

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
APRIL 8, 2014

REGULAR SESSION

ATTACHMENTS (2)

The American Fork City Council met in a regular session on Tuesday, April 8, 2014 in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m. Those present included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Brad Frost, Rob Shelton, Jeff Shorter, and Clark Taylor.

Staff present: Associate Planner Wendelin Knobloch
City Engineer Andy Spencer
City Planner Adam Olsen
City Recorder Richard Colborn
City Treasurer Melanie Marsh
Ordinance Enforcement Officer Jay Christensen
Finance Director Cathy Jensen
Fire Marshal Doug Bateman
IT Specialist George Schade
Legal Counsel Melissa Mellor
Legal Counsel Tim Merrill
Library Director Sheena Parker
Planning Commission Chairman John Woffinden
Police Chief Lance Call
Public Works Director Dale Goodman

Also present: Charles 'Butch' Barringer, Utah County Surveyor Gary Ratcliff, Doug Mayne, Mrs. Elaine Hadfield, John Heiner, Jeff & Suzette Mitchell, Barbara Christiansen, Daniel Copper, two police officers, Jim Groberg, Nelson Thomas, Ken Berg, and 40 additional persons

Craig Whitehead was excused.

PLEDGE OF ALLEGIANCE; PRAYER BY COUNCILMAN BRAD FROST; ROLL CALL

Scoutmaster 'Butch' Barringer of Troop 1114 led the audience in the Pledge of Allegiance assisted by members of Troop 1157. Councilman Brad Frost offered a prayer.

Mayor Hadfield invited the Scouts in attendance to come to the podium and introduce themselves.

<u>Troop 708</u>	Lincoln Cothran	Ethan Cothran
<u>Troop 1114</u>	Damion Barringer	Dominic Barringer
<u>Troop 1123</u>	Ryan Jolley	Andrew Jolley

Troop 1157

Jakob Empey
Kaleb Melville

Trevor Miller
Jared Dupaix

Kaden Burnside

Mayor Hadfield wished them well along Scouting's Way and stated that American Fork City had many things for volunteers to do and to come to American Fork when they were looking for an Eagle Scout Project.

TWENTY-MINUTE PUBLIC COMMENT PERIOD – LIMITED TO TWO MINUTES PER PERSON

There was no public comment at this time.

CITY ADMINISTRATOR'S REPORT

Craig Whitehead was excused.

COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Shorter reported that he met with the Youth Court last Wednesday. They did a great job working with their peers. The Youth Court was in good hands.

Councilman Shelton reported that April was Autism Awareness Month and the Chamber of Commerce has made Autism Awareness an annual contribution and a cause they wanted to support. We all ought to be mindful of Autism.

Councilman Shelton reported that they had a company who wanted to utilize their billboard and that should be up in the next couple of weeks.

Councilman Taylor had nothing to report at this time.

Councilman Frost reported that the Cemetery Relocation Committee would be hosting an Open House tomorrow night April 9, 2014, at Public Works beginning at 6:00 p.m. Fliers had been delivered to all neighbors of the Cemetery including the Alpine School District. The matter would then go to the Planning Commission for discussion on April 16 and then to the City Council sometime in May.

Councilman Frost reported that the Cemetery Committee has been able to secure Governor Gary Herbert as the Keynote speaker at the Memorial Day Program that would be held at 10:00 a.m. in the American Fork LDS Tabernacle.

Councilman Bowen commended the Scouts for their attendance and wished them good luck in continuing toward the rank of Eagle.

Councilman Bowen reported that the Beautification Committee has met and is alive and well. They are planning to be involved in Steel Days again this year with the Parade of Gardens. There would also be Arbor Day Activities.

Mayor Hadfield explained that the Arbor Day Activities would be addressed at the April 22, 2014 City Council meeting along with a Proclamation.

MAYOR'S REPORT

Mayor Hadfield reported nothing at this time.

COMMON CONSENT AGENDA (*Common Consent* is that class of Council action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda by the Mayor or a Councilmember and placed in the action items.)

1. Approval of the March 20, 2014 city council work session minutes.
2. Approval of the March 25, 2014 city council minutes.
3. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$25,000. – *Cathy Jensen*

Councilman Taylor moved approval of the Common Consent Agenda items with some spelling and grammatical corrections in both sets of minutes. Councilman Shorter seconded the motion.

Mayor Hadfield asked if there were any questions.

Councilman Bowen asked about AFCC Limited and what that was.

Mayor Hadfield explained that it was a corporation with Woodbury where it was provided that they would receive some support from sales tax and property tax for their investment in The Meadows. The City agreed with this almost two years ago now.

Councilman Bowen asked what Horrocks Engineers was doing for the City.

Mayor Hadfield responded that Horrocks Engineers was doing roadway improvement design work for the RDA on 860 East at about 1000 South. He thought that award had been made this past week.

All were in favor of the motion.

ACTION ITEMS

REVIEW AND ACTION ON A RESOLUTION APPROVING AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN LOCATED IN THE VICINITY OF 600 NORTH 900 WEST FROM THE LOW DENSITY RESIDENTIAL DESIGNATION TO THE DESIGN COMMERCIAL DESIGNATION – *Intermountain Farmers Association*

Mayor Hadfield explained that this item was before the Council two weeks ago when it was decided that a moderation group would get together with Councilman Shelton. Councilman Shelton and City Attorney Kasey Wright handled that moderation. He turned time to Councilman Shelton for a report.

Councilman Shelton reported that they met in unofficial mediation in Kasey Wright's office to discuss issues and concerns and what they could do to address those concerns. It went from 7:00 p.m. to just after midnight. Everyone had different opinions.

