

AMERICAN FORK CITY COUNCIL
DECEMBER 14, 2021
PUBLIC HEARING AND REGULAR SESSION AGENDA

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Staci Carroll	Council Member
Ryan Hunter	Council Member
Clark Taylor	Council Member
Rob Shelton	Council Member

Staff Present:

David Bunker	City Administrator
Patrick O'Brien	Community Development Director
Camden Bird	Community Services Director
Stephanie Finau	Deputy Recorder
Anna Montoya	Finance Officer
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Cameron Paul	Police Chief
Scott Sensenbaugh	Public Works Director

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, December 14, 2021, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

PUBLIC HEARING

- Receiving public comment regarding amendments to the fiscal year ending June 30, 2022, City budget.

No comments.

REGULAR SESSION

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

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

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

There were no comments.

3. City Administrator's Report

City Administrator David Bunker reported that the recreation department had been busy with basketball teams but would be taking a break for Christmas, during which time they would invite

people to visit the Fitness Center and the pool to enjoy a new water feature that would test their endurance. There was a community survey that was being given to the residents asking questions about the City and issues that residents were concerned with, and he invited everyone to take the survey. The electronic survey was on the website and social media pages, and a flyer mailed out in the utility bills.

Mr. Bunker asked the community to be more aware of the public safety officers when they were out on the road. They had had multiple public safety vehicles get hit while they were out on the road and he asked that people take a little extra time to be more aware of and slow down for public safety officers.

4. Council Reports

Council Member Hunter brought thanks from the Parks & Trail committee for closing the deal on the south side of the freeway. It was a big step for the development of the parks and trails for the City. He mentioned the various holiday celebrations and commented he appreciated what the library did to create a sense of community and thanked the staff for the employee Christmas party.

Council Member Shelton echoed the great job on the employee appreciation party and was glad that it was continuing. He said that Central 911 had received the resignation from the Director of Dispatch so they would appoint an interim director until a replacement was selected. They were looking at how they could have the camaraderie and debriefing that needed to happen between the different towns in the valley. He also reported that the North Point meeting had been cancelled due to lack of items that needed to be discussed.

Council Member Barnes dittoed that the Christmas party had turned out great and had a good turnout. The previous night he had gone to the American Fork symphony, “*Peace on Earth*” Christmas program at the middle school. It was estimated that there were 350-400 people in attendance. That day he had gone to the grand opening of La Puente restaurant. The upcoming Friday night the Timpanogos Chorale was going to have their program at the Junior High starting at 7 o’clock. He thought the City was doing great things and commented on the great things that took place around the City during the holidays.

Council Member Carroll didn’t have anything official to report but had gone to the Wasatch Winds band concert which was standing room only and she was pleased to see people supporting these groups. She hadn’t been able to attend very many of the activities going on throughout the city but commented that it had been a delightful show.

Council Member Taylor said that he loved the fact that in 1996-1998 when they started getting the library going, they had talked about the library rotunda and it was great to see all these cool things happening there. He had his final meeting of the year with the golf course committee, and it was a great meeting. The golf course committee had extended a great thanks to the City for trusting them and standing behind them.

Council Member Hunter added that he had gone to AFHS where the student council had put on a drive-thru light parade where people were handed a pamphlet with a list of 10 or more students that were struggling and asked for donations at the end of the parade. One of these students was homeless and living in a car, another was raising their siblings, and it shared where these donated

funds would be going. They ended up raising over \$10K to benefit these families and he expressed his adoration for the upcoming generation.

5. Mayor's Report

Mayor Frost reported on the Utah Lake Commission meeting where they discussed the progress report on the Utah Lake Authority that would be introduced that year to the legislature. The lighting ceremony at Robinson Park had been fun and he and Santa pushed a button to magically turn on the lights. There was a great sense of community within American Fork. He had attended the mayor's lunch with the executive committee and invited guests of the chamber at Fox Hollow Golf Course the week before where they heard from other mayors, the Alpine school district, and American Fork Hospital.

Mayor Frost said that the Saturday before he had a blast with Santa and the Grinch driving around the City. After that he took Santa, in cooperation with the police department, and visited a single-parent family that they felt needed a visit from Santa.

