

AMERICAN FORK CITY COUNCIL
MARCH 5, 2019
SPECIAL SESSION MINUTES

Members Present:

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

Staff Present:

David Bunker	City Administrator
Camden Bird	Admin Analyst
Lauralee Hill	Deputy Recorder
Kyle Maurer	Finance Officer
George Schade	IT Director
Tim Merrill	Legal Counsel
Darren Falslev	Police Chief
Adam Olsen	Senior Planner

Also present: John Woffinden

SPECIAL SESSION

The American Fork City Council met in a special session on Tuesday, March 5, 2019, in the City Administration Office Conference Room, located at 51 East Main Street, commencing at 3:34 p.m.

Mayor Frost welcomed everyone to the Special Session and noted the presence of a full quorum.

1. Review and action on an amendment to the NOC Lease Agreement dated February 12, 2019. (Requested by George Schade, Technology)

George Schade stated that the bank wanted the terms of the lease to match the ten year loan period and wanted the assurance that the Operations Center would be available for ten total years.

David Bunker noted that this is the same agreement already approved by the Council except for “access to the knock” terms in Section 5. There are two renewal options which the City can select from at the end of the first five-year lease term. Both options allow the City to assess the fair market value and set the terms for the remaining five-year lease term.

Council Member Shelton said that he felt good about this amendment to the agreement.

Council Member Barnes asked where the \$500,000.00 would go.

Kyle Maurer explained that when the original network was sold to American Fiber, it was booked as a receivable. This income would relieve that earlier receivable. He concluded that the City wouldn't see any revenue from this because it was previously entered in the books when the system was sold.

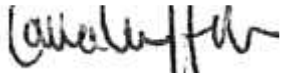
Council Member Taylor moved to approve the amendment to the NOC Lease Agreement dated February 12, 2019. Council Member Shelton seconded the motion. Voting was as follows:

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

2. Adjournment

Council Member Taylor moved to adjourn the Special Session. Council Member Christiansen seconded the motion. All were in favor.

The Special Session was adjourned at 3:40 p.m.



Lauralee Hill, Deputy Recorder

AMERICAN FORK CITY COUNCIL
MARCH 5, 2019
WORK SESSION MINUTES

Members Present:

Brad Frost	Mayor
Kevin Barnes	Council Member
Staci Carroll	Council Member
Barbara Christiansen	Council Member
Rob Shelton	Council Member
Clark Taylor	Council Member

Staff Present:

David Bunker	City Administrator
Camden Bird	Admin Analyst
Wendelin Knobloch	Associate Planner
Lauralee Hill	Deputy Recorder
Kyle Maurer	Finance Officer
George Schade	IT Director
Cherilyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Scott Sensanbaugher	Public Works Director

Also present: John Woffinden, Reese DeMille, Jerry Edwards, and one other person (Kent).

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.

The American Fork City Council met in a work session on Tuesday, March 5, 2019, in the City Administration Office Conference Room, located at 51 East Main Street, commencing at 3:40 p.m. The agenda was as follows:

1. Discussion on an ordinance amending Section 17.5.134 of the city code regarding accessory apartments and creating a new Section regulating Short-term Rentals in American Fork City. (Requested by Terilyn Lurker, Recorder)

Mayor Frost explained that a neighbor approached him about someone in the neighborhood who was renting multiple rooms to various people. There was a lot of disturbance and the neighbors wanted to know what the City's stance was on short-term rentals. Mayor Frost asked Cherilyn Egner to discuss what other cities had done with short-term rental regulation.

Ms. Egner explained the biggest complaint was that there was no business licensing for these types of rentals. There was a landlord registry for long term rentals. The change in the regulations would allow the City to cite landlords for disturbances. It would also restrict the number of rooms and people that could occupy the rental.

Council Member Shelton asked if short-term rentals were legal. Ms. Egner responded the ordinance that addressed short-term rentals prohibited them; however, there was no way for the City to enforce this prohibition. Council Member Shelton asked how they could cite violations and if they could restrict these short-term rentals to certain areas. Ms. Egner responded that they could restrict to certain areas, but that was up to the Council's discretion. She stated that the wording in the code needed to be changed to be clear that the short-term rentals were prohibited.

Council Member Carroll said she was in favor of short-term rentals. Council Member Shelton agreed they were convenient. He asked if they wanted to allow them in their neighborhood. Council Member Taylor noted it would be difficult to enforce the prohibition of short-term rentals.