Concerns brought out included:

- The site
- Sounds
- Light
- Safety
- Adequate buffering

Things agreed upon in this non-binding mediation included

- No part of the building would be over 30 feet in height (peaks would not be considered part of that)
- The CC&R's would include the City's sound ordinances
- The loading dock would be covered, a concrete wall with a ceiling over it
- Dampen the noises as much as they could and still be in compliance with Federal Regulations on their equipment
- Lower the lights down to fence level and would be downward pointing lights with a low amber lighting
- The rear of the building would not be just straight stucco and that there would be some kind of a hedge to be determined.

There was a lot of discussion on a trail but no consensus at the end of the day.

The biggest sticking point was the location of the buildings in proximity to some of the neighbors.

Mayor Hadfield thanked councilman Shelton for the report. He asked if there was a spokesman for the homeowners adjacent to the project.

Brady Nixon read a statement that is included in these minutes as **ATTACHMENT 1**.

Sam Penrod read a statement that is included in these minutes as **ATTACHMENT 2**.

IFA Vice President of Country Stores Operations Bryan Coulter expressed appreciation for the Council's time and also Councilman Shelton's time the other night. He provided information to the Council. This project would create 150 new jobs with \$4.8 million in payroll. Also the one entity would payout nearly \$8 million a year to nearly two to three thousand households. This was beyond the payroll. They would pay approximately \$300,000 a year in property taxes. Sales tax volume would be \$10 to \$15 million dollars. This would be a private development. It was not a lease type situation.

Mr. Coulter stated that they went individually and talked to persons in about 40 to 45 homes. The development already has commercial on two sides. Their development would make it a

quieter neighborhood as the buildings would block the fugitive light and noise that came from Costco.

Mr. Coulter continued that they would not give an additional 16 feet. They had already taken off approximately 20 feet. They were trying to squeeze it in the best they could. If they gave any more the development would not work. In this proposal there was a lot of outside storage. Those things that could be seen as unsightly would be covered. They did not want to be bad neighbors. The neighbors through the CC&R's of the whole commercial development they were putting in has the advantage to control problems including everything from noise to aesthetics to what it looked like now and in the future. With an eight-foot wall and hedge he felt they would be quieter than their next door neighbor.

Mayor Hadfield asked if there was any other adjacent neighbor that wanted to address the Council.

Jeff Mitchell explained that he and his wife Suzette were adjacent neighbors at 802 West 700 North and they appreciated this opportunity to address the City Council. They had watched development come from the Shelley School on the east, 5th North on the south all the way up to 9600 North and west over to Lehi. They were in the farming business and now they were virtually surrounded. One home being constructed on the east, the side of the home was 10 feet from where he sprayed and fertilized and irrigated. The rest were 30 feet to their back yards. There has been a little bit of change. He and his wife built there in 1993 that added another nail in the coffin of the sleepy, country, feel and every home that has come since then has done that. They were moving away from a bedroom community feel and by and large it has been a good thing and great people have come. He had not protested one development and he had watched dozens of the come. They were now right up against his fence line and they impeded what he did for a living. It was pretty tough to spray when you were within 10 feet of a \$750,000 home and not have someone feel they were being encroached upon.

Mr. Mitchell continued that there were positive things as well. All of those good residents helped him stay viable in the business. When WalMart went into The Meadows and when Costco followed no one really saw where this was going. The bottom line was there was no going back now. There was no closing the gate on the barn because the horses have been gone for 10 or 15 years now. There was only one piece of the puzzle left. In 2006 when the previous proposal was denied there was a newspaper article about how difficult it was to develop in American Fork. Mistakes were made and they learned from them. There was a survey sent out about a year and a half ago by American Fork City to developers and contractors to try to ascertain why they felt like they did about developing in American Fork.

Mr. Mitchell knew of some of the responses. Compromise was a great thing. But the definition of "compromise" was to settle a dispute by mutual concession. It was very difficult to come to middle ground when only one side had anything to offer. That piece of ground that the Carson's had the foresight to buy as young men and sit on all these years was not bought to have it go commercial. The only reason they brought it into American Fork City and zoned it residential was so they could build two homes on it because the County had a TR-40 zone. They annexed it in a Residential zone. If they were able to build two homes in the County, do you think they would come today and petition the Council to zone it residential? They would not. It would not fit there anymore.

Mr. Mitchell added that to compromise there had to be two sides that had something to give. He understood that they did not want to destroy neighborhoods in anybody's backyard. He expressed that too many times in government we go home and see on the news at the State Capitol and in Washington DC and at the County buildings in Provo and Salt Lake as groups organize and protest and if they yell long enough and loud enough there would be changes. It was called appeasement. "Appeasement" is to yield or concede to the demands of a group or person in a conciliatory effort sometimes at the expense of justice or other principles.

Mr. Mitchell stated that the City Council's job was not to appease but to apply the zonings, the principles, and the policies. There were plenty already and he felt that more was not needed. The Carson family had worked hard and added more to that area of American Fork than anybody else in this meeting or anybody that chose not to come. There were many residents that were not opposed to this but like every other issue we see on the news 66 to 70 percent that were not opposed to it don't come to the meetings. Only those that have a burr in the saddle come out. It took a little to get us off the couch. He believed the change would be a good thing.

Mr. Mitchell thought that the Carson family for their sacrifice and foresight ought not to be vilified. They had given and given and given more than a pound of flesh to make it safe for everyone that was here tonight in that area. The roads had been widened. The City needed property and the Carson's gave it. The City needed more property. The Carson's have lost every foot of their front yard except the amount legally necessary to keep their homes there. If the City took one more foot, the City would have had to buy them and that was probably what should have happened. The Carson's did not ask for development to come. When the Patterson development went in to the east, it affected the Carson's with their manure and with their harvesting of the alfalfa. They did not protest when homes went in 27 feet from their fence line. Where were all the neighbors to protect the Carson's interest on 9th West when they were going to lose their front yard and all of the quality of life and some safety? He felt bad that somehow the Carson's have become the enemy. Mr. Mitchell did not feel that way. He watched the Carson's work hard and they contributed much and they had been here longer than anyone represented here at this meeting except maybe he and his wife.