COMMON CONSENT AGENDA

1. Approval of the October 26, 2021, City council minutes.
2. Approval of the authorization to release the Improvements Durability Retainer of \$40,447.77 for MITCHELL FARMS PLAT B, located at 700 North 900 West.
3. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$15,535.00 and issue a Notice of Acceptance for the RODERICK CATALYST PHASE 1 construction of public improvements located at approx. 400 East 1600 South.
4. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$22,500.00 and issue a Notice of Acceptance for the SWIG construction of public improvements located at 135 East Main.
5. Ratification of City payments (November 16, 2021, to December 7, 2021) and approval of purchase requests over \$50,000.

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

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

ACTION ITEMS

Mayor Frost noted the agenda packet is available to the council and the public several days in advance of the meeting. The Council has had time to review the packet and was well-educated on each of the items.

1. Review and action on a beer/alcoholic beverage license for La Puente located at 101 N. West State Road #114.

Council Member Taylor moved to approve the beer/alcoholic beverage license for La Puente located at 101 N. West State Road #114. Council Member Carroll seconded the motion. Voting was as follows:

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

2. Review and action on a resolution adopting updated Storm Drain Rates.

Mayor Frost asked the Council if they had any questions on the storm drain rates.

Council Member Shelton noted he did have some thoughts and concerns. While he understood the need for an increase he wondered if it could be part of an overall package to improve infrastructure. For many years they have not adjusted rates and then suddenly they are faced with a large increase. He wondered if they had to pass this tonight or if there was a way to moderate the increase over a ten-year period and look at funding for roads and sidewalks as well. Council Member Shelton expressed his appreciation for the study and information on funding but and would love to see that done for streets. as it made more sense to have a comprehensive approach.

There was a short discussion on water rate increases and when they took place. Council Member Carroll remembers that they had one reallocation as well as an increase. At the time they had a similar discussion where they talked about charging a fee for specific systems. From the analyses they had received on storm drain fees, what they were charging was not covering the fees associated with the storm drain system and to be responsible they needed to have enough to cover that.

The issue of a fund balance in enterprise accounts was brought up and City Administrator David Bunker said that at times the fund balances would grow because they had major improvement projects in front of them. For instance, a large water line or rebuilding of wells would utilize a large portion of those funds. All of these projects far exceeded what they had in the fund balance and so they end up prioritizing projects to see which ones needed to be completed right away. It may appear that there was a large fund balance but there were so many priority projects that were consuming that fund balance. Even with storm water, they might have large storm water projects that needed to be done that totaled millions of dollars so they needed to build up a fund balance to cover those costs otherwise they would have to go out and borrow those dollars and pay them back with interest.

Council Member Carroll expressed she was concerned with the increase step-up and proposed that instead of passing the entire step-up, they do the first 4 years so that it would go up to \$8.50, and in two years go to \$10.50 and stop there and reevaluate to see how much had accumulated and how much they needed. She was concerned about waiting for 6 months because they had the new federally mandated stormwater management plan which was not funded by what they had in their fund and delaying this would be irresponsible.

Council Member Shelton brought up the best use of the funds collected. He wondered if a resident had to spend \$6 a month, would it be best spent going into one fund and allowing it to accumulate or would it be best to distribute it throughout the different funds to do different types of projects. He thought it was a more financially prudent approach to be a steward over all the assets instead of just looking at one fund. Council Member Carroll said that she would argue that they weren't looking at one fund and that they were constantly talking about roads and how to fund them. They were diving into storm drain funds now and had looked at culinary multiple times as well as sewer

funds. Council Member Shelton said that maybe every four years they should be looking at all the funds and stated again his opinion was a more prudent approach would be to look at it comprehensively rather than individually every three or four years.

Council Member Hunter explained that in the storm water management plan they had been intentionally conservative on what the storm water expenses were going to be. While the number showed an amount that was scheduled to be funded, it wasn't saying that it was the entirety of what it was going to take to achieve the end game. He felt that by funding the storm drain separately and not subsidizing it, it freed up money to potentially go to a roads fund. He felt they were already looking at infrastructure holistically. He would not be in favor of holding off on this because there were expenses that had to happen the following year that they would be responsible for carrying out.

Mayor Frost thought it was prudent that they move forward with this because the revenue brought in would cover the unfunded mandate from the state and their plan was fixed with a cost that needed to be paid for. Council Member Shelton commented he wanted to see the unfunded mandates and how much of an increase that would require. Mr. Bunker replied that those numbers had been brought forth by the committee that Council Member Hunter had been on, and the report were in detailed the efforts the city had to take to comply.

Council Member Taylor said they have never had a surplus of funds and not known what they were going to do with it. If there were what looked like excess funds, there were projects the funds were earmarked for.

