

AMERICAN FORK CITY COUNCIL
AUGUST 25, 2020
REGULAR SESSION MINUTES

This meeting was held electronically

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
Anna Montoya	Finance Officer
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Scott Sensanbaugher	Public Works Director

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, August 25, 2020, electronically, commencing at 7:00 p.m.

Mayor Bradley J. Frost welcomed everyone to the meeting. He stated that in accordance with Resolution No. 2020-07-20R, the City Council meeting would be held electronically as conducting the meeting at City Hall presented a substantial risk to the health and safety of the public due to COVID-19. He stated that citizens could watch the meeting be live-streamed at <https://www.americanfork.gov/AgendaCenter>. Citizens who wished to make comments were asked to email their comments to zoompubliccomment@afccity.net prior to 5:00 p.m. on the day of the meeting for the comments to be read into record, and Mayor Frost told them to indicate in the subject line which item their comment referred to.

PUBLIC HEARING

Mayor Frost stated that the Council would receive public comments in regard to the vacation of portions of public utility easements at the following locations: 1051 North 700 West Circle, 1173 East 450 North, and 640 North 650 West.

There were no public comments from the audience and Mayor Frost closed the public comments section.

REGULAR SESSION

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

Those participating in the meeting stood and recited the Pledge of Allegiance. An invocation was offered by Council Member Clark Taylor and roll call was taken.

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

There were no public comments.

3. City Administrator's Report

City Administrator David Bunker reported they had been sharing fitness centers facilities with Lehi City while their fitness center was closed for repairs and renovation. He said that they would do the same thing and direct people to the Lehi City fitness center when they have to put the bubble back on their swimming pool. He said that was currently going on and that they had a pleasant relationship between the two cities. He also said that were many road projects in process, and there was an online map that outlined the projects and explained what type of project they were. He said that if residents had questions about the road projects, they could go online to find more information.

4. Council Reports

Council Member Barbara Christiansen reported that the Library Board was still looking for an additional board member and the deadline was now after Labor Day. She said the work was straightforward and she encouraged people to apply. She said that as of last week, the librarians had spoken with some people who were interested in the position but that no one had officially applied yet. She also mentioned that she had seen *The Music Man* over the weekend, and it was a great performance.

Council Member Rob Shelton said that Rodger, the director of North Pointe Solid Waste was going to retire and that they were currently looking for a candidate to take his position. He reported that several candidates had been interviewed and they were down to four main contenders. He said that they would like to have the position filled by mid to end September and for the upcoming series of interviews to be quick. He said that once they had a new director, he would like for them to come meet the Council. He also stated that the Dispatch Board held a meeting and they voted to pick up the cost of the technology package that they had decided to install. It was about \$30,000 and the agency was going to pick up that cost. He also mentioned that the Beautification Committee had met, and he had been able to attend a part of that meeting.

Council Member Kevin Barnes had nothing to report.

Council Member Staci Carroll said that she had attended the Chamber Board meeting earlier that day and reported that they were busy and had many upcoming events. She stated that they had scheduled a golf tournament and the date was tentatively set for September 18th.

Council Member Clark Taylor discussed the dump trucks on 200 South, and the problems that they were having with jake brakes, excessive noise, and speeding there. He said that he had worked with contractors in the area to try to get help and said that one of the companies who had been the biggest offender was no longer used by the contractors. He said that one solution that had been proposed was to install a light on the street to mitigate the speeding problems. He said that he was

not sure what should be done but wanted to bring the matter to the attention of the Council and wanted to help the contractors and the residents who lived in the area. Mayor Frost proposed that they educate and train each of the new contractors and said that they had signage that stated that jake brakes were not allowed.

5. Mayor's Report

Mayor Frost reported that he held a Mayor's Executive Council with the chamber on the 19th of August. He said that they had about 12-15 participants and they talked about the impact of COVID-19 on the businesses in the City. He stated that several car dealers had reported that they had had a great business year; however, they had concerns about inventory and obtaining more cars to sell. He also reported that he had met with an economic COVID-19 recovery committee, which was made of himself and six other mayors. They had been instructed to come up with grant requirements to disburse \$15 Million dollars of CARES funds. They had received 62 grants from American Fork businesses which totaled about \$640,000. He said this money would come back to the businesses with the intent of covering losses that had been suffered as a result of COVID-19. Mayor Frost said that the Chamber had done a great job reaching out to the businesses. He stated that there would be a second round of grant applications in the future.