Mr. Mitchell concluded by stating that IFA stood for Intermountain Farmers Association. He was a farmer. He did not shop at IFA because they no longer serviced farmers in the area because they were gone. Now they sell you shirts and a pack of seeds for your garden and let you take your children and grandchildren there to look at chicks and ducks and to buy them and to help you make your yard better. He was not lobbying because it would save him gas money driving three blocks less. IFA has changed to accommodate the very people that were protesting. They served residents of American Fork with gardens and yards. These were tough decisions. He did not think that anyone in that neighborhood wanted the walking path tying in from down on State Street going through there. He believed that it could tie into the bottom of Mitchell Hollow and be a nice addition and go north from there but he did think anybody wanted to see people coming from State Street and Del Taco and walking through there in the middle of the night. He believed the zoning change was right eight years ago and it was right now.

Mayor Hadfield asked the Council if there were any questions.

Councilman Shelton stated that tonight they were not talking site plan. With an approval of a zone change the site plan would then go back to the Planning Commission and they would need to look at the necessity of the trail and location of the trail.

Councilman Frost asked if there was a trail link through State Street and through The Meadows.

Adam Olsen answered it would just connect to what was called the Southern Rail Trail which paralleled the tracks from Lehi on the west to Pleasant Grove on the east. Lehi has already started their portion of the trail and in a couple of years it would be at our border to pick up and continue to the east. It was never intended to cross State Street. When this was before the Planning Commission about 6 or 8 years ago, it was felt that the trail was a sufficient buffer.

Councilman Frost thought that the trail could be moved to 900 West.

Councilman Taylor commented that as much as they wanted to talk about the site plan it was not the site plan that was before this meeting. This meeting was to decide to change the land use and the zoning or not. Everything done tonight would be contingent upon an approved site plan at a later date. In his mind the decision would be made tonight. The act at last week's meeting was unprecedented in terms of mediation and it yielded very little. They tried. In all the time he had been in the City this had not happened and he commended Councilman Shelton and the others that participated. He felt this needed to move to commercial. He asked for help in understanding other's feelings.

Councilman Frost agreed but it was important and he would have a real close eye on that buffer zone. By trade he was a landscaper. There was enough room and it could be done.

Councilman Bowen felt there were legitimate concerns on both sides. He talked with Mr. Nixon at length on the phone. He looked at who owned the property and he believed they had rights. Commercial did fit the property well and was more appropriate. He did not believe the General Plan was like the Constitution. The General Plan was a guideline and was flexible and was changed often.

Councilman Shelton asked the cost for a signal.

Andy Spencer estimated it to be about \$200,000 or \$250,000. This development should provide about 25 percent or about \$50,000.

Councilman Shorter moved to adopt Resolution No. 2014-04-14R approving an amendment to the Land Use Element of the General Plan located in the vicinity of 600 North 900 West from the Low Density Residential designation to the Design Commercial designation with the following conditions:

- 1. The Resolution shall take effect upon approval of an acceptable site plan and subdivision plat that implements the following:**
 - **Provision of trail corridors meeting the American Fork City Pedestrian and Bicycle Element of the General Plan.**
 - **Provision of access easements to 500 North and 600 North.**

- Monetary contribution towards signalization in the amount of \$50,000 and placement of the traffic signal base with the site construction on the northeastern corner of the primary entry.
- Provision of utility infrastructure per review of the City Engineer.

Councilman Bowen seconded the motion.

Mayor Hadfield asked if there were any questions on the motion. There were none.

All were in favor.

REVIEW AND ACTION ON AN ORDINANCE APPROVING A ZONE MAP AMENDMENT FROM THE R1-9,000 RESIDENTIAL TO THE GC-2 PLANNED COMMERCIAL ZONE LOCATED IN THE VICINITY OF 600 NORTH 900 WEST – *Intermountain Farmers Association*

Mayor Hadfield asked for comments regarding the proposed zone change.

Councilman Taylor explained that the GC-2 zone was a control mechanism regarding the site plan. This was not a cavalier move to get this development to come in. There were many things that still needed to be worked out included the buffering that needed to take place. This zone will allow them to work with building size, hours, and etc. The site plan would then be brought back to the City Council.

Councilman Bowen moved to adopt Ordinance No. 2014-04-09 approving a zone map amendment from the R1-9000 Residential zone to the GC-2 Planned Commercial zone located in the vicinity of 600 North 900 West.

Councilman Shelton added to the motion that the same conditions attached to the previous motion be included in this motion.

The Ordinance shall take effect upon approval of an acceptable site plan and subdivision plat that implements the following:

- Provision of trail corridors meeting the American Fork City Pedestrian and Bicycle Element of the General Plan.
- Provision of access easements to 500 North and 600 North.
- Monetary contribution towards signalization in the amount of \$50,000 and placement of the traffic signal base with the site construction on the northeastern corner of the primary entry.
- Provision of utility infrastructure per review of the City Engineer.

Mayor Hadfield called for a second on the amended motion.

Councilman Frost seconded the motion. All were in favor.

REVIEW AND ACTION ON A RESOLUTION INDICATING THE CITY'S INTENT TO ANNEX THE UCRTC ANNEXATION CONSISTING OF 6.42 ACRES AT APPROXIMATELY 1000 SOUTH 500 EAST – *Utah County*

Utah County Surveyor Gary Ratcliff explained that UCRTC stood for Utah County Recovery and Treatment Center. The proposal was to build a facility on the north end of the County for folks that had alcohol and drug addictions. He added that someone close to him had their life saved by a facility such as proposed for this location.

Mayor Hadfield noted that the annexation as proposed left an island.

Councilman Taylor moved to adopt Resolution No. 2014-04-15R indicating the City's intent to annex the UCRTC Annexation consisting of 6.42 acres at 1000 South 500 East. (The total annexation including roads and the railroad was approximately 14.0 acres.) Councilman Shorter seconded the motion.

