AMERICAN FORK CITY COUNCIL
JUNE 14, 2016
REGULAR SESSION AGENDA

PUBLIC HEARING

The American Fork City Council will hold a public hearing on **Tuesday, June 14, 2016, in the American Fork City Hall, 31 North Church Street as follows:**

7:10 p.m. - Receiving of public comment regarding the fiscal year ending June 30, 2017 American Fork City Budget

7:25 p.m. - Receiving of public comment regarding the declaration of 52 abandoned bikes to be declared surplus and given to the Utah Stated Developmental Center.

REGULAR SESSION

The American Fork City Council will meet in regular session on **Tuesday, June 14, 2016, in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m.** The agenda shall be as follows:

1. Pledge of Allegiance; prayer by Fire Chief Kriss Garcia; roll call.
2. Twenty-minute public comment period - limited to two minutes per person.
3. City Administrator's Report.
4. Council Reports concerning Committee Assignments.
5. Mayor's Report

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 May 24, 2016 work session/special session minutes
2. Approval of the May 24, 2016 City Council minutes
3. Approval of the June 2, 2016 work session minutes
4. Approval of City bills for payment, manually prepared checks, and purchase requests over $25,000.
5. Approval of a progress release for the performance guarantee bond in the amount of $659,515.00 for the Green Springs Subdivision located at 150 North State Street *(Requested by Dale Goodman, Public Works)*
6. Approval for the authorization to release the Improvements Construction Guarantee in the amount of $189,099.56 and Issue a Notice of Acceptance for the Maverik Gas Station construction of public improvements located at 1078 East State Street. *(Requested by Dale Goodman, Public Works)*

7. Approval for the authorization to release the Improvements Construction Guarantee in the amount of $400,000.00 and Issue a Notice of Acceptance for the Morinda Parking Lot Expansion construction of public improvements located at 737 East 1180 South. *(Requested by Dale Goodman, Public Works)*
8. Approval for the authorization to release the Improvements Construction Guarantee in the amount of $7,380.00 And Issue a Notice of Acceptance for the American Fork Duplex construction of public improvements located at 625 East 100 North. *(Requested by Dale Goodman, Public Works)*

ACTION ITEMS

1. Review and action on a Resolution adopting the American Fork City Budget for fiscal year ending June 30, 2017. *(Requested by Terilyn Lurker, Recorder)*
2. Review and action on a Resolution setting the Certified Tax Rate for FYE June 30, 2017. *(Requested by Terilyn Lurker, Recorder)*
3. Review and action on a Resolution declaring 52 abandoned bicycles to be surplus and given to the Utah State Developmental Center. *(Requested by Terilyn Lurker, Recorder)*
4. Review and action on a Park Improvement and Impact Fee Credit Agreement for Easton Park *(Requested by Adam Olsen, Planning)*
5. Review and action on an ordinance adopting various amendments to the American Fork City Development Code regarding accessory apartments. *(Requested by Adam Olsen, Planning)*
6. Consideration and action on entering into a Closed Session to discuss the professional character and competence of individuals.
7. Adjournment

Dated this 8 day of June, 2016

Terilyn Lurker
City Recorder

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JUNE 14, 2016

Department Public Works **Director Approval** *Dale Goodman*

AGENDA ITEM Approval of a progress release for the performance guarantee bond in the amount of $659,515.00 for the Green Springs Subdivision located at 150 North State Street

SUMMARY RECOMMENDATION Staff recommends approval of the performance guarantee bond release.

BACKGROUND A progress release has been requested by the developer of the Green Springs the construction of the road improvements, dry utilities, culinary water, storm drainage and pressurized irrigation system. The partial performance guarantee bond release adds up to $659,515.00. The original performance guarantee calculations are included showing the breakdown of the release

BUDGET IMPACT N/A

SUGGESTED MOTION

SUPPORTING DOCUMENTS

PERFORMANCE GUARANTEE BOND RELEASE Third release(PDF)

PERFORMANCE GUARANTEE BOND RELEASE INSPECTION

This is an application for Escrow Bond Release/ Performance Guarantee or Maintenance Bond partial or final release.