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 July 21, 2020 work session minutes.
2. Approval of the July 28, 2020 city council minutes.
3. Approval of the August 4, 2020 work session minutes.
4. Ratification of city payments (August 5, 2020 to August 18, 2020) and approval of purchase requests over \$25,000.
5. Approval of an amended Memorandum of Understanding formalizing a multi-jurisdictional agreement with Utah County.

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

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

ACTION ITEMS

1. Review and action on an ordinance approving the vacation of an easement at 1051 North 700 West Circle.

This was part of the public hearing.

Council Member Taylor moved to adopt Ordinance No. 2020-08-44 approving the vacation of an easement at 1051 North 700 West Circle. Council Member Christiansen seconded the motion. Voting was as follows:

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

2. Review and action on an ordinance approving the vacation a portion of an easement at 1173 East 450 North.

Council Member Carroll moved to adopt Ordinance No. 2020-08-45 approving the vacation of an easement at 1173 East 450 North. Council Member Barnes seconded 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

3. Review and action on an Ordinance approving the vacation of a portion of an easement at 649 North 650 West.

Council Member Barnes moved to adopt Ordinance No. 2020-08-46 approving the vacation of a portion of an easement at 649 North 650 West. Council Member Carroll seconded the motion. Voting was as follows:

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

4. Review and action on granting an easement located at 275 East 200 North to Rocky Mountain Power.

Public Works Director Scott Sensanbaugh explained that this was an easement for an existing power line, and it had come before the Council a couple weeks ago. It had been approved by the Council at that time, but since the approval Rocky Mountain Power had voiced concerns about some of the clauses in the document. Mr. Sensanbaugh said that their concerns had revolved around ambiguity in regard to who would pay for relocation if the power line needed to be moved, and if it would impact property rights to move it. The staff had agreed that their concerns were valid and had reworded the document to be clearer. Since the changes made were substantial, Mr. Sensanbaugh wanted to bring it back before the Council for re-approval.

Council Member Barnes said the document referenced the Davies Dental Commercial Site and asked for clarification as to what that was. He said that the area indicated on the map looked like a home rather than a commercial space. Mr. Sensanbaugh explained it was a dental office that they wanted to develop, and the power line would service that property once it was moved to the proposed location. It was discussed that the house that had been there had been torn down last year.

Council Member Shelton moved to approve the public utility easement in favor of Rocky Mountain Power at 275 East 200 North. Council Member Taylor seconded the motion. Voting was as follows:

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

5. Review and action on subdivisions, commercial projects, condominiums, and PUD's including 1) plat approval; 2) method of satisfaction of water rights requirements; 3) posting of an improvement bond or setting of a time frame for improvement installation; and 4) authorization to sign the final plat and acceptance of all dedications to the public and to have the plat recorded.

a. Review and action on the final plat for American Fork Apartments, located at approximately 850 West 250 South in the TOD zone.

Council Member Carroll indicated she had some concerns and moved to table this item. Council Member Barnes seconded the motion. Voting was as follows:

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

b. Review and action on the final plat of Searle Meadows Subdivision, Lot 25 Amendment, located at approximately 1051 North 700 West Circle in the R1-12,000 zone.

Senior Planner Adam Olsen explained this action would add a piece of land to the property owner of 1051 North 700 West Circle. He said that the land had previously been part of Open Space or park area, and this action formalized the purchase into their property.

Council Member Barnes clarified that it had been park land previously and asked if Mr. Olsen knew what the new property owner planned to do with the land. Mr. Olsen said he thought they were landscaping it. It was briefly discussed that the land had been city-owned but there was some debate as to if it had been a park or not. Mr. Sensanbaugh said that he had been approached by the property owners and they had asked him if they could purchase the land since they had inadvertently encroached on it while doing a landscaping project on their own property. He said that he had gone to the site and reported that it was on the east side of a steep ravine. He explained that the parcel of land had a flat spot and then a very steep slope which was overgrown with vegetation. He said that since there was no use that the City could have for the piece of land, he recommended that they allow the sale of the land.