Councilman Bowen asked the ownership of the property.

Mayor Hadfield responded that it was owned by the Christensen Family and it was under contract with the County.

Mr. Ratcliff stated that he believed that the County had now closed on the property.

Councilman Bowen asked why the County was seeking annexation into American Fork.

Mayor Hadfield responded that they would like to use the City's water and sewer. Many other County services could also be housed at that location.

Mr. Ratcliff stated that the County liked City services.

Voting was as follows: Aye, Councilmembers Taylor, Shorter, Shelton, and Frost. Nay, Councilman Bowen. The motion carried.

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 THE FINAL PLAT OF STAR MILL SUBDIVISION PLAT A, CONSISTING OF 11 LOTS, LOCATED IN THE AREA OF 600 NORTH 150 EAST IN THE R1-7.500 RESIDENTIAL ZONE – Berg Engineering

Mayor Hadfield asked if the litigation on this had been resolved.

Ken Berg answered that it had been and the path had been cleared for final approval.

Adam Olsen explained that it went to the Planning Commission in January 2013 and received a positive recommendation. They also received an extension of the approval since it had been more than a year. He requested that in a motion of approval that there

be included the wording “that clear title had been conveyed.” That needed be included for both Plats A and B.

Councilman Taylor expressed his support of the development but asked about the burying of power lines.

Mr. Olsen answered that this matter had been discussed with the developer. There were existing power lines that were above ground.

Councilman Bowen asked about the lane.

Mr. Olsen explained that it was proposed that it be deeded over to the City and that it be a City park and trail. It was never a public right-of-way. It was always on private property.

Councilman Taylor asked to hear from the owner or staff regarding why the power lines should not be buried.

Andy Spencer responded that it was the developer’s request that they not be made to bury those existing lines. That was a decision that could be made where it was not feasible or reasonable.

Mayor Hadfield reported that there had been conditions in the City where in-fill lots had adjacent neighbors who received their power from overhead lines and was allowed for those adjacent lots to receive overhead power. There were pro’s and con’s. The Council would need to make that decision. The current Ordinance called for all utilities to be underground.

Mr. Berg explained that that the existing parcels along the perimeter had overhead power. Their services needed to be maintained. They could bury power for a portion but the poles would still need to be there.

Mayor Hadfield noted that there was a major power trunk line on the north side of 600 North from 200 East to 100 West.

Mr. Berg added that the two cul-de-sacs would have underground power. It was just the other lots that would be above ground.

Councilman Frost asked if this would be setting a bad precedent.

Mr. Spencer answered that anytime going away from the Development Code you risk setting a precedent.

Councilman Shorter moved to approve the final plat of Star Mill Subdivision Plat A, consisting of 11 lots, located in the area of 600 North 150 East in the R1-7,500 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:

- 1) Posting of a performance guarantee to ensure the timely construction of required public improvements.
- 2) All conditions as identified in the January 16, 2013 Planning Commission meeting.
- 3) Verification by city attorney that any legal concerns stemming from litigation between owner and developer have been resolved and that clear legal title has transferred.
- 4) Final review by City Engineer of all construction and final plat documents.
- 5) The finding that power service and all other utilities shall be placed underground per development code requirements.

Councilman Frost seconded the motion.

Mayor Hadfield asked if there was discussion on the motion.

Councilman Taylor clarified that the City was requiring them to bury the power lines.

Councilman Shorter responded that they were. He felt it was the best way to keep their public policy. When they bring a variance they can look at that separately.

Councilman Bowen asked about the current road.

Mr. Berg stated that they were trying to solve many things with this development. One was drainage issues. They have a permit from the State of Utah to realign the Mill Ditch and in that they were squaring up that road so that it came in at 90 degrees to the existing road and to get that intersection away from the proposed cul-de-sac.

Mayor Hadfield noted that it had never been a public street and was on private property. The City did patch some potholes there from time to time and they did plow snow.

Mr. Berg added that the City's Trail Master Plan showed it as a Trail.

Councilman Bowen noted that in Utah Law through long established use a public right-of-way could be established. He asked who paved that road.

Mayor Hadfield restated that the City has repaired some potholes because the traveling public has used it but it was not a dedicated City street.

Councilman Shelton was concerned that they would have a trail that would end on 100 East and that was one of, if not the, busiest road in American Fork and the trail continued on the other side of 100 East going up to the Fitness Center. There was no traffic regulation at all at the bottom of the hill. There were sight distance issues and he was concerned that they would be putting them in harm's way. Another concern he had was that this was a Trail that was only going to be 80 percent complete. He did not think the City owned all of the property.

Mr. Berg responded that was correct.

Councilman Shelton felt it was a great concept for that Trail to go through but now was when the rubber met the road but it needed to be practical

Councilman Bowen supported the development but wanted to see the travel way remain.

Mayor Hadfield thought that the historic drainage was the unique feature.

Daniel Copper stated that he did not believe that litigation was done. No money had been forward to him or to his mother's estate.

Mayor Hadfield reported that part of the motion was verification by the City Attorney that any legal concerns stemming from litigation between the owner and the developer had been resolved and a clear title can be conveyed.

Mr. Copper stated that Mr. Berg said that it had been taken care and it has not and asked why it was being discussed.

Melissa Mellor explained that she checked into the litigation and right now there was an existing court order that Mr. Copper was to sign the paperwork to convey title. That had not yet occurred and the deadline had been missed.

Mayor Hadfield asked Ms. Mellor if she was satisfied that the City met the intent of the law to which she replied that she was.

Mr. Copper stated that he owned the other third piece of property and that the City was taking away his rights if they took the lane away. It had been a lane since 1888. The public has used it as a lane since then. The southern piece was still his.

Councilman Frost commented that it was not the City's property. It was All-American or Daniel Copper and they could do what they wanted with their own property.