Council Member Carroll said a friend used Airbnb to supplement her housing costs. She did not want to limit this ability to the residents. Mayor Frost commented that parking was difficult for homes that were rented out to too many people. He noted these situations caused other nuisances. Council Member Carroll asked if the current code allowed long-term rentals. Ms. Egner responded long-term rentals were required to be register with the City. Council Member Shelton added that long-term rental terms also depended upon the single-family definition. Four people or two unrelated people could fall under the definition of a family.

Council Member Carroll asked how the changes were different than the current code. Ms. Egner responded that the changes would allow the police to know if the property was a short-term rental. It would help the police to know how to enforce the regulations and issue citations. Council Member Carroll said she was unsure the code was clear on how to enforce the regulations. Ms. Egner said the police would look for patterns of violations, and if there were further violations the City would have more recourse. Council Member Carroll asked what would be done if a resident made a mistake; she was concerned about citing residents that were not clear on the regulations. Ms. Egner stated that they would issue warnings to allow residents time to correct the mistakes.

Mayor Frost noted Airbnb forced users to pay the taxes and follow guidelines. He stated that people were buying up real estate to rent it out by the room. He thought this was a problem they should consider. Chief Falslev added that citing people for noise would put the responsibility on the tenant, whereas the new regulations put this responsibility on the homeowner.

Council Member Shelton asked how they could protect the character of the neighborhood. Council Member Taylor noted the larger homes were the ones who were using these programs to rent out space. He said the regulations would hold the owners accountable to prevent nuisances. It would also give the Chief recourse.

Council Member Barnes explained that states were getting stricter with regards to rental programs like Airbnb. He said some of the homeowners could be out-of-state. Ms. Egner said the regulations would require someone to be available at all times to enforce the regulations. She said this would not solve all the problems; community policing was still required as the City would rely on complaints. Council Member Barnes stated that common complaints pertained to overnight parked cars on streets when snow removal was needed, and tree ordinances going unenforced around the City.

Council Member Christiansen said they needed regulations to give the City recourse to law enforcement. Chief Falslev agreed.

Council Member Carroll asked why they were limiting accessory apartments. Ms. Egner stated that the City wanted to prevent residents from making accessory apartments exclusively for renting out through Airbnb.

Council Member Shelton noted it was strange to have two different databases to register. Chief Falslev noted people were upset about the cost of business licensing.

Jerry Edwards said he rented homes in American Fork, and he was in favor of registration. He said they needed an ordinance to regulate the rentals. Additionally, they needed to have licenses and registries. This would give the police the ability to know who was occupying the rentals and would give them recourse.

Mr. Kent said he was a new member of the community. He said he lived next to a short-term rental. He said the rental caused a lot of disturbance and he appreciated that this regulation would give the City recourse against the nuisance.

Council Member Shelton asked if the Planning Commission would discuss this regulation. Mr. Woffinden responded in the affirmative, noting that the City was planning on holding a public hearing. He added a few drug houses were in their neighborhood and this would help remove them with the help of the police.

Council Member Taylor said the City would be better served by having these rentals regulated. Mayor Frost suggested the Council allow the Planning Commission to vet the appropriate regulations. Mr. Woffinden invited the Council to attend the meeting.

Ms. Egner asked if there was anything they wanted changed. Council Member Carroll said accessory dwellings should be included. Council Member Taylor agreed.

Mr. Edwards said the integrity of the City's zoning ordinance was in peril. He suggested they tread carefully to ensure the integrity of the City's zoning ordinance. The Council agreed.

2. Discussion on the City's recycling contract with Republic Services. (Requested by Terilyn Lurker, Recorder)

Note: This item was moved to later in the agenda to accommodate Reese Demille's arrival.

Mr. Bunker explained that Republic Services was losing money on recycling. As such, they proposed an additional \$.60 to the recycling charge which would be covered by the City and Republic Services. The request was a proposal to amend the 7th addendum. He noted there was an analysis in the packet of what was in the fund.

Council Member Carroll asked how long the contract was. Mr. Bunker stated that it went through the year 2023. Council Member Carroll said she wanted to remove the cost of having the recycling cans removed. Mr. Bunker stated that they lowered the cost to \$10 from \$50.

