

AMERICAN FORK CITY COUNCIL
NOVEMBER 15, 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
Derric Rykert	Community Services Director
Stephanie Finau	Deputy Recorder
Cherylyn Egner	Legal Counsel
Cameron Paul	Police Chief
Patrick O'Brian	Development Services Director
Susan Goebel-Canning	Public Works Director
George Schade	IT Director
Rebecca Andrus	City Engineer
Ben Hunter	City Engineer
Dan Loveland	Chief Building Official
Anna Montoya	Finance Director
Mat Sacco	Fire Marshall

Also present: John Woffinden, John Miller (Wasatch Music Alliance), Jeanine Cooper (Wasatch Music Alliance), Bryan Thompson, Laurel Shelley, Reggie Walker (Timpanogos Arts Foundation), and Spencer Stevens.

American Fork City Council met in a work session on Tuesday, November 15, 2022, in the City Administration Conference Room, located at 51 East Main Street, commencing at 4:02 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.

Mayor Frost explained that he had asked Camden Bird to give a presentation on the PARC Tax board meeting he had attended where he presented ideas from the mayor and staff. He expressed appreciation to the PARC Tax board and their recommendations. Mayor Frost reported that the city is receiving pressure to purchase park lands and develop it, however, they were there to collaborate as a team and noted how well this program has worked.

1. Discussion on updates to the policies and procedures for PARC Tax funding.

Camden Bird wanted to report on the makeup of the board as well as a couple of policy changes of which one originated from the PARC Tax board. He listed the board membership and their appointment dates, noting their term limits. He pointed out there were a few people who would end their appointment date at the same time, and they felt they needed to spread that out. They are recommending a new chair be appointed in 2023, with some members rotating out.

Mr. Bird continued the policy changes the board is recommending is to add a section that outlines qualifying operating expenses, which provides more clarity for applicants. The city is proposing a change that the PARC Tax board focus on non-city projects, which would allow the board to be more proactive with the arts and culture projects. The city would work with the Parks, Trails, and Recreation side of the PARC Tax funds. The proposal is for a 70% Parks and Recreation/30% Arts and Culture projects. Mr. Bird reported the Y2K survey that was done, which found the public preferred around a 70%-30% split for disbursement of funds for parks vs arts.

Bryan Thompson took a few minutes to report on the proposed changes. He stated they have no issues with the membership changes, but they do have concerns with the split of the funds 70%-30%. They felt it was basically a dissolution of the advisory board in its current form. The current board members do not include arts and culture specialists, so there would need to be change to include an influence of arts and culture. The survey was three-year-old data. With the renewal of the PARC Tax, he felt that was an indication that the citizens liked the direction they were going, and he didn't feel they should change what is being done. They did a good job looking at all the applications based on their own merits and allocating funds as they saw fit. They are concerned with the timing of succession as it does not give them much time to train new board members on the specifics of the board/processes. His concern was that he didn't want PARC funds to be an extension of the city's budget.

Laurel Shelley stated similar concerns. Ms. Shelley admitted that she filled out the survey and she knew better and did not consider the city budget and so she didn't balance the way she would have had she thought about that. She felt the survey doesn't represent what the residents really feel and did not agree with putting a limitation of percentages based on this survey because there were major questions.

Mr. Thompson felt that the current process should remain in place, and they should look at each project on its own merit and decide. He commented that they prefer not to have any definitive allocation.

Council Member Shelton commented that he is okay with approving funding projects based on the merit. They should spend time and energy to look at what would benefit the city and what would bring dollars back into the program and city. Council Member Shelton expressed his concern about deferred maintenance on projects with the PARC brand and how it may damage the brand. He indicated he would be in favor of a small percentage which should go to operations and hire a person that can help maintain the project and up to the quality we want them to have.

Council Member Taylor mentioned that in the last 4 years he has been a liaison for the PARC board with the council, and he sat on the committee as a citizen, and he understood the time it takes to serve on the board to discuss each project. He expressed that he doesn't get a lot of requests about arts but more for parks, however, he is in favor of leaving as is and felt the PARC

Tax board is very thorough and makes equitable decisions. In the end, the Council gets the final decision, and they can make changes to the allocations that are recommended.

Council Member Carroll commented that the Parks & Trails committees' job is to set priorities for parks, trail & recreation for the city. They go through the process and have a long-range plan; they send their projects to the PARC committee, who will vet out the projects. She felt there were two citizen communities that had different priorities doing two separate things. Mr. Thompson responded the committee was not aware of a prioritized list; they have representatives come before them with applications that they look over.

