

AMERICAN FORK CITY
COUNCIL MEETING MINUTES
MARCH 24, 2015

PUBLIC HEARING

ATTACHMENT

The American Fork City Council met in a public hearing on Tuesday, March 24, 2015, in the American Fork City Hall, 31 North Church Street, commencing at 7:20 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 Administrator Craig Whitehead
City Planner Adam Olsen
City Recorder Richard Colborn
Finance Director Cathy Jensen
Parks & Recreation Director Derric Rykert
Planning Commission Chairman John Woffinden
Public Works Director Dale Goodman

Also present: Lela Bartholomew, Lynn Bishop, former Mayor Jess Green, Ernie John, and Barbara Christiansen

7:20 p.m. Receiving of public comment regarding the declaring of certain property to be surplus and to be disposed of – Staff

Mayor Hadfield explained that the surplus items came from the Parks, Public Works, Fire, and Police Departments along with 20 bicycles. He asked if there were any public comments. There being none, the hearing concluded at 7:22 p.m.

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, March 24, 2015 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 Administrator Craig Whitehead
City Attorney Kasey Wright
City Engineer Andy Spencer
City Planner Adam Olsen
City Recorder Richard Colborn
Finance Director Cathy Jensen
Fire Chief Kriss Garcia
Parks & Recreation Director Derric Rykert
Planning Commission Chairman John Woffinden
Public Relations/Economic Development Director Audra Sorensen

Public Works Director Dale Goodman
Technology Director George Schade

Also present: Lela Bartholomew, Lynn Bishop, former Mayor Jess Green, Ernie John, Barbara Christiansen, Joe Rich, Preston Kirk, Lynn Bowler, Joe Phelon, Todd Myers, Clayton Johnson, Richard Welch, Denae Mollerup,

Mayor Hadfield led the audience in the Pledge of Allegiance and Councilman Carlton Bowen offered a prayer.

There were no Scouts in attendance.

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

Lynn Bishop thanked the City for fixing the sidewalk in front of Christensen's. It was really appreciated.

Lela Bartholomew thanked the Mayor and Council for the generous grant that was given to the Timpanogos Arts Foundation. She encouraged their support of the implementation of the PARC Tax. She appreciated all they did for the Arts in American Fork.

Mayor Hadfield commented that as they go forward the PARC Tax would be there for culture and the arts in American Fork and so the City would no longer be budgeting this grant from the General Fund. The Arts Council would now apply for their needs in a grant format and present that to the PARC Tax Committee for their review.

Ms. Bartholomew responded that that was their understanding.

Former Mayor Jess Green stated that yesterday he talked with Beth Bigelow who was one of the owners of the old 2nd and 7th Ward LDS Church and asked her what was happening there. She provided a laundry list of things. One particularly disturbed him. One of the Inspectors was in her home, and that was the church where they built and refurbished pipe organs. They were not a retail outfit. They had been there for 32 years and they were granted that home occupation at that time. They have been good citizens and your friends and his friends. Because Beth Bigelow objected to something that they were being forced to do, one of the Inspectors told her to shut up, in her own house. That was disturbing to him. It was disturbing that they were calling her a business and upping all her rates to commercial. Even though her lot was very large, it never was classified as a business but a home occupation. He thought some of the Inspectors were going way too far in what they had done. It disturbed him that they were treated by our community that way. It was a historical site. He hoped this would be addressed and that the City would allow an occupation that supported a historical structure. He thanked the Council for their time and their service.

Mayor Hadfield responded that the City's Ordinance had said for a number of years that home occupations were 25 percent of the home living space. This was somewhat the opposite. There had been complaints made and Fire went down to inspect. He received a rather pointed letter

from the Bigelow Family whereupon he asked Chief Garcia to get the State Fire Marshal and let him be the arbitrator and resolve the issue.

Mayor Hadfield continued that his concern was that they lived on the second floor of a structure with the business below them with only one avenue of escape. As Mayor of the City of American Fork his Oath was to look out for the Health, Safety, and Welfare of its residents. They were working with the Bigelow's for a period of six months to make some changes and to bring things more into compliance. Sprays and lacquers could no longer be vented to the atmosphere but needed to be collected. There were a number of things that they could not bend the rules on.

Chief Garcia was in attendance the day they had the State Fire Marshal and the other Inspector there. They did not enter her house. She offered but they did not want to. The exiting out of the structure was explained. They were not being treated very kindly. At one point they were leaving because of that and they rescinded and said please come back and finish the inspection. He saw nothing with the interaction with Ms. Bigelow that the Inspector treated her in a disrespectful way.

Chief Garcia explained that they were not holding them to today's standard but to 1985 standards and what should have been required back then. The State Fire Marshal did all of the research.

Mayor Hadfield spoke to the fees. Each owner of property paid a drainage fee and a pressurized irrigation fee based on the square footage of the yard. A drainage fee was assessed based on impervious square footage and a pressurized irrigation fee was based on vegetated square footage. He felt there had been some misrepresentation in the past. The average home on a 7500 square foot lot would pay \$6.00 a month drainage fee. This was undoubtedly not a 7500 square foot lot and had a lot of asphalt that contributed to the City's storm drain issues.

Former Mayor Jess Green asked if their status had been changed to a business.

Mayor Hadfield stated that he told the staff to look at it as a commercial site because of the 75-25 rule. The home was the lesser space of the occupation. They were paying a fee as though it were any other business.

Councilman Bowen asked what the complaints were related to fire issues and asked for further information.

Mayor Hadfield answered that he could not without putting the person in jeopardy but it was somebody that was very close down there that complained about what went on and what would happen if there was a fire. He did not wish to elaborate any more.

Councilman Bowen thanked Mayor Hadfield for that information.

