

AMERICAN FORK CITY COUNCIL
JULY 19, 2022
WORK SESSION MINUTES

Members Present:

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

Staff Present:

David Bunker	City Administrator
Camden Bird	Assistant City Administrator
Rebecca Andrus	City Engineer
Terilyn Lurker	City Recorder
Patrick O'Brian	Development Services Director
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Cameron Paul	Police Chief
Derric Rykert	Recreation Director
Joey Byington	Recreation

Also present: John Woffinden and Brent with VCBO

**Participated electronically*

The City Council met in a work session on Tuesday, July 19, 2022, at the City Administration Conference Room, 51 East Main Street, commencing at 4:00 p.m.

WORK SESSION

The purpose of City Work Sessions is to prepare the City Council for upcoming agenda items on future City Council Meetings. The Work Session is not an action item meeting. No one attending the meeting should rely on any discussion or any perceived consensus as action or authorization. These come only from the City Council Meeting.

1. Discussion on Accessory Dwelling Units.

Cherylyn Egner, Legal Counsel, explained that accessory dwelling units has been a topic of discussion lately and she was asked to prepare a draft ordinance. To do so, she needed input from the council on the direction they wished to go. The city currently allows only internal accessory

apartments, and the question was whether they wanted to permit external units and if so, what regulations would they like to see in place?

In preparing an outline, she has looked at other city's ordinances and put together a few options for inclusion:

- must be owner occupied
- the use of lot at the time of application and thereafter must be single family residential
- the lot must be in an approved zone

Ms. Egner informed the council that state law says the city can dictate where the external accessory units can be allowed. The other communities she has investigated have seen the biggest push for a mother-in-law or care giver residing on the property but have all restricted short-term rentals to prohibit a hotel-type feel in the backyard. Ms. Egner was suggesting they limit this to renting long-term such as mother-in-law apartments or for the owner's children. She said this would be allowed on larger lots within the city. One reason behind being owner occupied was that it would prohibit a developer from coming in and building both a house and ADU at the same time; the owner would have to come in and sign an affidavit stating it would be owner occupied.

Council Member Carroll asked if this would allow for pool houses. Patrick O'Brien stated there were several accessory buildings that have the capacity to be changed to an external ADU. From staff's perspective, they receive more calls about the basement units.

Council Member Carroll stated there was a potential for a homeowner to want to build their pool house when their home was being built. Ms. Egner explained they could do that but not for residential occupancy; however, if the council would like to allow a developer to do that, they could include that into the code.

Council Member Carroll thought that with the lot sizes and required setbacks, it would limit where ADUs could be built. Mr. O'Brien stated it would limit that, but they needed to take into consideration the character of the neighborhood. There was a discussion on detached garages and their potential use as an ADU. It was noted the city could regulate the change of use. For instance, if someone wanted to build a garage or structure over 1,000 square feet, they had to go through the development process.

Ms. Egner continued with possible requirements:

- A permit would be required
- A notice of the ADU would be recorded on the property
- It would not be allowed for short term rental
- Only one ADU per lot
- That is would not be calculated as additional density
- It would not be sold or carved off

- It must go through the building permit process and all applicable fees (including impact fees) would be paid
- Could only require one parking space (dictated by state law)

There was a discussion regarding the need for reporting and obtaining a permit. Some felt that requirement was not needed and would be a burden on city staff. It was noted a permit would be required to construct the unit, so they could obtain the ADU permit at the same time. Council Member Shelton did not see the value or benefit to require permits as it would require staff time every year to get a permit. One potential issue was homeowners selling their property and the new owners renting out the home and the ADU. It was noted that by recording a document against the property, it would show up on a title report.

Mayor Frost asked the John Woffinden, the planning commission chairman, if anyone has asked about this. Mr. Woffinden replied that half a dozen has inquired.

Ms. Egner went over the conditions consistent with current code:

- It would have to be a permanent structure
- Utilities would be separate

There was a discussion on the need for separate utilities. It was noted that an external unit does create an impact on the utilities, as it is a separate structure with a capacity to use more of the city's system. As a separate connection, the city could also charge impact fees. State law does not allow cities to charge impact fees for internal accessory units but could charge for external accessory units. The utility bill was also discussed, noting it would be billed as one property owner with separate bills.

