Fork City Code relating to Floodplain Management.

Council Member Carroll wondered if the map changes substantially from the previous map. Scott Sensanbaugher, Public Works Director, said the maps always change a bit, but he would not say substantially; he did not think he could point them out. FEMA changes them every few years and want the City to change the ordinance to match their current map. Council Member Carroll said that the City had a road that would be the defend/no defend line. She wanted to know if that road matched up with the proposed map. Mr. Sensanbaugher stated the road was Lakeshore Drive. He said that defend/no defend line was not related to FEMA. FEMA outlined low-lying areas that were susceptible to flooding. Mr. Bunker added the defend/no defend has more to do with the outlet from the Jordan River, as well as how the lake was controlled in regard to water level by pushing water into the Jordan River. The defend/no defend line was established through an agreement on controlling the lake level. Council Member Shelton said that the line was determined by an elevation. It just so happened that the City determined that Lakeshore Drive was at a particular elevation.

Council Member Barnes said that if someone is borrowing money to purchase a home and a corner of your property was in the FEMA zone, you are deemed to be in a flood zone and you become required to purchase flood insurance.

Mr. Sensanbaugher said that one might be surprised what falls in a flood zone and what does not. He added another tidbit of information that the only place you could purchase flood insurance was through the federal government. He said that that government would only sell insurance to people who live in communities that participate in the national flood insurance program. Because of this, it was crucial that the City participate in these programs and pass the ordinance so that residents can get flood insurance.

Council Member Staci Carroll moved to adoption Ordinance No. 2020-05-28 approving modifications to Section 15.16 of the American Fork City Code relating to Floodplain Management. Council Member Rob Shelton seconded the motion. Voting was as follows:

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

8. Review and action on an ordinance amending Section 17.5.128 and Section 5.32.060 of the American Fork City Code relating to signs and advertising structures

Mayor Pro Tem Taylor said that it is this time of year that it is only city candidates who have any respect for where they place their signs. Signs were cropping up everywhere even in city parks.

Council Member Barnes said that he got involved with the code enforcement officer because signs were showing up in parks. One of the candidate's campaign manager said the City could not stop him from putting the signs up in public places. Council Member Barnes said the campaign manager was referred to the City attorney with the end result that all of his signs were taken down.

Ms. Egner said that the amendment reinforces what has always been the policy of American Fork City and cleans up a couple of sections that needed cleaning up.

Mayor Pro Tem Taylor said that he appreciated the ordinance in American Fork. In some neighboring cities, they can see signs on every city tree, something he found unappealing. Council Member Barnes agreed and felt that the ordinance was clearer. He did have a question about Section 2-6(a) that references a public utility pole. He wanted clarification what that meant. Ms. Egner confirmed that it was a power pole.

Ms. Egner said that the real change to the sign ordinance was adding the clarifier that a party has to have the permission of the property owner to post signs.

Council Member Shelton said that he felt as though Section 1-3, "Public property. No signs for the purpose of advertisement, political promotion or announcement shall be permitted in the public right of way or on public property," was contradictory. He said that there was a whole section of

code that was worked on a few years ago with downtown businesses that permitted A-frames. He pointed out the section E of the code is all about the regulation of A-frames in downtown on the public right of way. He was concerned that the statement “the more stringent code will prevail” would undo that agreement.

Ms. Egner said that they could alter the language in item three just to signs for political promotion. She had not been aware of the downtown sign code. Mr. Bunker asked if there was a way to make an exception to the A-frame signs downtown. He worried that if they left it open everywhere in town, they would arrive at another situation that was hard for them to enforce. Ms. Egner said she could add in an exception that references the code dealing with A-frames in downtown.

Council Member Shelton said that they established the downtown area where the A-frame signs were permitted as an overlay zone in Section 17.5.128. It was Section A (1) that they were currently trying to amend, but Section 2(B) refers to the downtown A-frame overlay zone and the whole section on the regulations in that zone were outlined in Section 2(E).

Mr. Bunker suggested starting Section 1(A)(3) with “Excepting Section 17.5.128(E). Ms. Egner agreed.

Council Member Shelton said that technically if a resident wants to put up a sign advertising a garage sale they have to come to the City and pay a fee to get a sticker to show that you got approval from the City to put up your garage sale sign. Council Member Barnes said that people were also limited to a certain number of signs.

Council Member Rob Shelton moved to adopt Ordinance No. 2020-05-29 amending Section 17.5.128 and Section 5.32.060 of the city code relating to signs and advertising structures with the following changes: in Section 17.5.128(A)(3) that it exempts the Overlay A frame signs in the ordinance. Council Member Barbara Christiansen seconded the motion. Voting was as follows:

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

9. Adjournment.

Council Member Kevin Barnes moved to adjourn the meeting. Council Member Staci Carroll seconded the motion. All were in favor.

The meeting adjourned at 8:47 p.m.



Terilyn Lurker, City Recorder