

AMERICAN FORK CITY COUNCIL
AUGUST 2, 2022
SPECIAL SESSION AND WORK SESSION AGENDA

Members Present:

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

Members Absent:

Ryan Hunter	Council Member
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Staff Present:

David Bunker	City Administrator
Camden Bird	Community Services Director
Terilyn Lurker	City Recorder
Stephanie Finau	Deputy Recorder
Cherylyn Egner	Legal Counsel
Cameron Paul	Police Chief
Aaron Brems	Fire Chief
George Schade	IT Director
Patrick O'Brian	Development Services Director
Rebecca Andrus	City Engineer
Ben Hunter	City Engineer
Travis VanEkelenburg	Senior Planner
Cody Opperman	City Planner

Also Present: Ken Berg, B. Neil Christensen, David Christensen, Ross Welch (PHI Properties, Inc), Matt Loveland (Woodside Homes), Ginger Romriell (Woodside Homes),

The American Fork City Council held a public hearing in conjunction with a special session and work session on Tuesday, August 2, 2022, in the American Fork Administrative Office Conference room, located at 51 E. Main Street, commencing at 4:00 p.m.

PUBLIC HEARING

- Receive public comment regarding the Harbor Road Annexation Plat E, located at 500 West 1100 South and consisting of approximately 91.7 acres.

Mayor Frost asked if anyone present wanted to make a public comment. No comments were made.

SPECIAL SESSION

1. Review and action on an ordinance approving the Harbor Road Annexation Plat E, including the annexation agreement, located at 500 West 1100 South and consisting of approximately 91.7 acres to be annexed in the PR-3.0 Planned Residential and Shoreline Protection zones.

Patrick O'Brien reported that recently the land use designation had changed from residential very low density to residential low density, which brought that to a PR-3.0 zoning. Staff felt it would be a better use of the land to get rid of the very low-density designation, given the housing crisis.

Ross Welch (PHI Properties Inc) stated he represents the landowners. Back in 2013, there was an application for annexation and the property owners somehow deeded property to the city for a roadway, which they typically do not just give away land. In 2013, they wanted to designate this Vineyard Connector, which stated they would sell the property to UDOT. This annexation agreement includes donating property for the Vineyard Connector, which they did not understand the reason behind donating it. Mr. Welch stated they understand there is certain roads with the city that need to be deeded for the annexation, but they felt UDOT should pay them for the land.

Ms. Egner replied that the city was willing to annex the property if that property was being preserved for UDOT for the Vineyard Connector, which is why the agreement was drafted the way it was.

Mayor Frost stated that it is sometimes in the city best interests to control where the road will go. It does not preclude them from having UDOT purchase the property, but it does give the city the option gets to dictate the direction of the road.

Council Member Shelton asked if the city had any additional direction of the alignment of the connector and where it will go. David Bunker replied in this area it was well defined. Council Member Shelton agreed with Mr. Welch, in that the city has its interest when partnering with UDOT, but he felt it was UDOT's responsibility to acquire the right-of way.

Council Member Taylor agreed with Council Member Shelton.

Mr. Welch stated they would love to move forward with the annexation if they can resolve the issue of the Vineyard Connector corridor. He added that they would prefer to maintain ownership and preserve the corridor, if possible.

Ms. Egner wanted clarification on the comment that they have already dedicated this land that is going to UDOT. Mr. Welch explained they have provided a deed as part of the agreement for the Vineyard Connector. Matt Loveland stated there are two different corridors addressed in the agreement; Vineyard Connector and the Lakeshore Boulevard which was previously dedicated.

Ben Hunter added that there are three minor collectors that are identified in the agreement. The Vineyard is not one of the ones shown on roadway dedication plat but just referencing the Vineyard Collector for open space. He stated the three minor collectors that were identified are (1) the road north of the Vineyard Connector, (2) the north/south roadway, and (3) Lakeshore Boulevard. He clarified what was previously dedicated was the Lakeshore Boulevard alignment, not the Vineyard Connector alignment. He explained there is one reference in the annexation agreement where it talks about it being open space because of linear park for the power corridor

and it had a reference in there of the Vineyard Connector with open space. It didn't specify dedication of it, only Vineyard was referenced with open space.