Council Member Shelton commented that he thought they would have a tough time finding people who could put an ADU in their backyard and he did not see this being much of an issue. It was noted this was not for the city but was to protect the rights of the citizen to maintain the character of neighborhoods.

Ms. Egner continued that the biggest questions were:

- Minimum lot size
- Percentage of total area of the ADU
- How large of an ADU
- Maximum number of bedrooms
- Maximum height

Mayor Frost commented that no one was beating down his door regarding this and he wondered if they even wanted to pursue it. Council Member Barnes felt they were trying to solve a problem he did not see existed. Council Member Carroll felt like a property owner with sufficient space should be allowed but they do need to have guidance; she would like to see them work on

something. Council Member Hunter felt there had to be structure, and that they needed to address parking; he felt they needed to work on it but not in a big hurry.

Ms. Egner questioned what they wanted to see with square footage requirements for the lot. There was a discussion on what they felt would be best and Ms. Egner noted she would start with 12,000 square foot lot with a maximum of two bedrooms. More research on the issue will be made.

2. Discussion on options at the Fitness Center.

Derric Rykert started the discussion by stating CSACO gave the city some suggestions, and this was the next step. He turned the time over to Brent with VCBO Architecture who looked at the facility and produced some options.

Brent stated the existing facility was great and has served the community. Their task was to look at the facility and see what they could do. The facility is aging, and major repairs are imminent. He stated the fitness center has exceeded its useful life and has limited front entry space/circulation, the building is not energy efficient, the mechanical/lighting/electrical systems are antiquated, there was a lack of natural light, and expansion is limited by existing structure. The challenge is with modernizing the structure. Brent showed the layout of the existing structure. He explained that at the time the racquetball courts were built, the walls were permanent structures, and that the structure itself limits what they can do with improvements. Brent then showed examples of modern facilities, which had a theme of openness. This reduced staffing needs and provided more safety and a more inviting environment.

Brent stated they have some ideas of improvements that can be made in moving forward:

- A community center addition on the north of the facility
- Maintaining the outdoor pools with a separate entrance, making it a fifty meter by 25-yard pool
- Playground on the lower portion along 400 North
- The parking would be in the current softball field
- He pointed out the main entrance to the building and to the community center.
- In the community center, there would be a multi-purpose room, stage, and kitchen
- In the main portion of the fitness center there would be fitness areas, racquetball courts, gym space, and an include track to an upper area with a jogging/walking path that goes around the area.
- The track would be open to the gym below

Brent went over the probable project costs, showing comparisons of the latest facilities that had been built and elevating it to today's number. The costs range from \$427 to \$479 per square foot and will increase as time goes on. The estimated cost for this project would be between \$50 and \$60 million. This cost represented soft costs as well as items such as furnishings and demolition. Brent commented that when a modernized facility is built, the revenues increase dramatically and reduce any operational subsidy.

Mr. Bunker explained this was one issue they talked about at the workshop in February, and they wanted to get the feedback of the council to figure out if they want to move forward with a major renovation or keep making improvements.

When asked how long it would take from closing the facilities to reopening, Brent stated his best guess was 18 months, but they would keep areas open during construction.

Mayor Frost stated they would need a GO bond and would require a ballot initiative. Mr. Bunker asked if they wanted to move forward with getting more details so they can put it to the citizens. Council Member Carroll understood the need for a new facility but did not know if the timing was optimal as they were looking at a tax increase and fiber project.

When the possibility of keeping the pool in its current location but opening a facility elsewhere was brought up, it was noted that with co-locating the pool and the facilities the more revenue that is brought in.

Council Member Hunter asked if they have looked at the services provided, specifically the swim team. Mr. Rykert explained he evaluated the services provided but noted that this fitness center was the only one in the area that allowed high school swim teams to utilize the pool. Council Member Hunter expressed an interest in how much the city was subsidizing the swim team.