The council continued in their discussion about the benefits of parks, games at parks, grants, and the committees. They also discussed expenses, how to split the money, and when to approve allocations.

Council Member Barnes was against the 70/30 split. He felt it may ruin the program. He has not received complaints on how the board functions. He felt the purpose of the PARC Tax was to supplement what the budget could not do and felt they needed to keep projects and maintenance separate.

Council Member Hunter commented that he receives more feedback and comments about parks. He suggested they engage in a different survey that is clearer. He mentioned that when the council voted on the PARC Tax allocation, they did not follow the recommendations of the PARC committee exactly. He said that he sensed the committee felt it was not the council's job and was out of line of the 2-step process. Council Member Hunter loves how it has been managed to this point, but he noted there were two steps in the process. He did not have a problem with the disproportionate amount going toward parks, but he wouldn't be in favor of making a decision now without more research.

Mayor Frost expressed his appreciation to the board members, but he felt they needed to work on the appointments to make sure there is continuity on the board. He felt they could appoint three members now so they could be prepared for the next round. Mr. Thompson explained it would be fine and agreed that it would be good to refresh the committee regularly. Ms. Shelley added that changing the timeline isn't that important if they rotated the committee with the fiscal year.

There was a discussion about the ordinance and time served on the PARC committee. Ms. Egner reminded the council and mayor that until someone else is appointed, they remain seated until a new person is appointed. Mayor Frost commented that they would work on some names for the committee, and he asked that Ms. Egner and Council Member Taylor to work together and come up with a solution that add more clarity for the "non-qualified operating expense".

2. Discussion on the Station Area Plan (SAP)

Mr. O'Brien reported that a couple months ago he brought the moderate-income housing plan to the council for approval. One of the requirements mandates that cities with a fixed transit station need to adopt a strategy to create and adopt housing options to encourage density around those stations. He stated that the city is already ahead of that and some of the requirements from the state allows us to already use the strategies and policies that we've already put in place and have been working on. The state does not spell out strategies to adopt but they do list a number of objectives that we need to create strategies around. The plan will be presented to the stakeholders as required by state code which includes UTA, UDOT, MAG, and Utah County. He pointed out

the objectives include increasing the availability and affordability of housing, promote sustainable environmental conditions, enhance access to opportunities, and increase transportation choices and connections

Council Member Carroll asked if there is a definition by what the state means by affordable housing and access to opportunities. Mr. O'Brien replied that it was very vague and commented the city would consult with MAG and create strategies, then MAG and the board (which the mayor is part of) will be the certifying body and they would determine whether the city meets those objectives.

Mr. O'Brien stated that state code requires a city that is part of the BRT (Bus Rapid Transit) station, they need to plan within a quarter mile radius. For cities with fixed transit stations such as the FrontRunner station, a plan needs to be created for a half mile radius. Right now, there are only four proposals for station plans put in with MAG. He mentioned that there is a Technical Assistance grant that the city has utilized \$75,000 and has been working with them to engage consulting, along with a \$10,000 match.

Mr. O'Brien explained the Station Area Plan bill was very vague but had five components that needed to be included. He noted the city needed to include a vision of the Station Area Plan along with a map outlining that area as well as the implementation plan over the next 5 years. The plan needs to outline the statement promoting the objectives. He stated that MAG and Workforce Services will determine if we meet those objectives and if the plan is approved, they will certify it. He mentioned that before it goes into effect it will still come to council as a regular policy document and to planning commission as well, since it is a land use document. There is also public involvement and stakeholder component to this.

Mr. O'Brien stated the city needed to adopt the Station Area Plan and land use regulations by December 31, 2025, unless there is a qualifying land use application. With a qualifying land use application, which the city does have one coming in, it would trigger the city to have this in place sooner. The city will need to seek MPO Certification and then include that certification in the City's report to the Dept. of Workforce Services.

Mr. O'Brien added that ultimately, we want the plan to be fluid and flexible, so that as the community changes and if the plan needs to be upgraded overtime that we can respond to these things.