Council Member Shelton suggested they charge more for those recycling. He explained if they withdrew the cost from the fund every resident would be helping pay for the privilege of recycling.

Council Member Taylor asked how the numbers changed so dramatically. Mr. DeMille explained that recycling now took longer and was more difficult, and this had caused prices to increase.

Council Member Shelton asked what items were the most difficult to recycle. He suggested they make a change of what they were recycling to lower the costs. Council Member Christiansen suggested they put instructions on the cans. It was also suggested to run a social media campaign with a video. Mr. DeMille said he had provided the City with a video about recycling.

Mayor Frost asked how the Council wanted to proceed. Council Members Barnes, Shelton and Taylor were in favor of passing the costs onto the residents who wanted to recycle. Council Member Carroll said she was in favor of running an education campaign.

Council Member Christiansen asked about the Hefty Orange Energy Bag program. Mr. DeMille responded that these bags could be purchased at grocery stores. The items put into the bag were taken to a facility and used for energy. He noted that in every market where this program was implemented the program had failed. The bags were too expensive for residents to be proactive. He suggested that these costs be supplemented.

3. Review of Proposed FY2020 Storm Drain, Broadband, Celebration, PARC, and Perpetual Care fund budgets. (Requested by Kyle Maurer, Administration)

Kyle Maurer explained that there was a 3.7% increase in the operating revenue of the Storm Drain. Council Member Barnes asked if this included benefits, to which Mr. Maurer responded in the affirmative. This was the projected amount for payroll and benefits.

Council Member Carroll asked what work needed attention. Mr. Sensanbaugher responded there were areas downtown that needed repair. There was cracking and exposed rebar. Council Member Shelton asked if there were plans to work on 400 South. Mr. Sensanbaugher explained that most of their analysis pertained to downtown and Main Street.

Mr. Maurer continued by explaining the licensing for Broadband, stating that there was a projected 17.6% increase for the leasing agreement. Mr. Maurer noted that the fund no longer had a revenue source, and therefore they would need to decide a new funding source. He noted the structure helped the City save money.

Mr. Maurer then moved on to the PARC Tax Fund, and explained there was an increase of sales tax. He discussed the administrative expenses, charges and the grants to the fund. The rate was expanding and the State did not want the City to have a windfall.

Mr. Maurer gave an overview of the Perpetual Care fund. He discussed the revenue and the loan balance. He also discussed the Storm Drain Impact fund balance. Council Member Barnes asked if it was eligible for impact fees, to which Mr. Maurer responded in the affirmative. Council Member Barnes said they should use impact fees. Mr. Maurer said these fees would be used in the future for larger projects.

Mr. Maurer concluded by reviewing next year's goals.

4. Follow-up discussion on the Budget Workshop Goals. (Requested by Terilyn Lurker, Recorder)

Camden Bird said he compiled the notes from the budget workshop. He discussed the budget for public safety, fire, police, and their operating expenses. Council Member Shelton noted it was important to capture all the hidden costs. Mr. Bird reviewed the costs associated with the police department, and specifically noted that a police officer cost about \$100,000 a year.

Council Member Shelton said he would like a map of the City that highlighted the call volume, to which Mr. Bunker responded there was one already available.

Mr. Maurer said they planned to create a five-year plan. Council Member Shelton asked if the five-year plan would be completed by the end of the fiscal year. Mr. Maurer responded in the affirmative. Council Member Shelton said the five-year plan would create some difficult decisions.

Mr. Bird continued by discussing communications. He explained there was a technology committee and they were focused on improving the City's technology. Council Member Barnes asked if the committee had met. Mr. Bunker explained that while the committee had been formed it not yet formally convened as a group.

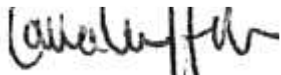
Council Member Carroll asked if the committee oversaw communications. Mr. Bunker responded the committee would receive instructions from the Council and develop plans. Council Member Carroll said there needed to be a clear vision of what the committee was accomplishing.

Council Member Shelton suggested a staff member be on the committee. He said they needed to have someone to guide their purpose. He added that they needed to have a consistent logo for the City.

Mr. Bird concluded by discussing economic development. Mr. Bunker explained the opportunity for development was limited. Mr. Bird suggested they work on the economic development to avoid missing opportunities.

5. Adjournment

Meeting adjourned at 5:35 pm.



Lauralee Hill, Deputy Recorder