Andy Spencer responded that clearly it had been a public trail or path for a number of years, since the 1800's. There was definitely a public travel easement. This did not eliminate the public travel component but it would change its form cars to walking. He believed that a public travel easement would still remain.

Councilman Bowen expressed that it would add to the community to have homes rather than what had been there. He recognized that the public also had a legally established interest with that lane and he would like to see that whatever the private developer did with it accommodate the existing public right-of-way.

Mayor Hadfield continued that currently there was an irrigation easement and a storm drain easement on that property. That was the historic Mill Creek and he believed that was why it was proposed to be deeded to the City for a linear park. It was not well known but the City had a well that was currently under the right-of-way of 100 East. That was a useable well that had a great potential as the City grew. A new well could be drilled a little to the east off of the right-of-way.

Mr. Copper questioned the ownership of the property that the well was on.

Councilman Frost stated that he was fine with them pursuing alternative modes to keep some of the power overhead and going through another channel of variance.

Councilman Shorter explained that the City would keep the policy as it had been and then they could show the reasonableness of them getting a variance.

Mayor Hadfield called for a roll call vote on the motion.

Councilman Bowen	Nay
Councilman Frost	Yes
Councilman Taylor	Yes
Councilman Shelton	Nay
Councilman Shorter	Aye

The motion carried.

- b. REVIEW AND ACTION ON THE FINAL PLAT OF STAR MILL SUBDIVISION PLAT B, CONSISTING OF 7 LOTS, LOCATED IN THE AREA OF 600 NORTH 150 EAST IN THE R1-7,500 RESIDENTIAL ZONE – *Berg Engineering*

Mayor Hadfield explained that Plat B was on the north side of 600 North Street.

Councilman Frost asked about saving the Star Mill.

Mr. Berg noted that at this time it was just labeled as historic parcel Lot 118.

Mayor Hadfield commented that there were many uses that the property could be used for.

Councilman Bowen supported this development. He asked how far north this development went and if it went to 700 North.

Mr. Berg answered that it did not. There were about two more developments of this scale that could go in before 700 North. This defined what lot 118 was.

Councilman Frost moved to approve the final plat of Star Mill Subdivision Plat B, consisting of 7 lots, located in the area of 600 North 150 East in the R1-7,500 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:

- 1) **Posting of a performance guarantee to ensure the timely construction of required public improvements.**
- 2) **All conditions as identified in the January 16, 2013 Planning Commission meeting.**

- 3) Verification by city attorney that any legal concerns stemming from litigation between owner and developer have been resolved and that clear title has been conveyed.
- 4) Final review by City Engineer of all construction and final plat documents.
- 5) The finding that power service and all other utilities shall be placed underground per development code requirements.

Councilman Shorter seconded the motion.

All were in favor.

- c. REVIEW AND ACTION ON AN ORDINANCE ADOPTING THE FINAL PLAT AND PROJECT DOCUMENTATION OF BONNEVILLE VISTA TOWNHOMES PUD PLAT A AMENDED, CONSISTING OF 20 UNITS, LOCATED IN THE AREA OF 990 EAST 50 SOUTH, IN THE R4-7,500 RESIDENTIAL ZONE – Jon Davis/Dudley & Associates

Jon Davis explained some pop outs and other appurtenances that were added required a plat amendment.

Councilman Taylor moved to:

- 1) Void any previous approvals for Bonneville Vista PUD Plat A
- 2) Approve Ordinance No. 2014-04-10 adopting the final plat and project documentation of Bonneville Vista Townhomes PUD Plat A-Amended, consisting of 20 units, located in the area of 990 East 50 South, in the R4-7,500 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 and publication of the ordinance subject to:
 - Posting of a performance guarantee to ensure the timely construction of required public improvements.
 - All conditions as identified in the October 16, 2013 Planning Commission meeting.

Councilman Shelton seconded the motion. All were in favor.

- d. REVIEW AND ACTION ON AN ORDINANCE ADOPTING THE FINAL PLAT AND PROJECT DOCUMENTATION FOR THE 90 NORTH MEDICAL OFFICE CONDOMINIUMS PLAT A, CONSISTING OF SIX UNITS, LOCATED AT 1248 EAST 90 NORTH, IN THE PO-1 PROFESSIONAL OFFICE ZONE – Aztec Engineering

Adam Rasmussen representative of 90 North Medical was in attendance to request to provide for private ownership through condominiums. The building was built with common sewers and common water lines. An indemnification letter regarding not having individual utilities has been issued and approved by the Planning Commission.

Melissa Mellor reported that she had also reviewed the letters and they were okay.

Councilman Shorter move to adopt Ordinance No. 2014-04-11 approving the final plat and project documentation for the 90 North Medical Office Condominiums Plat

A, consisting of six units, located at 1248 East 90 North, in the PO-1 Professional Office 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 and publication of the ordinance subject to:

- Posting of a performance guarantee to ensure the timely construction of required public improvements.
- All conditions as identified in the March 19, 2014 Planning Commission meeting.

Councilman Taylor seconded the motion.

Councilman Bowen asked the current use of the building and how it will be used.

Mayor Hadfield explained that there were three floors. When it was built it was built with a single owner. This action would allow for common space and private space with individual ownership.

Mr. Rasmussen reported that it was fully occupied. They were ready to purchase.

Mayor Hadfield called for a vote on the motion.

All were in favor.

Councilmembers Frost and Taylor acknowledged Dr. Lamoreaux in the audience.

e. REVIEW AND ACTION ON AN ORDINANCE APPROVING AN AMENDED COMMERCIAL SITE PLAN FOR VALLEY OBGYN LOCATED AT 1248 EAST 90 NORTH, IN THE PO-1 PROFESSIONAL OFFICE ZONE – IG Group

This was the location of a sign. Adam Olsen reported that it received approval from the Planning Commission.