Chief Garcia stated that they did not know it was a business and when they got the initial complaint they went and looked at the building and realized it was not a home-based business but actually a commercial business. People went in there to buy and people went in there to shop and they did some tours here and there. It was a business and as such he had to enforce the Fire Code. They had come up with a tremendous amount of compromise in that structure. If they

were being held to even 1985 standards they would need to sprinkle the building. Instead they have allowed them make the building smaller with fire barriers inside so they could treat it as several buildings instead of just one.

Councilman Bowen wanted to understand why they were not grandfathered in if they had been operating a business for 30 years.

Mayor Hadfield responded that it was because it was a designated historical structure. It was granted certain privileges when it came to town to keep it a historical structure.

Chief Garcia added that until such time as they received a complaint they thought it was a home-based business. It was not grandfathered. They went back to 1985 standards that should have been followed then but were not.

Councilman Bowen thanked Chief Garcia for the information.

CITY ADMINISTRATOR'S REPORT

Craig Whitehead had nothing to report at this time.

COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Bowen reported that the Beautification Committee was alive and well and they have submitted a budget for consideration in the upcoming year. They had an interest and would like to once again place planter pots along Main Street. They had a new idea that was a "Scarecrow" competition. Various businesses would make up Scarecrows during the month of October that matched their business. They would then be voted on.

Councilman Bowen reported that they were working on an Arbor Day Celebration. Rocky Mountain Power would be donating some trees.

Mayor Hadfield understood that the Arbor Day Program would be at Barratt Elementary on Friday, April 24, 2015 at he believed 10:00 a.m.

Councilman Frost commented that the Frost Family was all in on the Scarecrow competition. He noted that things in the City were real busy. Steel Days was literally 11 months and 3 weeks planning for one week of celebration.

Councilman Frost reported that the one thing that seemed to stick out was the formation of the new Water Management and Conservation Committee. They had met and they have an incredible team. Bruce Hoggard was elected the President. They were going to try to give the Council some really good advice and appeal to the residents of American Fork to be good stewards of our water.

Councilman Taylor noted that this Thursday was an optional meeting for the Council at the Golf Course in the Banquet Room where the Fox Hollow Golf Course Committee will go over plans for the upcoming year and things that were happening there. The Golf Course appreciated the

assistance from Public Works Director Dale Goodman and his Team. The meeting would begin at 6:30 p.m.

Councilman Shelton brought up a conversation he had recently with Richard Mendenhall regarding Dick's Sporting Goods. Some of their Board of Directors visited American Fork this last week and had a positive experience.

Councilman Shelton met with the Chamber of Commerce, Craig Whitehead, and Audra Sorensen regarding how to add some clarity to their relationship. He looked forward to a future agreement. Along with Councilman Frost they had been working on the 980 North project that came in over budget to see if costs could be reduced.

Councilman Shorter reported that he met with the Historical Preservation Committee and went over demolition permit applications and the historical documentation that went with it. They were looking at housing them at the American Fork Library. The Youth City Council will once again be involved in the Steel Days Youth Parade and Youth Dance.

MAYOR'S REPORT

Mayor Hadfield announced that Steel Days would be July 6th to the 11th.

Mayor Hadfield had been asked to speak at an insurance workshop in Cedar Hills tomorrow put on by Olympus Insurance. He would be representing the City there.

Mayor Hadfield reported that he was involved in the selection of a new director for the Utah Lake Commission to replace Mr. Price.

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 February 26, 2015 City Council Special Work Session minutes.
2. Approval of the March 10, 2015 City Council minutes.
3. Approval of the City bills for payment and purchase requests over \$25,000. – *Cathy Jensen*

Councilman Shelton moved approval of the common consent agenda as presented. Councilman Shorter seconded the motion. Voting was as follows: Aye, Councilmembers Shelton, Shorter, Frost, and Taylor. Nay, Councilman Bowen. The motion carried.

ACTION ITEMS

REVIEW AND ACTION ON A RESOLUTION DECLARING CERTAIN PROPERTY TO BE SURPLUS AND TO BE DISPOSED OF – *Staff*

Mayor Hadfield explained that these were items that the City no longer needed and was a matter of an earlier public hearing.

Councilman Taylor moved to adopt Resolution No. 2015-03-06R declaring certain items to be surplus and to be disposed of. Councilman Shorter seconded the motion.

Mayor Hadfield asked if there was discussion on the motion.

Councilman Bowen asked the Mayor to again state what happened after the items were declared to be surplus.

Mayor Hadfield responded that items were put on a website (www.publicsurplus.com) and were offered to sale to the highest bidder.

Councilman Bowen asked if in some cases the City disposed of the items.

Mayor Hadfield answered that in some cases they had that and in some that have no value found their way to the North Pointe Solid Waste District.

Mayor Hadfield called for a vote on the motion. All were in favor.

CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$7,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015; AND RELATED MATTERS – Preston Kirk

Mayor Hadfield explained that in 2007 the City put out a bond for engineering and design and pre-work for a pressurized irrigation system for about \$10 million. In 2008 the City went out for a bond to pay for the system in the amount of about \$38 million. In those times they were paying 4½ percent interest. Now interest rates were around 2 to 2¼ percent. There was the opportunity for substantial savings around \$800,000 over the life of the bond, if they refunded at this time.

Mayor Hadfield added that this had been a matter of a recent work session explained by Preston Kirk from George K. Baum & Company. Mr. Kirk was in attendance. He asked if there were any questions.

Councilman Bowen asked that at a later time after the call date if the City chose to retire those bonds would the City be prohibited from doing so with this arrangement.

Preston Kirk answered that they would not be. They would have to wait for the next call period or establish an escrow.