Council Member Shelton asked if there is any merit to adding the fly-over as part of this plan. Mr. O'Brien responded that they could mention the importance of connectivity and can use it as a strategy to address point 3 "to enhance access to opportunities" by having the flyover. A discussion amongst the council and staff ensued, and to partner up with UDOT/UTA to share in the cost of it to meet state requirements and pursue it as an option. It was noted the flyover was important and the city needed to put together a well-coordinated effort and leverage everything they have to get it done.

Mr. O'Brien closed by reporting the RFP was sent to MAG and the closing date is November 30th. They should hear back from MAG after that to see who responded. They hopefully have people who want to get on board and help with this. The majority of this plan will come from the staff level on how we want to shape the plan to suit the city the way the council wants it. The

consultants will manage the public engagement portion. This plan would be updated periodically, and staff would utilize this as a tool to achieve the objectives of the city for the TOD.

3. Review of development process workflow.

Mr. O'Brien presented several slides that walks the council through the development process, from when someone gets an idea but doesn't have a formal plan in their head, up to the point of pulling permits and council approval. He explained the first step was for an applicant to meet with staff to discuss their concept plan. Concept plan meetings are held every Monday and includes the Fire Marshall, Engineering, Planning, and occasionally Building Inspections. At this meeting they will discuss what they want to accomplish and what they need to do. About 75% of applicants already have a concept plan, which helps them in the process. The second step is the formal submission, where all submissions are reviewed by administrative staff to verify all required documents are provided; if something is missing, the applicant will be notified. Staff wants everything submitted prior to the review so a complete review can be made. When submitted, staff has three weeks to provide comments back to the applicant. The applicant will then submit revised plans where staff will have two weeks for the follow-up staff review. Mr. O'Brien stated they strive to get the reviews done as soon as they can so they can get reviews back to the applicant; they do not want to hold on to things any longer than they have to.

Mr. O'Brien continued that after the second review, if the plans meet code from staff's perspective, it is sent to the planning commission. If it does not meet code and there are significant insufficiencies in the plans, the applicant is asked to resubmit documents. It was noted that planning commissioners need to have adequate time to review plans, and staff wants problems taken care of before it gets to the planning commission.

Ben Hunter stated that prior to his employment with the city, there were approvals granted with conditions, but the plans were never updated. It was frustrating for staff because they had to take time to follow up on the approvals. Mr. O'Brien stated they would like to have everything completed during the review stage before it goes to the planning commission. It is unfortunate when applicants don't listen to the comments from staff; they are shocked when they are told their item would be tabled at the planning commission for the same concerns that staff has given them on previous reviews.

Mr. O'Brien explained the project is then sent to the city council for approval. Once approved, they are ready to submit plans for building permits. Applicants will turn in plans and staff will review the plans; things will go back and forth until all conditions are met and the building permit can be issued.

When asked how long it takes for a building permit to be issued, Dan Loveland responded they are required by state law to have the comments out within 14 days, but they often get them out faster than that.

Mayor Frost asked where along the process does the applicant state that they know the city code. Ben Hunter explained that one of the biggest challenges is that they would review the plan, there would be things on the plan did not meet city code. The complaint from developers would be that they didn't know they had to do it, but it is in the code, and they signed the affidavit that with the formal submittal that they have read the city code and what is being submitted is complying with the city code.

Mr. O'Brien continued with the presentation development process in detail. He stated the concept plan is where they research the site constraints, understand the zoning and verify permitted uses, identify existing/required features, services, utilities, and outline the submission process and requirements. The formal submission includes the application form, fees, and checklist of required plans. Staff will submit it for review and details will be input in Cityworks for internal record keeping and tracking. The Staff review includes a review by Engineering, Fire Marshall, Planning and Zoning where they review the plans for conformity with city code, zoning, and fire code. Engineering also has a checklist of things the applicant needs to do prior to permits being pulled.

Mr. O'Brien went over an example of the process timeline and what it would look like in a calendar. He noted that the timeline is affected by how long it takes the applicant to re-submit their plans responding to comments. Ms. Andrus added that in the past they have schedule pre-construction meetings the day after council meetings if they have a pro-active developer that has all their stuff ready. There are times when a reimbursement needs to be approved, and ideally that would be approved at the time the project is approved; however, that does not always happen as additional information may be needed. Mr. Hunter stated that they give them the engineering checklist with the first review, so they know what they need to work on.

Mr. O'Brien stated that it should only be a 3-month time frame if everyone holds up their end of the review process. A discussion ensued regarding the development process between staff, engineering, and council and the different scenarios that staffing, planning and fire have dealt with during the process.