Mr. Rykert was asked what the community center uses would include, and he explained they could have arts, recreational and community meetings, rentals for parties or reunions, summer camps, and staff training. It was noted one idea was to bring the senior center to this location.

It was noted they would need to work on getting the message out to the community that they needed a bigger facility with more parking. The timing would be critical as the residents needed to buy in on it. They would need to be transparent with the citizens and hold open houses.

3. Discussion on development review standards.

Mayor Frost explained he wanted to have a brief discussion on this to get an idea of what the council expected. He mentioned the city was in the process of re-doing the municipal code.

Mr. Bunker explained the city's objective was to re-organize the code and take out any discrepancies and conflicts, with the goal of making it more searchable and friendly. With the development process, he stated the city does not design the project; the applicants look at the code and design their projects, then submit the project to staff. Staff will look at the plans and make sure the project meets code. Once staff has reviewed the plans, they give the comments to the developers who provide revised plans before it goes forward to the planning commission. The planning commission will make a recommendation based on the code. Mr. Bunker stated that staff does not have the ability or option to recommend a project that does not meet code,

neither does the planning commission. They must make their recommendations based on code. When it goes to the city council, they need to look to make sure the submission complies with city code. If it does not, they should send it back. The city council can suggest they make changes to the code if they want, however when they vary from the city code it exposes them. Mr. Bunker re-stated that the role of staff is to review what was submitted, list what does not meet code, and then the developer should take that back.

Mr. O'Brien stated they have had discussions with developers when there were different interpretations, although it was rare. Ms. Egner commented that if there is ambiguity, it sides with the developer, and often our interpretation and theirs differ and the developers are trying to make it fit with what they want. Mr. O'Brien stated staff was not trying to be difficult when there was a disagreement and noted they always consult with Ms. Egner, who looks at the issues from the legal standpoint. It was noted they have often come back to the council with code changes to make things clearer when developers come in with different interpretations.

Mr. Bunker commented that internally, they were all on the same team and doing things for the city. They need to maintain rules, even when developers get upset with the code and requirements.

Council Member Shelton noted that at the last council meeting, a frustration was highlighted where comments were late, and changes were required after initial comments are given. His biggest complaint was developers felt they were ready to go when additional comments are brought up. He hoped for better communication between staff and developers.

Mr. O'Brien explained staff has address how reports are put together, with one staff recommendation as to whether the development meets code. He stated the challenges are due to the number of changes that need to be made. If there are minor changes, there should not be additional comments that have to go back. However, when there are a large number of changes it is possible the developer will receive additional comments from staff. Currently, they have developments where the developers ignore the comments. If they make a mistake with the comments, s

Council Member Hunter acknowledged there was room for improvement, and he appreciated they were addressing that. Council Member Shelton agreed and noted it was key how they handle the overlook/mistake. Mr. Bunker stated that even if something is missed, staff needs to make sure they are complying. While that can do better, they will constantly work on improvement.

Mr. O'Brien stated that they need developers to come through the front door and not go around them. Mr. Bunker explained that developers want to go to the council members to see what they can get from them, then they will tell staff they have approval of the council. The biggest issue has been when developers meet with a council member, who looks at the plan and comments on various aspects. The developer will then push staff to adopt the concepts the council member

liked, even if it does not meet code. It was noted that the developer also gets frustrated when they meet with one person or department and then receive different feedback from another staff member. Communication was key, and if they saw where improvement needed to be made, they should work on that.

4. Presentation of the city's fraud risk assessment

Mr. Bunker explained the State Auditor has developed a scoring system to determine potential fraud risk. There were numbers allocated in various areas within the city, with the goal to receive as many points as possible. Each of the council members have taken the training to show they are now trained to identify fraud and understand how cities should work. The city takes fraud very seriously and was doing a particularly good job according to the state auditor's parameters.

It was noted the city did not receive points for having a written policy for cash receipting and deposits, but the finance director will be working on that.

5. Adjourn

The work session ended at 6:21 p.m.



Stephanie Finau, Deputy Recorder