Councilman Shelton moved approval of Resolution No. 2015-03-07R of the City Council of American Fork City, Utah (The “issuer”) authorizing the issuance and sale of not more than \$7,500,000 aggregate principal amount of its general obligation refunding bonds, series 2015 (The “series 2015 bonds”); delegating to certain officers of the issuer the authority to approve the final terms and provisions of the series 2015 bonds within the parameters set forth herein; prescribing the form of series 2015 bonds; providing for the manner of execution and delivery of the series 2015 bonds providing how the proceeds of

the series 2015 bonds will be used and how payment of the series 2015 bonds will be made; providing for the publication of a notice of bonds to be issued; providing for the running of a contest period; approving the distribution of an official statement with respect to the series 2015 bonds; authorizing the taking of all other actions for the consummation of the transaction contemplated by this Resolution; and related matters. Councilman Frost seconded the motion.

City Recorded Richard Colborn noted that a Certificate of Compliance with the Open Meeting Law had been provided to the Council prior to the meeting.

Councilman Bowen stated that he did not necessarily support what the bonds were originally used for but he was not opposed to reducing the amount of interest that had to be paid on that obligation.

Voting by voice roll call was as follows:

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|---------------------------|------------|---------------------------|
| Councilman Bowen | Aye | |
| Councilman Frost | Aye | |
| Councilman Shelton | Aye | |
| Councilman Shorter | Aye | |
| Councilman Taylor | Aye | The motion carried |

REVIEW AND ACTION ON A RESOLUTION TO IMPLEMENT OUTDOOR WATER RESTRICTIONS ON THE CITY PRESSURIZED IRRIGATION USERS – Dale Goodman

Mayor Hadfield explained that by State Law each community had to appoint a Water Management and Conservation Board. A couple of months ago he recommended for the Council’s approval the members of the Board. They have since met.

Council representative Brad Frost read a letter from the Board. It is included in these minutes as an **ATTACHMENT**.

Councilman Frost explained the concept of watering in the day and noted that KSL came into American Fork today and did a story and they honed in on that. It was because everyone did not need to compete for water in the reservoirs at the same time. Therefore they tried to ration it out with odd and even addresses from 6:00 p.m. to 10:00 a.m. the following day with the large water users watering during the day to even out the use and reduce stress on the system.

Councilman Bowen asked if it was expected that the City would run out of water this summer.

Dale Goodman answered, no. The City had adequate water if they were careful with usage. The City was fortunate to have good water supplies and good resources available. As Councilman Frost pointed out one of the biggest problems was balancing demands with capacity. There was adequate water but everyone needed to conserve.

Councilman Shelton added that we had enough culinary water but the big concern was the secondary water. Without these measures in place they would drain the reservoirs at periods of

time. They would then have to pump culinary water into the secondary system which they had to do he believed in 2013 which was very costly.

Mayor Hadfield commented that two of the City's wells were acquired from the American Fork Irrigation Company a number of years ago and they were designated for watering outside the culinary system. As the City has grown and as the Murdock Canal has been piped and water put in the Jordanelle Reservoir, the City has acquired certain water rights from two water bodies; Deer Creek Dam and Jordanelle Reservoir. Snow pack was the key but the City had other sources.

Councilman Shorter asked when the irrigation water would be available.

Ernie John reported that if you were a flood irrigation user it would be April 15. For pressurized irrigation users it would be 6 to 8 days ahead of that.

Councilman Bowen appreciated the information.

Councilman Taylor felt this had been a good exercise. The first year the City went on water restrictions he had a lot of neighbors that were upset. He explained that watering everyday was foolish and there was absolutely no belief. With every other day they were able to prove that point. Hopefully this becomes a great irrigation education.

Mr. Goodman added that regardless of how much snowpack there was they could only serve so many customers at a time. These conservation measures may well be something that the residents were going to have to live with in perpetuity. The question was how much water they could deliver.

Councilman Shorter moved to approve Resolution No. 2015-03-08R for the purpose of immediate implementation of outdoor watering restrictions. Councilman Taylor seconded the motion.

Mayor Hadfield asked if there were questions on the motion.

Councilman Bowen moved to amend the motion that it be voluntary rather than mandatory.

Councilman Bowen believed that a vast majority of the citizens and residents of the community would voluntarily water on certain days.

Councilman Bowen would be interested in coming up with a solution for balancing the issue long-term and how they would handle a surplus water year in the future. At a point in time in the past he remembered when residents in Utah County were encouraged to water more than they normally would because the reservoirs were so full.

Mayor Hadfield called for a second to the amendment to the motion. There being none, he declared the motion dead.

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

REVIEW AND ACTION ON A RESOLUTION APPROVING THE IMPLEMENTATION OF THE PARKS, ARTS, RECREATION AND CULTURE (PARC) TAX, AND THE POLICIES AND PROCEDURES THAT WILL GOVERN THE APPLICATION, SELECTION, DISTRIBUTION, AND ACCOUNTING OF FUNDS – *Derric Rykert*

Councilman Shelton suggested that they bring this back to a work session for more discussion and input.

Councilman Shelton moved to table this action to the next work session.

Mayor Hadfield scheduled a work session for Thursday, April 2nd.

Councilman Bowen seconded the motion. All were in favor.

REVIEW AND ACTION ON AN ORDINANCE ADJUSTING THE COMMON BOUNDARY WITH LEHI CITY CONSISTING OF APPROXIMATELY 0.592 ACRES AT IN THE VICINITY OF 1010 WEST 850 NORTH TO BE PLACED IN THE R1-9000 AND THE R1-12,000 ZONE. (WEST OF THE ASHLEY MEADOWS ANNEXATION) - *Staff*

Adam Olsen explained that this cleaned up the City boundary with Lehi City.

Councilman Shorter moved to approve Ordinance No. 2015-03-13 approving the adjusting of the common boundary with Lehi City consisting of approximately 0.592 acres in the vicinity of 1010 West 850 North to be placed in the R1-9000 Residential zone and the R1-12,000 Residential zone. Councilman Taylor seconded the motion.