Council Member Rob Shelton asked if the request had gone before the Council for purchase agreements, and Mr. Sensanbaugh explained that that because the land met the definition of an insignificant parcel that it did not have to go before Council. Council Member Shelton said that he thought all property purchases had to come before Council. Public Legal Counsel Cherylyn Egner said that since the land was worth less than \$1,000 and fell under the square footage required to be a significant parcel. She explained that it could be declared surplus by the Mayor and the City Administrator and the sale did not have to be approved by the Council.

Council Member Shelton also stated that he had received some complaints about a nearby horse riding trail and asked if the City could put some signage along the trail that banned the use of

firearms and crossbows. He said that currently many people went to the area to shoot firearms and he was concerned about the safety of horseback riders using the trail.

Council Member Taylor moved to approve the final plat of Searle Meadows Subdivision, Lot 25 Amendment, located at approximately 1051 North 700 West Circle in the R1-12,000 zone and to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record associated with the August 5, 2020 Planning Commission meeting. Council Member Christiansen seconded the motion. Voting was as follows:

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

c. Review and action on the final plats of Rockwell Ranch Block 1 Phase 1, Plats A-D Condominium, located at approximately 1080 West 420 South in the TOD zone.

Mr. Olsen explained this was a phase one of a condominium plat which had a total of 40 units of multiple family developments in the TOD zone. He reported that the developers had gone through the district framework, the block plan, and were now on the lot plan, which would formalize the separation of the land into distinct lots with various uses. He added that this plat was in the same geographic vicinity as the next item for discussion on the agenda.

Council Member Barnes asked if this type of development was what the Council wanted to have in that area. Mr. Olsen confirmed that it did meet all the density and lot requirements for the area.

Council Member Taylor moved to approve the final plats of Rockwell Ranch Block 1 Phase 1, Plats A-D Condominium, located at approximately 1080 West 420 South in the TOD zone and to authorize the mayor and city council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record associated with the August 5, 2020 Planning Commission meeting. Council Member Barnes seconded the motion. Voting was as follows:

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

d. Review and action on the final plat of Rockwell Ranch Block 1 Phase 2, located at approximately 1000 West 360 South in the TOD zone.

Mr. Olsen stated this was directly next to the area discussed in the last agenda item and added that this plat consisted of townhomes rather than condominiums and said that it met the requirements of the zone. He said it was a part of the Rockwell Ranch development, which was being constructed in different phases. He added that it had previously been a part of the Frandsen properties, south of 200 South.

Council Member Shelton noted that there were many improvements being approved in the 200 South area and asked if there were temporary improvements in place. Mr. Bunker stated they had not been installed yet and said there were many contractors that were currently working on the road. He elaborated that they had received estimates for temporary improvement costs, but their

main issue was that they had been unable to obtain the right-of-way to finalize a trail that ran through the corridor. He said that they had tried to work with the property owners in the area, but they had been unwilling to sell them an easement or right-of-way in order to put the trail in.

Council Member Shelton said that he did not want to keep approving projects if they were not taking into consideration the logistics of completing those projects. He also said there should be a timeline for the improvements to 200 South and they should have an estimated time of completion for the roadwork projects. He commented that 200 South was going to see increased traffic soon, and if there was substantial roadwork still being done as the area got busier it could create traffic issues.

Mayor Frost agreed and added that while they had given themselves a little bit of extra time by closing a nearby station, traffic was beginning to increase again.

Council Member Carroll moved to approve the final plat of Rockwell Ranch Block 1 Phase 2 and to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record associated with the August 5, 2020 Planning Commission meeting. Council Member Shelton seconded the motion.

Council Member Staci Carroll commended Mr. Olsen, Associate Planner Wendelin Knobloch, the City staff and the Planning Commission for their hard work.

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

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

6. Review and action on an ordinance approving amendments to Section 15.01.110 of the city code relating to easements.

Mr. Sensanbaugh stated that about a year ago, they had proposed a code change to the Council that would change the easements required on new properties in subdivisions. He recalled that the Council had approved the change, but in the last couple weeks he had found that there was an area in the code that he felt needed an adjustment. Currently, the code required a five-foot easement all around a property, but he had found that in the front of the property, especially along the right of way, this was an insufficient amount of space. The proposed change to the code would increase the requirement to ten feet so that there was space for the dry utilities, and the other sides would remain at five feet.