Councilman Taylor moved to adopt Ordinance No. 2014-04-12 approving an amended commercial site plan for Valley OBGYN located at 1248 East 90 North, in the PO-1 Professional Office zone with instructions to the City Recorder to withhold publication of the ordinance subject to:

- Posting of a performance guarantee to ensure the timely construction of required public improvements.
- All conditions as identified in the March 19, 2014 Planning Commission meeting.

Councilman Bowen seconded the motion.

Councilman Bowen wanted to make sure that the sign did not block visibility on the corner.

Mayor Hadfield noted that was an item that was reviewed at the time of site plan approval by the Planning Commission.

All were in favor of the motion.

- f. REVIEW AND ACTION ON THE FINAL PLAT OF THE BANKS TWIN HOMES SUBDIVISION PLAT A CONSISTING OF A SINGLE TWIN HOME, LOCATED AT 328/326 NORTH 100 WEST IN THE R2-7500 RESIDENTIAL ZONE – *Trane Engineering*

Owner Cory Banks was present to request this approval.

Mayor Hadfield noted that this had been a lot of record for a number of years. He asked if power was overhead or underground.

Mr. Banks answered that it was underground.

Councilman Shorter moved to approve the final plat of the Banks Twin Homes Subdivision Plat A consisting of a single twin home, located at 328/326 North 100 West in the R2-7500 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:

- **Posting of a performance guarantee to ensure the timely construction of required public improvements.**

Councilman Bowen seconded the motion. All were in favor.

- g. REVIEW AND ACTION ON AN ORDINANCE APPROVING THE LAKESIDE COMMERCIAL SITE PLAN FOR AN OFFICE/WAREHOUSE STRUCTURE LOCATED AT 1523 SOUTH 580 EAST IN THE PI-1 PLANNED INDUSTRIAL ZONE – *Carey Olsen*

Andy Spencer explained that this was a similar structure to the one Mr. Olsen constructed to the south of here.

Mayor Hadfield noted that this lot was encumbered by a large diameter sewer underground and large power lines overhead.

Councilman Taylor moved to adopt Ordinance No. 2014-04-13 approving a commercial site plan for an office/warehouse structure located at 1523 South 580 East in the PI-1 Planned Industrial zone with instructions to the City Recorder to withhold publication of the ordinance subject to:

- **Posting of a performance guarantee to ensure the timely construction of required public improvements.**

Councilman Shorter seconded the motion. All were in favor.

- h. REVIEW AND ACTION ON AN ORDINANCE APPROVING AN AMENDED COMMERCIAL SITE PLAN FOR THE WELDON COMMERCIAL CENTER RETAIL WAREHOUSE PROJECT LOCATED AT 821 SOUTH AUTOMALL DRIVE IN THE GC-2 GENERAL COMMERCIAL ZONE - *Allied Electric Sign/Weldon Commercial Center*

Allied Electric Sign representative Cindy Baker was present to request approval of the location of a sign.

Councilman Shorter moved to adopt Ordinance No. 2014-04-14 approving an amended commercial site plan for the Weldon Commercial Center Retail Warehouse Project located at 821 South Automall Drive in the GC-2 General Commercial zone with instructions to the City Recorder to withhold publication of the ordinance subject to:

- Posting of a performance guarantee to ensure the timely construction of required public improvements.
 - All conditions as identified in the February 19, 2014 Planning Commission meeting.
 - Final review of all construction documents by the City Engineer.
- Councilman Shelton seconded the motion. All were in favor.

REVIEW AND ACTION ON AN ORDINANCE CREATING A 'NO PARKING' ZONE ON 350 WEST FROM MAIN STREET TO 80 SOUTH – Chief Call

Mayor Hadfield invited Nelson Thomas to address the Council.

Nelson Thomas was a courier for Enterprise Rent-a-Car. He lived in American Fork and was here representing himself. He explained that most of the time Enterprise could contain their cars on their own site. At times with the overflow they utilized the short alleyway to the east of the Mayne's. There was curb on the east side of the alleyway. Enterprise contributed about \$175,000 annually in taxes to the community. Their annual sales amounted to \$2½ million.

Mr. Doug Mayne asked that his Son-in-Law Jim Groberg speak in his behalf.

Mr. Jim Groberg explained that there had been a lot of changes to Main Street from residential to commercial. As they saw it Enterprise Rent-a-Car and other businesses in the area had started to use that alleyway for medium and long-term storage for vehicles. It was a concern that as family came to visit there was no parking. They would like to see it reserved for residential parking. It was safer to park there than on Main Street.

Mayor Hadfield noted that there was also an issue of getting police and fire to the four-plexes at the bottom of 350 West.

Chief Call explained that the pavement was only 22 feet wide. With vehicles parked on both sides it severely impacted the ability of emergency vehicles to get to the end of it. Also, there had been a number of complaints in the recent past that the Mayne's have had their driveway blocked and their garage block by parked cars. Currently, to take enforcement action the vehicles would have to be parked there for 72 hours. With the no parking zone, the cars could be immediately removed.

Mayor Hadfield explained that the four-plexes were serviced off of 300 West Street. At the bottom of this 350 West there was a chain across the outlet at the request of those that lived there because they did not want drive thru traffic.

Fire Marshal Doug Bateman stated that with parking on both sides it made access difficult. The Fire Code requires a minimum of 20-foot clear width.

Gary Moore was the owner and builder of the original building. He stated that at that time the lane was not there. His property joined Doug Mayne's property. There was a dirt road that Mr. Mayne used to access his garage and it continued down to the apartments. In the process of approval he had to deed the roadway to the City. It was never intended to be a road.

Rod Martin of World Class Auto Repair and current owner of that property commented that the main concern was Enterprise Rent-a-Car taking up space. He reported that what happened was that the space was taken up by cars that were returned to Enterprise over the weekend that they did not have space for on their own property. They only had space for about 15 vehicles and he understood that they had 120+ cars in their inventory. He believed that 350 West was an official deeded street. His opinion was to allow parking only on the east side during business hours with no parking after 6:00 p.m. or on weekends.