Councilman Bowen noted that the Lehi City Council had already approved it.

All were in favor of the motion.

REVIEW AND ACTION ON A MEMORANDUM OF UNDERSTANDING WITH UTAH DIVISION OF FORESTRY AND STATE LANDS TO PROVIDE A MECHANISM OF PROCUREMENT, USE AND COMPENSATION FOR SERVICES INCLUDING PERSONNEL AND APPARATUS PROVIDED BY THE AMERICAN FORK FIRE DEPARTMENT OUTSIDE ITS JURISDICTIONAL AREA OF RESPONSIBILITY TO THE STATE OF UTAH AND ITS COOPERATORS – *Chief Garcia*

Chief Garcia asked if there were any questions. There were none.

Councilman Shelton moved approval of the American Fork Fire & Rescue and Utah State Forestry and State Lands Agreement as it has been reviewed by Legal and the Fire Chief. Councilman Taylor 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 AWARD OF A BID FOR THE 700 N & 900 E ROAD IMPROVEMENT PROJECT – Dale Goodman

Mayor Hadfield noted that the Council saw some plans in a previous work session.

Councilman Shorter noted that they talked about the reverse parking and in the paperwork it showed that if it didn't work it would be changed to normal parking. What did that mean?

Andy Spencer explained this was a new thing in the City. They were going to have good signage but if the reverse angle parking did not work, there was a plan to change to traditional angle parking.

Mayor Hadfield noted that he attended some girl basketball playoff games at SLCC and was amazed that the use of the reverse angle parking. He was sure there would be a learning curve but eventually people would see the value of it.

Mayor Hadfield asked if there were any questions.

Councilman Bowen remembered when they talked about this at a work session a long time ago, and it was his expectation was that there would be a future plan. The plan that they were moving forward on tonight was quite a bit different than the one they talked about. He expected further discussion before they voted on it.

Andy Spencer did not leave the previous meeting with that same understanding. All that had been done to the plan since that meeting was to refine the plan a little bit.

Councilman Shelton noted that the plan showed the removal of two trees.

Mayor Hadfield thought that the plan was a refinement of what was talked about previously.

Councilman Shelton moved to accept the base bid submitted by Morgan Asphalt for the construction of the 700 N & 900 E Road Improvement Project in the amount of \$442,758 with a ten percent (10%) contingency allowance of \$44,275 for a total project budget of \$487,033, and authorize staff to proceed with the preparation of contract documents. Councilman Frost seconded the motion.

Councilman Frost explained that this was on the City park side of the LDS Mount Timpanogos Temple. They would be installing curb & gutter and would try to preserve as many trees as possible.

Mayor Hadfield added that the project would include improvements to the 900 East 700 North intersection. In the future the sidewalk would go behind the historic wall.

Councilman Bowen did not think that the reverse angle parking was that big of a deal but did not think it was wise to back into a park. He expressed before that it was a safety concern. It was safer to pull in front ways to see if there were any kids there and then back out into the street.

Mayor Hadfield added that there would be a bike lane painted there in front of the parking stalls.

Councilman Bowen expressed that he was opposed to it in that way but supported cleaning up the area and preserving as many of the mature trees as possible. He also noted that he had noticed on that road some sewer grates that were below road level.

Mayor Hadfield responded that those could be fixed.

Councilman Bowen stated that he would be voting against it for the safety concern.

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

REVIEW AND ACTION ON AN ORDINANCE APPROVING A ZONE MAP AMENDMENT FROM THE R4-7500 RESIDENTIAL ZONE TO THE R2-7500 RESIDENTIAL ZONE LOCATED IN THE AREA OF 109 SOUTH 200 EAST – Z-Act Home Development

Adam Olsen explained that at the last meeting a subdivision plan was approved for this area. It was in a split zone. This put it all in one zone.

Councilman Shorter moved to adopt Ordinance No. 2015-03-14 approving a zone map amendment from the R4-7,500 Residential zone to the R2-7,500 Residential zone located in the area of 109 South 200 East. Councilman Taylor 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 R3-7,500 RESIDENTIAL ZONE AND SC-1 PLANNED SHOPPING CENTER ZONE TO THE R4-7,500 RESIDENTIAL ZONE LOCATED AT 154 NORTH WEST STATE ROAD – Bowler Development

Lynn Bowler explained that he would be developing the Franz Fischer property. This was a request to rezone the back portion. They would have a restaurant on the State Street frontage and access to homes to the east.

Mayor Hadfield asked if there were questions of Mr. Bowler.

Councilman Shelton asked if there would be connection through the Seven C's project.

Mr. Bowler responded that there would not be. They met with Fire Marshal Bateman from the Fire Department and they were good for up to 100 homes.

Councilman Shorter moved to adopt Ordinance No. 2015-03-15 approving a zone map amendment from the R3-7,500 Residential zone and SC-1 Planned Shopping Center zone to the R4-7,500 Residential zone located at 154 North West State Road with instructions to

the City Recorder to defer recording of the Ordinance until the time of approval of an acceptable development plan. Councilman Bowen seconded the motion.

Mayor Hadfield asked why the name, Green Spring Meadows.

Mr. Bowler stated that he did not have a good answer for that. They tried in the office to be very creative and that was the name they came up with.

Mayor Hadfield explained that it went very well. The shopping center on the other side of US 89 was called The Meadows and it had several springs and it was green. In some regards the name was quite fitting.

Councilman Shelton asked if Mr. Bowler had talked with the owners of the adjacent commercial property regarding their concerns that were brought up in Planning Commission.

Mr. Bowler met with both of the adjacent property owners, Tunex and Timp Rental. He has reached an agreement with Joe Phelon, owner of Timp Rental for Timp Rental to purchase some additional property.