Council Member Shelton stated he wasn't saying that they shouldn't raise storm water rates or not fund it, he just wanted them to look at its totality, change the mindset, and look at how they could build their infrastructure funds. They need to work through different funding options and be able to communicate to residents what they would be doing with the money. He thought it would be good to gradually increase rates rather than wait every 15-20 years and then increase rates almost 100% to justify what they needed to do. Council Member Clark replied that made sense, but he didn't see how the dollar amount would change for residents. He said that Council Member Shelton had said that they were going to flatten it, but if the need still existed, regardless of the fund, it was the same thing. Council Member Shelton said that they were doing it at the same time and building the funds at the same time. He said that what they had done in 2012 had left them with an excess of funds to which Council Members Carroll, Hunter, and Taylor all replied that there was no excess.

There was a discussion on funding for roads and sidewalks. It was noted there was a five-year plan that included roads, sidewalks, and storm drains that was based on current budget numbers and revenues. The need was higher than the funds the city had. Council Member Shelton said that he was agreeing that they had done a great job on the study, and they had allocated \$2.6M; he was saying that there had never been anything like this that had been done on the road or sidewalk system. Mr. Bunker replied that that was correct because those weren't enterprise funds and since this was an enterprise fund it was assessed differently than how they did the roads. Mr. Bunker stated if they didn't do the drainage improvements along with the road improvements, which this helped fund, then the roads wouldn't last like they should.

Council Member Hunter asked if Council Member Shelton was suggesting that a study be done on the roads because that was not the discussion in front of them at this time.

Council Member Barnes said that to him, enterprise funds were silos and the money that was in them, stayed in them. He didn't know how much they paid Bowen and Collins to do this, but they had paid experts to give them their opinion and in their opinion the city wasn't getting very far with the recommended rates. He said it was great that they had a surplus in the water fund, but they could spend that on one project easily and still not meet all their needs.

Council Member Barnes motioned to move to adopt Resolution No. 2021-12-40R approving the updated storm drain rate that is effective January 1, 2022, as outlined. Council Member Hunter seconded the motion.

Council Member Carroll requested that they take off the last increase and reevaluate it after the first two increases to see how they were doing in the fund balance and see how many projects they had funded and still needed to fund. Mr. Bunker stated that they could make it effective through 2025.

Council Member Barnes moved to add to his motion to approve the rates through 2025 with an evaluation in 2025 to be implemented in 2026. Council Member Taylor seconded the amended motion. Voting was as follows:

RESULT:	APPROVED [4 TO 1]
MOVER:	Kevin Barnes, Council Member
SECONDER:	Ryan Hunter, Council Member
AYES:	Kevin Barnes, Staci Carroll, Ryan Hunter, Clark Taylor
NAYS:	Rob Shelton

Council Member Shelton commented that understood the need for storm drain increase, but they had limited resources from their residents, so they needed to look at the total costs and what the needs were for all infrastructure.

3. Review and action on a resolution approving an updated General Fee Schedule.

Council Member Taylor moved to adopt Resolution No. 2021-12-41R approving the updated General Fee Schedule. Council Member Carroll seconded the motion. Voting was as follows:

RESULT:	APPROVED [4 TO 1]
MOVER:	Clark Taylor, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Kevin Barnes, Staci Carroll, Ryan Hunter, Clark Taylor
NAYS:	Rob Shelton

4. Review and action on a resolution approving a land use map amendment located at 970 East 1750 North from the Residential Low Density and Design Commercial designation to the Institutional Lands and Schools designation.

Council Member Taylor moved to adopt Resolution No. 2021-12-42R approving a land use map amendment located at 970 East 1750 North from the Residential Low Density and Design Commercial designation to the Institutional Lands and Schools designation. Council Member Hunter seconded the motion. Voting was as follows:

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

5. Review and action on an ordinance approving a zone map amendment located at 970 East 1750 North from the RA-1 Residential Agricultural zone to the PF Public Facilities zone.

Council Member Taylor moved to adopt Ordinance No. 2021-12-57 approving a zone map amendment located at 970 East 1750 North from the RA-1 Residential Agricultural zone to the PF Public Facilities zone. Voting was as follows:

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

6. Review and action on an ordinance approving a zone map amendment located at 162 West 400 South from the R2-7500 Residential zone to the R2-7500 (O) Residential zone.