Some of the issues that result in delays are submissions that do not have a complete application, plan sets do not match, plans do not meet code, the staff comments aren't addressed, or the layout of the project has been amended. Mat Sacco, the Fire Marshall commented that most of the time the applicant is so focused on their own agenda they don't listen to the comments or feedback that is offered at the site plan meeting.

Overall, Mr. O'Brien stated they have received positive feedback for the process changes that have recently been made. Staff has communicated with developers and kept in contact with them, so they know what is taking place.

Mr. Bunker commented that the last thing staff wants is a backlog of projects jamming up and on hold because invariably there is another project right behind it. He added that there have been modifications to this process along the way and there would be modifications again. We must be able to change things along the way to make it more efficient and effective.

Council Member Shelton stated that while improvements have been made, he felt there was an opportunity to make a smooth transition from one step to the next. The communication channel was very important. He suggested they have a linear checklist, to which staff responded they are working on that right now.

Mr. O'Brien stated that while applicants have an expectation, staff also has an expectation from the developers. When a developer complains about reviewing a certain number of pages for comments, they need to remember that staff has reviewed every single page of the plan to make sure it meets code. When applicants sign their submission form, they agree that their submission meets code, and quite often it doesn't. There is an expectation on both sides.

Mr. Sacco commented that many of the applicants/developers have clients they represent and the communication from the developer to the actual customer to move the project forward doesn't have all the information and so they don't understand it.

Council Member Shelton felt it was more of a communication issue of how to get to one point on to the next and he wanted to make the process smoother so when an applicant gets comments, it is easy to correct and move forward. He suggested forming a committee to look at the process. There have been talks about a code re-write, and he felt that would be good to go through at the same time they are reviewing the processes.

Council Member Taylor felt that it wouldn't be harmful to be able to go through that exercise. He believed staff were making attempts to make the process better, however, there is frustration and communication is key. If they can get out in front of something, it would make a difference in eliminating frustration. He didn't think it would be an easy process and they would always have complaints, but the process could be better for everyone.

Mr. Woffinden commented that the method can be simplified and not make it so much that the developer doesn't have to go through stuff they don't need to do.

Mr. O'Brien added that it would be good if everyone could be part of the process. If there is an expectation on staff, there needs to be equal expectation on the applicant. The process can be made easy for the applicant if they submit plans that meet code.

Mayor Frost stated a couple of years ago, he met with the mayors of surrounding cities and all the mayors have been told that they are the worst city to work with, so it wasn't unique to American Fork. However, there was room for improvement. He mentioned how they have modified the process over the years. They fixed what they could bit by bit, because it would affect staff and applicants that have been doing business with the city for years because of the new process and how it will impact them. So, we are trying to complete small changes so people can get used to it instead of implementing a huge change. He liked the idea of continuing to monitor to see what could be done and tweak communications to work better with applicants.

Mayor Frost asked staff and council how they felt about that approach that Mr. O'Brien mentioned.

Mr. Loveland felt that it had come a long way. He mentioned that they communicate daily on what they are working on to make it better, and it's a work in progress. They are open to feedback to make the process better and smoother for everyone to help educate people and help them understand things.

Mr. O'Brien did not feel they needed to change the entire process but modifying individual components of that process is a better way to do things.

Ms. Egner commented that she only deals with the problem when it comes to legal counsel. Usually with an attorney of the developer, we go back and walk through it and most of time when we do that the issue is resolved. The issue is that developers get upset and then complain to the council. The developers don't try to work with staff with suggestions or questions.

Mr. O'Brien commented that everyone is going to want a change to benefit themselves and not our process. He would like to protect the integrity of the process. Council Member Shelton felt they could come up with something amazing if they all worked together. Mr. Loveland said they are open to feedback and comments, and they will have an open mind.

Council Member Taylor commented that the city was never going to please people as city employees. He understands how things work, and he felt they have made some improvement. Council Member Taylor felt they needed to demonstrate they are trying to figure things out but have to understand they will always hear people complain.

Council Member Shelton suggested that a committee would be able to sit down and evaluate the process and make recommendations to the staff and city council.

Mayor Frost asked for feedback from Council Member Hunter, Council Member Barnes, and Council Member Carroll. The council and staff will work together and that he'll be very selective of who will be on that committee to talk about the next steps and find ways to improve.

4. Adjourn.

The meeting was adjourned at 7:00 p.m.