Joe Phelon expressed that he had a concern with the initial plan with sound or noise issues from his business with the town homes being very close. Tunex and Timp Rental and the developer worked out a purchase from the developer to serve as a buffer.

Mayor Hadfield applauded all three of them for working to resolve an issue that was thought to be important.

Mr. Phelon added that the property being purchased was in the Shopping Center zone and he would like to see it go to a General Commercial zone.

Mayor Hadfield suggested that they look at the provisions of each zone and if so desired a zone change application could be made.

Councilman Shelton commented that if this change was made it was good to have these concerns in place. If the zone was changed and for whatever reason it was not developed they may end up with a whole different concept. He would like to tie that into this zone change.

Councilman Shorter noted that the motion was contingent upon an acceptable development plan.

Councilman Bowen thought that the three neighbors had an agreement.

Councilman Shelton stated if that agreement did not go through for whatever reason and the City made the zone change there was nothing holding that developer to that agreement.

Councilman Bowen noted that the City was not a party to their agreement.

Mayor Hadfield asked the total number of units to be built.

Mr. Bowler answered that it was 67. He added that Joe Phelon had been wonderful to work with. He had no concerns with Mr. Phelon. Mr. Bowler suggested that if something did change and they did not purchase the property he would be happy to come back and ask for a rezone on that property as commercial.

Mr. Phelon was okay with that.

All were in favor of the motion.

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 an Ordinance approving a site plan for the American Fork Apartments, consisting of 192 units, located in the area of 300 South 650 East in the PC-Planned Community zone – Perry Homes

Mayor Hadfield explained that Perry Homes had owned this property for a long time. It was behind VASA Fitness. He drove the property yesterday and the only concern he had was the type of fence proposed between the apartment development and the commercial property to the north. There were eight dumpsters behind the commercial properties.

Perry Homes Representative Matt Swain reported that they discussed the type of fence at the Planning Commission.

Mayor Hadfield asked if there were concerns regarding this project.

Councilman Frost asked about what they would call overflow parking.

Mr. Swain explained that they owned and managed 1700 units. The sweet spot for their parking ratio was 1.75 stalls per unit. The City ordinance required 2.0 stalls per unit. To resolve that concern the plan was to utilize part of the ground at the shopping center that was owned by related entities. The shopping center entity has approved a cross access agreement allowing overflow parking from the apartment project to flow into the shopping center. It did not go the other direction. It was just the one-way. They would record an easement as such. There would be an access on the further east end to drive and walk into the shopping center parking lot from the apartments.

Mr. Swain continued that having developed and managed these types of projects for 30 years that the additional parking would not be a necessity. It was there to comply with the City Code.

Mayor Hadfield noted that with this project the drainage issues, the curb & gutter issues, the sidewalk issues that had been problems for a number of years could now be taken care of on both 600 East and 740 East.

Councilman Shelton stated that parking was the big concern for him. He never heard apartment residents complain about having too much parking but about not having enough. This was shy on the parking side.

Councilman Frost asked how they handled what was parked in the development.

Mr. Swain responded that they monitored parking very closely. There would be garages on site. They did not allow storage in those structures. It was used for car parking. They do not allow trailers to be stored within the parking stalls and monitored that very closely. Under the contract they had the right to remove them.

Councilman Shelton asked what happened when they sold that development. Those standards could be changed but it was hard to add parking once a project was completed. That was why the City had the standard they did.

Mr. Swain responded that he could not promise what the next owner would do in case they did sell it. He thought it was highly unlikely that they would sell it. They had a letter from their architect that described parking ratios for common rate apartments regardless of management styles of parking controls. He states that the 1.75 ratio was very adequate unless it was in a specific scenario such as vacation rental property. He felt they were really trying to design to the market.

Councilman Shorter moved to adopt Ordinance No. 2015-03-16 approving a site plan for the American Fork Apartments, consisting of 192 units, located in the area of 300 South 650 East in the PC-Planned Community zone, with instructions to the City Recorder to withhold publication of the Ordinance subject to all conditions identified in the public record associated with the March 4, 2015 Planning Commission meeting. Councilman Taylor seconded the motion.

Mayor Hadfield asked if there was further discussion. There was none.

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

- b. Review and action on the final plat of American Fork Commercial Center Plat P, consisting of two lots, located at 697 and 684 West Pacific Drive in the SC-1 Planned Shopping Center zone – Woodbury Corporation

Woodbury Corporation representative Joe Rich explained that this item along with the next item went together. He had been working with The Meadows for 10 to 12 years and it had been hard to get some activity down on that south end. He was excited to bring this residential element there. In the next month or so they would be back with another big tenant.

Mayor Hadfield noted that there was a large easement through this area for a 30-inch high pressure gas line. He asked if there were any questions regarding this agenda item.

Councilman Taylor moved to approve the final plat of American Fork Commercial Center Plat P, consisting of two lots, located at 697 and 684 West Pacific Drive in the SC-1 Planned Shopping Center 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 all conditions identified in the public record associated with the March 4, 2015 Planning Commission minutes. Councilman Shorter seconded the motion. All were in favor.

- c. Review and action on an Ordinance approving a site plan for the Meadows Apartments located at 697 West Pacific Drive in the SC-1 Planned Shopping Center zone – Garbett Homes/Woodbury Corp.

Richard Welch with Garbett Homes explained that Woodbury was at a point where the property was not going to successfully have a commercial use. They approached Garbett Homes to see if they would be interested in being their partner and developing it as residential. It was a unique property and being in the center of commercial would attract tenants that were not going to be typical of what would be seen in normal apartments.

Mr. Welch explained that they were proposing buildings that were different. They would be 4-story buildings with a total of 142 units focused in the center of the site with surface parking around it.

Mayor Hadfield asked the parking ratio.

Mr. Welch answered that they were at 1.7 stalls per unit. Adjacent to the site were an additional 450 stalls for commercial use but were underutilized.