Council Member Taylor moved to adopt Ordinance No. 2021-12-58 amending the zone map amendment located at 162 West 400 South from the R2-7,500 Residential zone to the R2-7,500 (O) Residential zone. Council Member Hunter seconded the motion. Voting was as follows:

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

7. 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 the final plat for the Auble Office Condominium project located at 1134 East 300 North in the PO-1 Professional Office zone.

Council Member Carroll moved to adopt Ordinance No. 2021-12-59 approving the final plat of the Auble Office Condominium project consisting of three units and located at 1134 East 300 North in the PO-1 Professional Office zone and 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 November 17, 2021, planning commission meeting. 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, Hunter, Shelton, Taylor

- b) Review and action on an ordinance approving the final plat of Stonecreek Plat G subdivision located at approximately 350 West 900 South in the PR-3.0 Planned Residential zone.

Council Member Carroll moved to adopt Ordinance No. 2021-12-60 approving the final plat of the Stonecreek Plat G subdivision located at approximately 350 West 900 South in the PR-3.0 Planned Residential 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 November 17, 2021, planning commission meeting. Council Member Hunter seconded the motion. Voting was as follows:

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

- c) 10. Review and action on the final plat for the Auto Mall Drive Business Center Plat B subdivision located at 450 East Auto Mall Drive in the PI-1 Planned Industrial zone.

Council Member Hunter moved to approve the Auto Mall Drive Business Center Plat B final plat, consisting of 2 lots, located at 450 East Auto Mall Drive in the PI-1 Planned Industrial 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 November 17, 2021, planning commission meeting. Council Member Barnes seconded the motion. Voting was as follows:

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

- d) Review and action on the final plat for the AF PD South Plat A subdivision located at 650 South 900 West in the PR-3.0 Planned Residential and PF Public Facilities zones.

Council Member Hunter moved to approve the AF PD South Plat A final subdivision plat, consisting of 23 lots and one parcel, located at 650 South 900 West in the PR-3.0 Planned Residential and PF Public Facilities zones 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 December 8, 2021 planning commission meeting. Council Member Taylor seconded the motion. Voting was as follows:

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

8. Review and action on an ordinance approving amendments to Section 17.5.133 of the American Fork City Code entitled “Off-Street Parking Standards”.

Mr. Bunker stated that the planning commission had reviewed a modification to the parking standards for residential units with the CC-1 zone within the code titled exceptions. Discussion with the planning commission had brought about 2 options for reductions – one option was based on the proximity of the units to a transit system, the other option was a reduction in parking based on sq. footage of a unit. The planning commission felt that it would be appropriate to give a developer the option to do either one or the other, but they were not required to do either and could stay within regular parking requirements. There had been a comment made by Council Member Hunter, in the note #4, where it said transit, they thought it would be appropriate to add the STOP location of the height capacity for the transit line and different transit lines should be less than 1,320 feet walking distance from the main entrance of the most distant dwelling unit. The way it had been presented at the first planning commission meeting would have allowed those parking conditions to exist anywhere in the city, so it went back the commission to clarify that it was for the CC-1 zone only. Planning commission reviewed it again and still liked both options and recommended approval the way it was being presented that evening.

The council discussed pedestrian safety and residents possibly needing to cross busy roads to reach public transit. It was felt by a couple of council members that was not a big issue and that they had to look at the overall picture to see what worked for the majority of the people.

Another discussion took place regarding how the calculations were based off rooms versus square footage. The planning commission had discussed both options and felt there was an ability to put a lot of people into bedrooms where square footage would be a good standard that they could judge units by. A concern brought up was the scenario that a one-bedroom apartment could have ten people in a single apartment, so they needed to keep a minimum threshold of 1.75. The proposed change allowed developers some flexibility in the CC-1 zone.

Council Member Carroll had a question about the verbiage in section 1 number 2 of the ordinance regarding the recommendation of the planning commission. She clarified that the Planning Commission was free to give a positive or negative recommendation and the Council still had the ability to modify the requirements. Legal Counsel Cherylyn Egner said that this had been modified so that the Planning Commission was the recommending body on parking instead of the decision-making body for the adjustment to parking and Council was the one to make the final decision.

Council Member Shelton asked about verbiage under A&B and where the last line reads, “*under no circumstances*”. He felt that meant the council did not have the authority to give any exceptions. Mr. Bunker explained #2 was saying that if a study was going to be submitted that found that it would be less than 1.75, it would have to come to Council. Council Member Shelton asked for clarifying language. Ms. Egner explained they could add “*under no circumstances shall the per-unit off-parking shall drop lower than 1.75 parking spaces per dwelling unit except for references in...*”.