Owner of the four-plexes Ms. Sandy Gibson explained that she was probably one of the biggest complainers because she could barely get her Volkswagen Cabriolet through the alley. She paid over \$6,000 a year in property taxes and there was no parking available for her tenants. She has stopped some and they told her that Enterprise said they could park there. Parking on one-side may take care of the problem.

Mr. Thomas understood the problem they had. There was a gate at the end of 350 West that was locked and there was no access for a fire truck.

Mayor Hadfield responded that the fire department had a universal key, bolt cutters.

Ms. Gibson noted that the alleyway was not designed for the business of Enterprise Rent-a-Car.

Mr. Thomas reported that there were never 120 vehicles there. There were never more than 40 or 50 vehicles.

Councilman Shelton asked Enforcement Officer Jay Christensen about the pallets of rocks down the lane.

Ms. Gibson responded that those were hers. The big rocks were from an 1850 pioneer home in American Fork that was torn down and a man in American Fork hand-picked every one of those rocks out of the foundation. She wanted to use those rocks for columns and fencing across her property and put plaques on it telling which pioneer home they came from. She could move them if they were a problem. However, as soon as she moved those rocks, Enterprise would park their vans there.

Mayor Hadfield asked about the house trailers.

City Enforcement Officer Jay Christensen answered that they were no longer there. He recommended that Enterprise maybe talk with Rod Martin about possibly leasing some of his property. There would probably be enough room for 12 to 14 vehicles.

Councilman Shorter asked if this was a street where they could have parking on just one side.

Mayor Hadfield commented that what was unique to this location was that it was narrower than a standard City cross-section. They needed to have 20-feet for fire apparatus to get by.

Councilman Bowen asked why fire would go down the narrow alleyway to get to the four-plexes instead of accessing them from 300 West.

Mayor Hadfield expressed that was only part of the equation. The backside of the homes was also a part of it.

Mr. Christensen added that it also was dependent on where the fire hydrants were.

Mayor Hadfield asked if there were any other questions.

Councilman Bowen commented that it sounded like the people that were opposed to this would like to utilize that space for parking for them. If this was made no parking, it would be no parking for everyone. Main Street was already short on parking.

Councilman Shelton asked that if the Mayne's ever decided to sell their property and it went to a developer, would the development be required to improve the west side of 350 West.

Mr. Spencer answered that it would be required that the road be expanded and improved to most likely a 60-foot road for the length of their frontage.

Doug Mayne stated that Enterprise Rent-a-Car was using Main Street to do their business. There was not room on Main Street to park if anyone came to visit them. What was fair? Gary Moore was an excellent businessman. He was a graduate of West Pointe and his wife was a graduate of West Pointe. There was no problem with parking then. Now Enterprise Rent-a-Car gobbled up all of the parking spaces. His wife's folks bought the property from Chipman's and it has been a family home now for 80+ years. They want to keep it that way and raise a nice garden that added to the community. His wife has cancer and at times family came down from Bountiful and there was not room to park. What is fair?

Mayor Hadfield asked what the Council wanted to do.

Councilman Taylor appreciated all that had been said. With regard to Enterprise Rent-a-Car, if he were to have a business and utilized the front of his neighbors and parked trucks or whatever it might be, it would not be a feasible situation. The asphalt strip of only 22-feet was not safe. He did not think it was right to have this road being used as a parking structure for Enterprise Rent-a-Car. He sought no harm for Enterprise. He was grateful that they were here, but they had to operate just as he would have to and be considerate of their neighbors particularly when it posed a safety hazard.

Councilman Taylor continued that they had to make sure that safety vehicles could get down that public way. That was their primary responsibility. It seemed to him that there should be no parking there.

Councilman Frost spoke as a person who had a business that he started in his home. He had a truck that grew to more trucks. He had to take it away because it was affecting the neighborhood. The neighbors were patient but there was a personal responsibility that had to be taken. He used their rental cars. Referring to Mr. Nelson Thomas, he loved to have an employee who would fight for him.

Councilman Frost noted that the Cemetery Expansion might have a place for the rocks owned by Ms. Gibson.

Councilman Frost agreed that Enterprise Rent-a-Car needed more room. It was good that they were growing.

Councilman Bowen suggested that Enterprise Rent-a-Car might agree to a couple of spots that they would leave open.

Mayor Hadfield felt that public safety was the issue.

Doug Mayne asked if it could be made residential parking only. No parking would affect World Class Auto also.

Councilman Taylor moved to adopt Ordinance No. 2014-04-15 designating 350 West from Main Street to 80 South on the west side as a no parking zone. Councilman Frost seconded the motion.

Councilman Frost encouraged Enterprise Rent-a-Car not to use that parking area.

Voting was as follows: Aye, Councilmembers Taylor, Frost, Shelton, and Shorter. Nay, Councilman Bowen. The motion carried.

CONSIDERATION AND ACTION ON ENTERING INTO AN EXECUTIVE SESSION TO DISCUSS THREATENED AND PENDING LITIGATION – *Mayor Hadfield*

Councilman Taylor moved to enter into an executive session at 9:50 p.m. to discuss threatened and pending litigation. Councilman Shelton seconded the motion. All were in favor.

The City Council entered into an executive session at 9:53 p.m. in a downstairs work room. Those present included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Brad Frost, Rob Shelton, Jeff Shorter, and Clark Taylor. Also present were Legal Counsel Melissa Mellor, Legal Counsel Tim Merrill, Human Resources Director Melanie Marsh, Police Chief Lance Call, and City Recorder Richard Colborn. Threatened and pending litigation was discussed. The executive session was audio tape recorded as required by statute.

Councilman Shelton moved to return to regular session at 11:25 p.m. Councilman Shorter seconded the motion. All were in favor.