Mayor Hadfield asked that with the living accommodations on the south side and some parking on the north would there be some kind of fence along Pacific Drive to keep people from jaywalking and force them to cross at an intersection.

Mr. Welch answered that they had planned for a 42-inch wrought iron type fence.

Councilman Shorter moved to adopt an Ordinance approving a site plan for the Meadows Apartments located at 697 West Pacific Drive in the SC-1 Planned Shopping Center zone, with instructions to the City Recorder to withhold publication of the Ordinance subject to all conditions identified in the public record associated with the March 4, 2015 Planning Commission meeting. Councilman Bowen seconded the motion.

Mayor Hadfield asked if there was any discussion on the motion.

Councilman Shelton stated that he was very concerned with the parking across the street. That was not very orthodox. He sat on the study group for this road. They were looking at an overpass over I-15 on this road that would increase traffic. We were now going to

ask persons to cross that road to get to and from their apartments. He read the engineering reports but all of their comparables never showed a project that had split parking with this type of a road going through it. He had a big concern with the safety factor.

Councilman Frost had the same concern.

Mr. Welch introduced Denae Mollerup who was their General Property Manager who would be responsible for the leasing and management of the property. They had 161 covered stalls immediately adjacent to the buildings. That was more than 1 per unit. The overflow across the street would be for a second car. He did not think there was going to be a lot of crossing of the street multiple times a day.

Denae Mollerup explained that they were attracting demographics that want to have walkability. They would have bike racks. Some units would have one bedroom apartments.

Councilman Frost commented that there would be pedestrian traffic whether it was to parking or to go shopping. There were big plans for the road. There needed to be a safe avenue for them to cross.

Councilman Shelton noted that about one-third of the parking would be across the street. He understood that the total parking stalls were less than the City standard. He had not seen that done anywhere else. He did not want the City to be the guinea pig. What happened when this did not work out? What was the City left with at that point?

Councilman Frost asked how they were going to be able to have them cross safely.

Councilman Taylor thought that one of the options was if the project was smaller. It was a difficult parking situation. If that road did go over the freeway then there was going to be a lot of traffic.

Councilman Shorter commented that they were too worried about this. These were adult men and women who had the ability to cross a road properly.

Mr. Welch expressed that they were including a fence to help against jaywalking from the development.

Councilman Shelton appreciated the comments about the adults and using the best safety measures. It wasn't more than a few weeks ago someone was hit by FrontRunner while using a cell phone. You want to believe the best in people but at the same time you have to look at safety concerns.

Councilman Bowen stated that when he first read this he had concerns about parking also. Councilman Shelton made some good points about people who lived there would want to have adequate parking. However he also recognized that the people investing to develop these areas have an interest in the development succeeding. Councilman Taylor brought up safety and crossing the road.

Councilman Bowen continued that the part of American Fork that he lived in was next to Cedar Hills and Pleasant Grove. On his way to Church he went through Pleasant Grove. A stop sign was placed on the road next to a farmer's field that would be developed in the future. Many people have stopped there really unnecessarily now for five years as there was no traffic. He thought this may be a little different with what the City envisioned for this road becoming a collector road but that may be a few years down the road. When that did become a reality, at that point the City should look at some options; a bridge over or a tunnel under.

Councilman Bowen added that this was a new and unique development and somewhat historic hopefully for the positive. He did not know if it was going to work but was interested to see if it would and was willing to give the developer the benefit of the doubt. He thought people were capable of crossing the street. He agreed that long-term there could be an issue. He was supportive for those reasons.

Councilman Taylor expressed that he did not think anyone was non-supportive. They were very supportive. They had restrictions and things in place to ensure the safety of other people. Even in his physical condition he could vault a 42-inch fence and would not scare him a bit. It was because he knew adults that he was worried about this. They want to see this happen but the requirements were that they were providing safety and they had to have foresight. There was going to have to be some compromise somewhere. He was one of the original guys on the Council that voted for The Meadows and pushed The Meadows through all those years ago.

Mayor Hadfield commented that when the time came that the road became a major collector that a traffic signal needed to be placed at the intersection of 700 West and Pacific Drive. He asked if there was further discussion.

Richard Welch responded that they would be happy to make the fence six feet tall. They had thought that a 42-inch fence would be more palatable.

Councilman Taylor did not know that a six foot fence solved it.

Mayor Hadfield suggested that was something they could look at in the future.

Councilman Shelton thought that the fly-over was sooner rather than later. They had an agreement with Woodbury to make it sooner rather than later. His worry was with a traffic signal at that location and a round-a-bout one block away, it would interfere with the free flow of traffic. He wanted the solutions now and funded through the development and not the City down the road.

Councilman Frost clarified where he was at. He was on the fence but had to error on the side of safety. He wanted success. The City would be generating a lot of traffic besides this development.

Richard Welch responded that he listened to what had been said and he understood that they were here to guard the public's safety and welfare. He expressed the thought that if

that area went all retail as was originally envisioned the hope was for restaurants and other retail businesses. The pedestrians were going to be there either way.

Mayor Hadfield called for a vote on the motion. Voting by voice roll call was as follows:

| | | |
|---------------------------|------------|--------------------------------|
| Councilman Bowen | Aye | |
| Councilman Frost | Nay | |
| Councilman Shelton | Nay | |
| Councilman Shorter | Aye | |
| Councilman Taylor | Nay | The motion was defeated |

- d. Review and action on the final plat of Maverik American Fork Subdivision, located at 1078 East State Road in the GC-2 General Commercial zone – *Maverik/Reeve & Associates*

Mayor Hadfield explained that this subdivision plat combined the Hicks and Mira Vista properties into one lot.

Maverik representative Todd Myers stated that the combining of the properties was in the best interest of Maverik.

Mayor Hadfield asked if there were any questions. There were none.