Council Member Shelton said that he had a sewer line behind his property and said that when he read the ordinance it seemed like it required that there be 25 feet of easement on each side of the property.

Mr. Sensanbaugh asked if Council Member Shelton had read page 5.9 B of the ordinance, which did stipulate there be 25 feet of easement for sewer lines that were deeper than five feet in the ground. He said that elsewhere in the ordinance, it stated that the City Engineer could require easements that were as wide as necessary for certain unique cases. Mr. Sensanbaugh stated that

the way he had interpreted the ordinance was that there be 25 total feet of easement and not 25 feet along each side of the property.

Council Member Shelton asked for clarification about what the phrase “right of way” referred to and asked if it was sidewalks or roads. Mr. Sensanbaugh said that it was essentially the road; it was any city owned property used for the purpose of walking or driving. He added that the ordinance used the phrase “right of way” rather than saying “the front” of a property since it would include both street-facing sides of a property on a corner.

Council Member Shelton also clarified that currently the easements were five feet all the way around. Mr. Sensanbaugh confirmed that they were and said that originally the requirement had been ten feet. He said that staff had recommended that they reduce this to five feet, but said that when they did this, they had neglected to specify that the front easement should remain at ten feet. Council Member Shelton said that it seemed like a 10-foot easement would cut too far into the front yard of the homes, but Mr. Sensanbaugh replied that this distance was needed to allow for access to dry utilities. Council Member Shelton said that he thought they had added the park strip for dry utility access. Mr. Sensanbaugh said that the park strip was part of the right-of-way, and it was better to have the utilities in the easement rather than the right of way. Council Member Shelton said that he thought they had utilities in the right of way. Mr. Sensanbaugh said that they did have utilities installed in the right of way, but not dry utilities. Mr. Sensanbaugh clarified that “dry utilities” referred to gas, telecommunications, and electric lines.

Council Member Christiansen moved to adopt Ordinance No. 2020-08-47 approving amendments to Section 15.01.110 of the city code relating to easements. Council Member Barnes seconded the motion. Voting was as follows:

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

7. Review and action on a resolution approving a land use map amendment from the General Commercial to the Public Facilities designation, located in the area of 1730 N. North County Boulevard.

Mayor Frost noted they received an email from City Recorder Terilyn Lurker about the resolution and correcting the recommendation within that resolution. Mr. Olsen stated the Planning Commission had recommended approval of the resolution.

Council Member Carroll moved to adopt Resolution No. 2020-08-23R approving the land use map amendment from the General Commercial to the Public Facilities designation located in the area of 1730 N. North County Boulevard. Council Member Taylor seconded the motion. Voting was as follows:

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

8. Consideration and action to enter into a closed session to discuss the character or professional competence of individuals, to discuss pending or reasonably imminent

litigation, to discuss the purchase, lease or sale of real property, or to discuss other items described in Utah State Code 52-4-204 and 52-4-205.

Council Member Taylor moved to enter into a closed session to discuss items described in Utah State Code 52-4-204 and 52-4-205 at 7:49 p.m. Council Member Barnes seconded the motion. Voting was as follows:

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

Mayor Frost explained that the Council would move to a separate Zoom link for the closed session discussion. After the Council finished with their discussion, they would return to this zoom meeting.

The City Council entered a closed session to discuss the pending or reasonably imminent litigation at 7:50 p.m. Those present included Mayor Frost, Council Member Barnes, Council Member Carroll, Council Member Christiansen, Council Member Shelton, and Council Member Taylor. Also present were Mr. Bunker, City Civil Attorney Cherylyn Egner, and City Recorder Terilyn Lurker.

Pending or reasonably imminent litigation was discussed, and audio recorded as required by law.

Council Member Taylor moved to return to the regular session at 8:23 p.m. Council Member Shelton seconded the motion. All were in favor.

11. Adjournment

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

The meeting adjourned at 8:25 p.m.



Terilyn Lurker, City Recorder