Council Member Carroll questioned the rationale behind giving HUD projects an advantage over other types of development. Mr. Bunker replied that HUD had a lower rate of parking and that there were detailed examples of how HUD projects required less parking which was why it was included here for a partial reduction. Ms. Egner said that in looking at the footnote, it stated that based upon a study, a reduction would be warranted. They would still have to bring a study, but the presumption would be that the studies would be readily available to them.

Mr. Bunker clarified that there were 2 modifications that Council had mentioned. One was in the footnote 4 under transit, the STOP location, adding the word *STOP*, and the other one was right before Table A & B that *“under no circumstances shall the per unit parking requirement shall drop lower than 1.75 per dwelling unit except as referenced in 17.5.133d.”*

Council Member Taylor moved to adopt Ordinance No. 2021-12-61 amending Section 17.5.133 of the American Fork City Code entitled “Off-Street Parking Standards” noting the examples just relayed by City Administrator David Bunker, those two items knowing the floor in terms of not going below 1.75 and noting the changes that were mentioned. Seconded by Council Member Hunter. Voting was as follows:

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

9. Review and action on an ordinance approving amendments to Section 15.01.1526 of the American Fork City Code entitled “Minor Collector Cross-Section with Sidepath, Median, and Bike Lanes”.

Mayor Frost stated that this would be applicable to 1100 South, and asked for questions.

Council Member Carroll wondered if there was a median in the middle, was ten feet on each side enough for the fire trucks. Mr. Bunker said that this would be an elevated a median, or a suicide lane as they called it, and it was a two way turn lane. Council Member Carroll clarified that it wasn’t an actual median, it was just a turn lane. Mr. Sensanbaugher replied that there was a median, but it was a painted median.

It was explained this cross section mainly pertained to 1100 South and was before the council for approval as there were some inconsistent sections along that road and they were trying to make it uniform. If another road in the future met that definition in the master plan, it would also follow this detail.

Council Member Shelton said that they had a ten-foot concrete side path and a five-foot bike lane and commented that usually they did one or the other and he wasn’t sure why they were doing both. Mr. Sensanbaugher replied that those were components that were called out on all of the master plans. This was a road that when it was built out in the future would have a huge pedestrian and bike component. This was one of the things that when they discussed this, they had tried to figure out how to accommodate these things and this was what they had felt was the best approach.

The council discussed the need for a ten-foot-wide concrete path and who would pay for the improvements. Mr. Bunker said that the developer would not have to pay for the whole cross

section., they would only pay for a standard local cross section. As they went wider, anywhere they had a minor collector would need to be paid for from impact fees as it was identified on the master plan. A lengthy discussion ensued on whether the council felt a reduced bike lane was best and whether they would reduce the width of the road or incorporate that extra width into a park strip. Mr. Sensanbaugher suggested they keep the cross section consistent with 72-foot width. While the Council felt that ten feet might be excessive and it could work with lesser width, they agreed to keep it consistent with the rest of the connector cross sections.

Mr. Bunker said that he appreciated the comments from Council and that staff had grappled with this over and over with multiple versions drawn up. Cross-sections were tough but they felt like this was the most appropriate cross-section for this road.

Council Member Shelton said that he didn't know if having 72' here was justified just because all of the other cross-sections were 72' and he would like to move the extra 2' over into the park strip and make it 8' like the rest of the park strips which the residents would maintain. Council Member Carroll said that a bigger park strip wouldn't benefit them at all.

Council Member Carroll moved to adopt Ordinance No. 2021-12-62 approving the amendment to section 15.01.1526 Minor Collector Cross-Section with sidepath, median and bike lanes. Council Member Taylor seconded the motion. Voting was as follows:

Council Member Taylor thought that 1100 South warranted the cross-section the way it had been presented.

RESULT:	APPROVED [4 TO 1]
MOVER:	Staci Carroll, Council Member
SECONDER:	Clark Taylor, Council Member
AYES:	Kevin Barnes, Staci Carroll, Ryan Hunter, Clark Taylor
NAYS:	Rob Shelton

10. Review and action on an ordinance approving amendments to Section 15.01.110 of the American Fork City Code entitled "Easements".

Mr. Sensanbaugher stated that this item was about the width of easements. The language clears up any questions makes it consistent throughout the code.