Councilman Shorter moved to approve the final plat of Maverik American Fork Subdivision, located at 1078 East State Road in the GC-2 General Commercial 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 all conditions identified in the public record associated with the March 4, 2015 Planning Commission meeting. Councilman Shelton seconded the motion. All were in favor.

- e. Review and action on an Ordinance approving a commercial site plan for a Maverik Service Station located at 1078 East State Road in the GC-2 General Commercial zone – *Maverik/Reeve & Associates*

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

Councilman Taylor moved to adopt Ordinance No. 2015-03-17 approving a commercial site plan for a Maverik Service Station located at 1078 East State Road in the GC-2 General Commercial zone with instructions to the City Recorder to withhold publication of the Ordinance subject to all conditions identified in the public record associated with the March 4, 2015 Planning Commission meeting. Councilman Frost seconded the motion.

Mayor Hadfield commented that was a good location and that they would do very well there. He admired Maverik as they used to be the little kid on the block and now they

came in built nice big gas stations with plenty of parking such that one could get in and out very easy.

All were in favor of the motion.

REVIEW AND ACTION ON A MOBILE FOOD BUSINESS ORDINANCE – Audra Sorensen

Councilman Taylor declared that Pyromaniacs Pizza and Mr. Clayton Johnson were his clients. He would still be voting.

Mayor Hadfield asked if there were any questions.

Mr. Clayton Johnson owner of Pyromaniacs Pizza expressed some concerns. In .020 under Definitions,

- A. “*Food Truck* means a motor vehicle from which a mobile food business serves food or beverages for sale to the public. The term “food truck” shall not include vending carts, mobile food trailers or mobile ice cream vendors.”

Mr. Johnson explained that a Food Truck did not mean his business as his was a mobile food trailer. He also did not apply in the next section.

- B. “*Mobile food business* means a business that serves food or beverage from a food truck. The term “mobile food business” shall not include vending carts or mobile ice cream vendors.”

Mr. Johnson felt that the wording needed to be better. He would be exempted by current definition and he felt he should be pulled in under the Ordinance.

Mr. Johnson noted that in .040

- E. “The applicant, driver, and any other person working in the Food Truck shall be responsible for obtaining at their expense a criminal history for the last ninety (90) days from the Bureau Criminal Investigations (“BCI”).”

Mr. Johnson explained that in this circumstance he would like an exemption if he was not a Food Truck. He believed this was overly restrictive and created a challenge for his business. By the end of August he would be at nearly 100 employees for all of his food trucks that would all be licensed in American Fork. The cost was \$47 per person and they would have to go to West Valley City to have it done. It would take nearly three hours and his cost would be \$100. That became restrictive and exceptionally expensive. The background check that he did for every employee cost \$12 per person and was done by an outside agency. He would not let them drive his very expensive equipment without that.

Mayor Hadfield asked for a response from the City Attorney.

Kasey Wright answered that it was a Council decision.

Councilman Shelton asked the reasoning behind having a background check done every 90 days.

Mr. Wright responded that they were looking out for public safety.

Mr. Johnson commented that they did not solicit business door to door; they came to him. If his type of business had to do this it seemed to him that every restaurant in the City should be required to do the same. It was not a fair implementation of a requirement.

Mayor Hadfield felt that was a legitimate item to bring up.

Councilman Frost asked if the City was going to require this of any business if it did not get done, did the City have any liability.

Mr. Wright did not think so. The City could always get sued. This was up to the Council. If 90 days was too often it could be annually.

Councilman Taylor asked why this was being required of a food truck. Were they a magnet for criminals? Why was serving pizza or a waffle different from someone working in a children's clothing store?

Mr. Wright responded that this was being done out in the street.

Councilman Taylor stated that he did not care if every City in Utah did it; he still would not get it.

Mayor Hadfield asked if they wanted to take it to a work session on April 2nd as with the PARC Tax Policies and Procedures.

Councilman Shelton wanted to hear the rest of Mr. Johnson's concerns.

Mr. Johnson also called out in .040

- I. "A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license."

Mr. Johnson felt that if there was a negligence issue he would be okay but from 'any and all liability' seemed to be awfully broad. Those were his concerns. He asked if there were any questions of him.

Councilman Bowen appreciated Mr. Johnson sharing his concerns with them. He supported making it less restrictive than it currently was. It was overly strict on the regulation side. He was going to abstain.

Mayor Hadfield expressed that he felt that the City had an obligation to brick and mortar stores. They paid property taxes and connected to the City's utilities and paid a water and sewer bill.

Councilman Shorter moved that they table this item to a work session as there were two or three areas that needed to be looked at closely. Councilman Frost seconded the motion. All were in favor.

Mayor Hadfield instructed that this item be placed on the April 2nd Work Session.

REVIEW AND ACTION ON MODIFICATIONS TO THE DEVELOPMENT AND CONSTRUCTION STANDARDS OF THE CITY OF AMERICAN FORK – *Andy Spencer*

Mayor Hadfield noted that in the past the City had some offset requirements for sewer and water laterals. This action would place them in the center of the lot separated by ten feet per State Law and would avoid laterals being in the driveway. He asked if there were questions of Mr. Spencer.

Councilman Bowen asked what the problem was.

Mr. Spencer replied that they it was better for the laterals to be under landscaped areas rather than driveways. However there was no perfect solution. The City had to maintain the water cans.

Councilman Frost moved to approve Ordinance No. 2015-03-18 modifying the Development and Construction Standards of American Fork. Councilman Taylor seconded the motion.

Mayor Hadfield asked if there were any questions on the motion.

Councilman Shelton asked about exceptions.

Mr. Spencer answered that exceptions would be handled through the City Engineer.