ADJOURNMENT

Councilman Taylor moved adjournment at 11:25 p.m. Councilman Shorter seconded the motion. All were in favor.

A handwritten signature in cursive script, appearing to read "R. M. Colborn".

Richard M. Colborn
City Recorder

ATTACHMENT 1 TO THE 04-08-2014 CC MINUTES – PAGE 1 OF 2

March 18, 2014

To the City Council and Mayor of American Fork:

Mr. Carlton Bowen, Mr. Brad Frost, Mr. Robert Shelton, Mr. Jeffrey Shorter, Mr. Clark Taylor, and Mayor James Hadfield

My name is Brady Nixon and I am a resident of American Fork. I live at 565 N. 780 W. Thank you for the opportunity to voice my concerns about the proposed zoning change. I am very grateful for those of you who took the time to call me on the phone, arrange meetings, and even visit with me in my home about my concerns regarding this proposed zoning change. I am disappointed that some on the council did not even acknowledge my emails or have the courtesy to listen to my concerns (Jeff Shorter), even though they may have been contrary to your own persuasions.

I am a firm believer in governing documents that hold elected officials to a universal standard, regardless of personal biases, much like the constitution. Basing decisions on governing documents keeps everyone on equal playing ground—truly justice for all. By letting governing documents guide your decisions it helps make hard decision a little easier now and in the future.

Section 2 of the General Plan resolution states that, “It is the express intent of the City Council that, to the extent possible, said plan shall be followed, complied with, and otherwise adhered to.” As you are now the elected officials who comprise the city council, I would ask that you follow, comply with and adhere to what is set out in this land-use General Plan. It should guide decisions, not just for this issue, but for all land use issues that come before the city council.

When considering land use, the City has outlined the following goals and objectives. “The City should: Develop and implement policies, ordinances and programs which, insofar as possible, will promote the intended use of the land as set forth on the Plan and protect *each* of the designated areas from the intrusion of incompatible uses.” (pg. 16)

There are provisions in the General Plan for the commercial development within the city. The General Plan is in place to “Ensure that major retail commercial development be concentrated in those areas which are currently used or have been designated for commercial purposes on the Land Use Plan Map.” Bullet point six under Land-Use Commercial Development seems especially pertinent in this decision. It states that “Further encroachment of commercial uses into areas developed primarily as residential should be avoided.” (pg. 17). I interpret this to mean that rather than seeking to rezone residential land, businesses wishing to locate in American Fork should locate in those areas which have been currently designated for commercial purposes. I feel that the proposed IFA development would be encroaching even further into an established residential neighborhood of over 14 years. According the General Plan, this should be avoided.

Finally, “The City should continue and expand policies and programs which promote preservation of the quality of the existing residential environment, and should *discourage* changes in zone classification or zone text which significantly increase density or otherwise permit this intrusion of incompatible uses” (pg. 24).

Once again, the verbiage is so clear and obviously pertinent to the decision at hand, that I would simply ask the city council to vote in a manner which “promote(s) *preservation* of the quality of *existing* residential environment.” I would ask the city council to vote in accordance with the General Plan and in a manner which “discourages changes in zone classifications... which significantly increase density or otherwise permit this intrusion of incompatible uses.” By letting the General Plan guide decisions regarding land use, hard decisions

ATTACHMENT 1 TO THE 04-08-2014 CC MINUTES – PAGE 2 OF 2

can be made without regard to personal biases and preferences now and in the future, and hopefully eliminate hard feelings that may result from decisions that are made.

If the city council decides to allow this zone change, then I would ask that they please tie it to an appropriate site plan that will allow for sufficient buffering between our residential neighborhood and the newly established commercial zone. I believe the north and east side of the Wal Mart in Cedar Hills is a good example of proper buffering. This will require IFA to designate only about 16 more feet than is currently proposed in their site plan, heighten the fences and plant a variety of evergreen trees. If an appropriate site plan cannot be approved, I would hope that the zone change revert back to a residential zone automatically to protect the neighborhood.

Thank you
Brady Nixon

ATTACHMENT 2 TO THE 04-08-2014 CC MINUTES – PAGE 1 OF 1

Statement to American Fork City Council by Sam & Holly Penrod, Residents of 780 West

April 8, 2014

We have lived on 780 West since 2002 and in recent years we have been sensitive to the Carsons desire to sell their property. They are good people and have been great neighbors and I wish them the best as they move on.

My concern is directed at IFA's proposal to put big box buildings less than 50 feet from the homes on 780 West. I believe any homeowner would be alarmed by it—it is not just close, it is way too close and the planning commission and previous council members share our concerns.

I know there are varied interests among the neighbors and I respect everyone's right to share their own opinion in this public process, even if it is different than mine.

Last Tuesday the neighborhood had an opportunity to share our concerns and offer what we see as acceptable solutions. Councilman Shelton is to be commended for bringing us to the table. I believe that if IFA is allowed to build, they need to make some concessions to this site plan—including a wider buffer zone, a fence of a reasonable height, along with mature trees and attractive landscaping to ease the transition between residential and commercial.

IFA may tell you that the majority of the neighborhood wants this development. I disagree. The developer told neighbors that this site plan is all that will stop 500 North and 600 North from connecting to 900 West. Upon becoming better informed many now wish they had not signed IFA's petition. I would pose this question to you—where are all of these neighbors tonight who live east of 780 West who support this plan?

IFA has pointed out this project will be similar to their Riverton store. This is what concerns me more than anything. Pallets of product are stacked in random places, what appears to be old junk is leaned up against the fence and dumpsters are positioned just over the wall of the residents' backyards.

My point is that once this site plan is approved, the implications for the neighborhood will get worse as time goes on. Any reasonable person who reads the city's general plan, can determine this proposal does NOT provide an adequate buffer zone for what are two incompatible land uses. If this is approved, I believe the council also has to take responsibility to ensure the neighborhood is adequately protected.