Council Member Shelton mentioned the warranty deed in the packet and in it is says the Vineyard Connector and Linear Park, which to him means that we are getting some property for the connector. Mr. Hunter replied he would have to double check on the description that it lays out parallel to the Vineyard Connector and only includes the linear park.

Mayor Frost asked for clarification from staff if the Vineyard Connector is in this annexation. Rebecca Andrus replied that there is a section under right-of-way to be conveyed that talks about the Vineyard Connector being an open spaced area, but she did not believe that it was their intention to have that conveyed.

Mr. Welch stated if they could verify that the signed document they provided was for the open space only and not the connector, they were fine with it.

Council Member Carroll responded that not conveying the land itself but saying that it is dedicated for that purpose. Ms. Egner responded that the city's intent, and what the applicant is in agreement with, is that they are willing to convey the property for the park but not willing to convey the property for the Vineyard Connector and willing to keep that as open space. They would retain ownership and preserve it for when UDOT is ready to move forward.

Mr. Loveland reported that he had two items to cover. He would like to talk about the north/south road goes from the Lakeshore Boulevard Road to another connector north of the Vineyard Connector. He questioned if that road connection was needed; if it was necessary, they would dedicate that road. He thought that not long ago it was determined it was not necessary. Mr. Hunter responded this road was included in the 2018 master plan update to maintain some north/south connectivity.

There was a discussion regarding the north/south road and how, or if, it would connect to the Vineyard Connector. It was explained that the Vineyard Connector would go over that road, and that 700 West and 100 West would have the connection to Vineyard Connector as set forth by UDOT. This road was needed to maintain connectivity of city streets. Mr. Loveland stated his question was whether they needed this minor collector road, and if it was then they would build the road. He pointed out this road was not presented to the planning commission, to which Ms. Andrus explained the road dedication plan was not provided to staff until after the planning commission meeting.

Mr. Welch stated that he appreciated working in American Fork and the relationship they have with the city. He noted they don't mind having a north/south road but it is the classification that has an impact. If it becomes a minor collector, they can't have driveways off that road which impacts how they develop their property.

Council Member Carroll stated there is a lot of pressure to not have things divided by major roads because the south side was already divided by the freeway and there is limited access between the south and north. She wanted to make sure as much as possible to not put the city in the same position with the Vineyard connector. She thought that if it is a collector, then when UDOT constructs the road they may work with the city on an overpass.

The question was brought up on why they would need this north/south road if they have 570 West. Mr. Hunter explained that 570 West does not connect to Lakeshore Boulevard and it doesn't connect to Vineyard; it curves and turns into 1100 South. Staff felt this road was needed so residents did not have to go to 700 West or 100 West to go north or south of Vineyard Connector. Discussions continued about the connector and how it affects the developer and the city.

Mayor Frost mentioned that he hopes Woodside Homes have seen the city as a workable partner in determining these things. Based on upon good faith of what we had and what is written in the agreement, we can work out some of these roads and it is typical of American Fork City where the roads are, some of the density can be transferred. Mayor Frost asked staff, if in the agreement is there enough flexibility to work with the applicant in determining these roads right now where there are just open fields and can Woodside Homes based on good faith accept that with this annexation.

Mr. Loveland responded that the north/south connection will be made, but he wanted to know if this was the alignment they had to go with permanently. The concern they had was if this was a minor collector and not a local road. Additionally, the alignment was a separate concern. Mr. Hunter stated the verbiage in the annexation agreement does provide for modifications of that right-of-way as they further develop the plan and so forth. Mr. Hunter stated that through the approval of the city, that alignment can shift and change.