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

REVIEW AND ACTION ON AN AGREEMENT WITH GOLD CROSS AMBULANCE TO LOCATE AN AMBULANCE WITH A 2 PERSON CREW AT AMERICAN FORK FIRE STATION #1 TO ASSIST WITH HIGH DEMAND 911 CALLS AND PROVIDE INTER-FACILITY TRANSPORTATION AND JOINT EDUCATION SERVICE FOR MEDICAL FACILITIES WITHIN THE CITY OF AMERICAN FORK – *Chief Garcia*

Fire Chief Garcia thought this to be a great agreement. It cost a quarter of a million dollars to put an ambulance in service for a year. They were getting to the point that all of their resources were taxed about 35 to 40 times a year. This agreement allowed the City when they were out of resources to use Gold Cross to come in and help with 911 calls. It also helped them to work together to educate medical facilities and nursing homes. When there was a major fire call, Gold Cross would be their medical and the City's firefighters that were on the medical would work in the firefighter role. Also, if the City had the availability it would assist Gold Cross if needed. Mike Moffitt President of Gold Cross Ambulance was in attendance.

Councilman Bowen asked where Gold Cross was based.

Chief Garcia answered that they were all over the State of Utah with their main base in Salt Lake City.

Mr. Moffitt responded that they had two ambulances in Provo and one in Orem.

Chief Garcia liked that if Gold Cross was going to do business in American Fork and they had the right and a license to do that that they stay with American Fork Ambulance and train and work with them. Mr. Moffitt has agreed that out of that two person crew if the City had firefighters that want to operate one of those positions he would hire them to work for Gold Cross that day. The education component was huge. The City gets 911 calls. Gold Cross gets other transport calls.

Councilman Bowen asked if the main benefit to the City was staff augmentation.

Chief Garcia answered that it gave the City a fourth, free ambulance.

Councilman Bowen asked if the Gold Cross presence in Provo and Orem was co-located in a fire department.

Mr. Moffitt responded that in Provo they were in their own station. In Orem they had a roving truck there 16 hours a day.

Councilman Bowen asked that under this proposal if would there be a lease or rent paid to American Fork City.

Chief Garcia explained that Gold Cross would have a bay in the station and a dorm room to operate out of. This was the first agreement of this kind.

Mayor Hadfield commented that the City already had an agreement with Gold Cross to do the billing for American Fork Ambulance.

Councilman Shorter moved approval of the American Fork Fire & Rescue and Gold Cross Agreement as it has been reviewed by Legal and the Fire Chief. Councilman Frost seconded the motion.

Mayor Hadfield asked if there was discussion on the motion.

Councilman Bowen asked how the dispatch would work.

Chief Garcia explained that if it was a 911 call it would come to American Fork. If American Fork was out of resources it would go to Gold Cross dispatch, as they had their own.

Councilman Bowen was not opposed to the idea of working together. His concern was taking public resources to help a for-profit business. It would be more palatable to him with some sort of a lease where Gold Cross was paying American Fork City for the bay.

Chief Garcia appreciated that but it was a quarter of a million dollars to put an ambulance in service every year. Gold Cross was giving the City a fourth, free ambulance.

Councilman Bowen noted that Gold Cross received the revenue from that ambulance.

Councilman Shelton expressed that they City would not be paying for staff to be there 24 hours a day, seven days a week, when there were no calls. He saw it as being a trade in time. He did not have a problem with it.

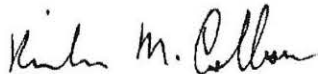
Councilman Frost noted that in an emergency there would already be people within the City.

Chief Garcia stated that they would have used them twice today.

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

ADJOURNMENT

Councilman Shelton moved adjournment at 10:02 p.m. Councilman Shorter seconded the motion. All were in favor.



Richard M. Colborn
City Recorder



City of American Fork,
51 East Main Street
American Fork, UT 84003

Attn: American Fork Mayor and City Council
51 E. Main St.
American Fork, UT 84003

Dear Sirs,

As you know, this past winter has been the warmest in the state's history. According to a recent news report, this warm weather will dramatically impact local water levels.

Expert meteorologist Mike Seaman, from the National Weather Service, was quoted in the article saying, "... the snow pack is not going to be enough ... water supply is going to be a bigger issue."

Based on this, and other studies, the American Fork Water Management and Conservation Board affirms that continued water restrictions should be enforced in American Fork.

We would like to draw attention to a few key points from the 2014 Water Conservation and Management Plan:

1. The City believes that adequate water is available for use, but not for waste.
2. Continued conservation provides value to the community. It reduces the size and number of system improvements and reduces system costs.
3. Environmental responsibility maintains the Quality of Life in the City.

We suggest that like last year, residential and small commercial users with automatic sprinklers should:

- Water between 6 p.m. on the assigned day and 10 a.m. the following day.
- Odd number addresses shall water on Monday, Wednesday and Friday.
- Even number addresses shall water on Tuesday, Thursday and Saturday.
- Sunday watering is allowed for all residents between the above given hours.
- Water must be conserved and not wasted.

Large Users (parks, schools, churches, commercial developments, etc.) should:

- Water between the hours of 9 a.m. and 7 p.m.
- No area shall be watered twice on two consecutive days.
- Sunday watering is encouraged.
- Water must be conserved and not wasted.

ATTACHMENT TO THE 03-24-2015 CC MINUTES – PAGE 2 OF 2

City of American Fork,
51 East Main Street
American Fork, UT 84003

American Fork Irrigation Flood Users should follow the schedule published by the American Fork Irrigation Company.

As surface water flows change, we believe these watering times and schedules may have to be adjusted and additional restrictions imposed.

Thank you for your time and service. If you have any questions, please let any of our Board Members know.

Respectfully,

Brad Frost, Councilman
Barry Dayton
Brandon Mortensen
Mike Privett
Ernie John
Bruce Hoggard
John Schiess
Jay Brems
Dale Goodman