Council Member Taylor moved to adopt Ordinance No. 2021-12-63 approving amendments to Section 15.01.110 of the American Fork City Code entitled "Easements". 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, Hunter, Shelton, Taylor

11. Review and action on an ordinance approving amendments to Section 17.08.304 of the American Fork City Code entitled "Project Streets and Sidewalks".

Mr. Sensanbaugher said that this was an item that had been taken to the Planning Commission in June to clarify some language. The old language was irrelevant, and they recommended deleting

a good chunk at the end regarding right-of-way widths because it was redundant. The code was pretty restrictive in the ability to work with developers, so they were looking to remove this to allow the engineering department to work with developers to work with the cross-section to make it fit with everything else.

Council Member Taylor move to adopt Ordinance No. 2021-12-64 approving amendments to Section 17.08.304 of the American Fork City Code entitled “Project Streets and Sidewalks”. Council Member Hunter seconded the motion. Voting was as follows:

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

12. Review and action on a resolution adopting the fiscal year ending June 30, 2022, City budget amendments.

Council Member Taylor moved to approve Resolution No. 2021-12-43R adopting the fiscal year ending June 30, 2022, City budget amendments. Council Member Hunter seconded the motion. Voting was as follows:

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

13. Review and action on approval of a contract for public defender services.

Council Member Barnes stated that he had a conflict of interest because he was in the same office as they were and knew them personally. Council Members Carroll and Taylor said that that was not a conflict of interest. Mayor Frost said as long as he didn’t have them representing him.

Council Member Barnes moved to approve the contract for public defender services agreement with Stevens & Gailey, P.C. Council Member Taylor seconded the motion.

Council Member Barnes mentioned that he liked them and thought that they were well-respected in the community.

Council Member Shelton questioned how many firms put in for the RFQ. Mr. Bunker replied just the one and explained that they had posted the RFQ on their website. Ms. Egner stated that they were not overly surprised with just the one response. H.D. Gailey, a partner at the firm, had been doing American Fork conflict services for over 6 years and it was presumed that when Sean Patten took the bench, Mr. Gailey would be fulfilling that role.

Council Member Barnes commented that they were well known and worked with four or five other cities. Ms. Egner said that Mr. Gailey worked with Orem, Payson, Cedar Hills, and a few other cities and was expanding his practice to serve other cities and he would be serving American Fork.

Council Member Barnes brought up the fees, noting it said a per month basis and that the contract went until June 2027 with nothing inflationary thing in there. Council Member Carroll also had the same question as there were opportunities to renew the contract with no inflationary measures; she thought that was interested but presumed they did not have a problem with that. Ms. Egner said that she had spoken with Mr. Gailey and he had no complaints about the contract.

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

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

14. Review and action on a real estate purchase contract with Blue Peak Holdings, LLC.

Council Member Hunter moved to approve the real estate purchase agreement with Blue Peak Holdings, LLC. Council Member Taylor seconded the motion. Voting was as follows:

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

15. Review and action on a resolution approving the Voter Participation Area map as prepared by the Utah County Elections office.

Mayor Frost stated that this was one of those things that they had to do by the end of the year and from his knowledge it was the old map and was subject to change with the new boundaries.

Council Member Taylor moved to adopt Resolution No. 2021-12-44R approving the Voter Participation Area map as prepared by the Utah County Elections office. 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, Hunter, Shelton, Taylor

16. Review and action on an ordinance setting the time and place of the 2022 City Council meetings.

Council Member Shelton asked if they could broadcast work sessions once again going forward. Mayor Frost said it was something they could talk to George Schade about. Council Member Shelton said that he also liked that if one of the members needed to participate via Zoom it made it that much easier to do that.

He suggested they also include on the agendas the standard notification for electronic participation in case someone was absent. Council Members Carroll and Taylor agreed with Council Member Shelton.

Mayor Frost said that most of the boards that he sat on where from Salt Lake County and the capital were still done via zoom and they still did key staff meetings on Zoom just because it was more convenient. It got a little tricky when you got a lot of people, but it was something into which they could look.

Council Member Taylor moved to adopt Ordinance No. 2021-12-65 setting the time and place of the 2022 City Council meetings with the added adaptation for zoom capabilities and Council Members' ability to join in case of emergency via zoom, assuming if we can be here, we are here Council Member Carroll seconded the motion. Voting was as follows:

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

ADJOURNMENT

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

The meeting was ended at 9:15 p.m.



Terilyn Lurker
City Recorder