Mr. Welch asked if there is any flexibility regarding the classification of minor collector or not. Ms. Andrus replied that is what the city has planned in the master plan and the model for now, so the staff would move forward with that as a minor collector road unless the city goes through the process to change the transportation plan.

Council Member Barnes stated he does not remember talking about specific roadways and where they are going to be in any past annexations. He was told that when land is annexed, it goes through the process with planning commission. Council Member Taylor felt if they eliminate the donation portion, they can work the rest of this out later down the road. Mayor Frost stated this is based off good faith and what is in the language of the annexation agreement, this is standard operating procedure.

Mr. Hunter wanted to correct a previous statement he made regarding the master plan. In the 2018 master plan, it still had Storrs Avenue instead of this north/south road. He thought they had changed it. He restated that the difference between 2018 and the current master plan, is that Storrs Avenue is removed, and this north/south connector is added in.

Council Member Taylor moved to adopt Ordinance No. 2022-08-35 approving the Harbor Road Annexation Plat E, including the annexation agreement, located at 500 West 1100 South and consisting of approximately 91.7 acres to be annexed in the PR-3.0 Planned Residential and Shoreline Protection zones subject to any technical changes to plats if needed and in addition the eliminating the of the Vineyard Connector, and limiting the conveyance for the Linear Park while preserving the open space. Council Member Carroll seconded the motion. Voting was as follows:

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

2. Adjourn to a work session.

Council Member Taylor moved to adjourn the special session at 4:41 p.m. Council Member Barnes seconded the motion. All were in favor.

WORK SESSION

1. Open and Public Meetings annual training.

Cherylyn Egner gave a presentation training on Open and Public meetings. She stated this must be done yearly. She stated meetings need to be done on public record and there needs to be transparency from the city. This includes the planning commission, board of adjustment, and advisory boards. She wanted to make sure that this information is being conveyed to each of the committees and is tightened up moving forward.

Council Member Shelton questioned whether the Chamber of Commerce fell under the open meeting laws as they are receiving funds from the city. Ms. Egner replied that the city is providing funds for services from the chamber but that they were their own entity. Council Member Shelton felt that they represent us in different capacities, such as Steel Days and our Economic Development arm and they promote it. Ms. Egner replied that they are the Chamber of Commerce engaging in a service and acting as a contractor on behalf of American Fork City.

Ms. Egner continued with the presentation training regarding what needs to be followed in an open and public meeting. She went over what a meeting was defined as and noted that all meetings must be open unless closed as allowed under state law. She went over protocols and regulations that must be followed.

Council Member Shelton enquired about having zoom capabilities, expressing that he would appreciate to be able to participate electronically and see what is being shown and discussed because not all information was making it into the packet. Mayor Frost replied they are looking into that and that in the conference room it can happen, but at City Hall it more difficult and will take some finessing to be able to do that. Discussions ensued amongst the council about the ability of holding zoom meetings. The council felt they should still include electronic meeting notices on all agendas.

Ms. Egner continued with the presentation training explaining closed meetings and what is allowed and not allowed in a closed meeting. There are public meeting notice requirements, which the city recorder makes sure is followed. It was noted that the Utah Public Notice Website is where all notices are posted. Ms. Egner went over the common violations, which American Fork has not had any problems with.

Ms. Egner then went over closed sessions and what is discussed in a closed session. She stressed the information discussion in a closed session must not be discussed with members of the public, spouse, family members, or significant others.

Ms. Egner reminded the council to always be transparent, but mindful that everything being said is on public record. In meetings, they should not discuss pending or previous or potential litigation. Everything they say in a public meeting can be used in litigation.

She stated if they have any questions, they can discuss with her and with staff prior to the meetings any questions or concerns they have.

There was a discussion amongst the council and staff regarding presentations before the council and if there were procedures adopted. Staff needed to have the opportunity to review documents prior to that information being presented to the council so they can be prepared to answer any questions. It was noted they would look into a policy for applicants submitting additional information for the council.

2. Adjourn.

The work session adjourned at 5:15 p.m.



Stephanie Finau
Deputy Recorder