Project Information

Project Name: Green Springs Subdivision

Project Address: 150 North State Street

Type of Project ☒ Subdivision ☐ Site Plan ☐ Road Project ☐ Underground Utility

Performance Guarantee Bond Information

Performance Guarantee Bond posted for site improvements in the amount of $ 2,044,588.94

Date of the Request: May 26 2016

Amount of the Request: $ 659,515.00 Land Disturbance Permit No: 975

Type of Release: ☒ Partial Release ☐ Final Release ☐ Warranty Period

Type of Bond: ☐ Cash Deposit ☒ Letter of Credit ☐ Performance in Lieu

Field Inspection and Performance Guarantee Bond Release Information

☑ A field inspection was performed on the above referenced application on 6-6-16

☑ Recommended Performance Guarantee Bond Release: 659,515.00

☐ DO NOT Recommend Release or Reduction at this time for the following reasons:

1. .....
2. .....
3. .....
4. .....
5. .....
6. .....

I certify that the following recommendations are based on compliance with the American Fork City standards and technical specifications.

Jay Butcher — City Inspector's signature — 6-7-16 — Date

City Engineer's signature — APPROVED — 6-7-2016 — Date

Attachment: PERFORMANCE GUARANTEE BOND RELEASE Third release (1347 : Green Spring Subdivision Performance Guarantee Progress

BOND RELEASE REQUEST

Please complete and return this form to the Engineering Division:

City Engineer's Office
American Fork City
275 East 200 North
American Fork, UT 84004

It is the City of American Fork policy to release performance guarantee bond funds upon the request of and to the person who paid the performance guarantee bond once the bond release inspection is satisfied.

Project Information

Subdivision/ Site Plan Name: GREEN SPRING TOWNS P.U.D.

Subdivision/ Site Plan Address: 150 N. STATE STREET

I/ we McARTHUR HOMES, am/ are requesting the release of the following bond (s):

Nro.	Description of Item			Estimate
1	SWPPP	$12,000 + 25%	=	15,000 -
2	EARTHWORK	250,000 + 25%	=	312,500 -
3	CULINARY WATER	130,000 + 25%	=	162,500 -
4	PRESSURIZED IRRIGATION	37,900 + 25%	=	47,375 -
5	STREETS -			
6	ROAD BASE	25,914 + 25%	=	32,392.50
7	24" CURB/GUTTER	39,798 + 25%	=	49,747.50
8	* STREET LIGHTS	30,000 + 25% *	=	37,500 -
9	CONSTRUCTION MGMT	2,000 + 25%	=	2,500 -
10				
11	* BOND INCLUDES 6 STREET LIGHTS			
12	BUT NONE ON PLANS!			
	- PAID $12,000 FOR 2 LIGHTS ON STATE STREET!		Subtotal =	$ 659,515 -

Please, send bond release to (select one): ☑ Individual ☐ Letter to the Bank of record

Name: McARTHUR HOMES

Address: 9962 S. REDWOOD RD.

City: SOUTH JORDAN State: UT Zip Code: 84095

Phone: 801-859-5734 Email: JOHN@MCARTHURHOMES.COM

Signature

5/26/16
Date

Attachment: PERFORMANCE GUARANTEE BOND RELEASE Third release (1347 : Green Spring Subdivision Performance Guarantee Progress

Name of Development: Green Spring Towns (Meadows),150 North West State Rd Date: 4-12-2016

No.	Description of Item	Estimate	Release #1 date 4/12/2016	Release #2 date	Release #3 date	Release #4 date	Release #5 date	Balance
1	SITE PREPARATION	$5,120.00	$5,120.00					$0.00
2								
3	SWPPP	$17,500.00			$12,000.00			$5,500.00
4								
5	EARTHWORK	$265,680.00			$250,000.00			$15,680.00
6								
7	DRY UTILITIES	$226,000.00						$226,000.00
8								
9	GROUNDWATER	$0.00						$0.00
10								
11	SANITARY SEWER	$171,579.00	$171,579.00					$0.00
12								
13	CULINARY WATER	$208,308.00			$130,000.00			$78,308.00
14								
15	PRESSURIZED IRRIGATION	$37,900.00			$37,900.00			$0.00
16								
17	STREET IMPROVEMENTS	$292,319.65			$95,717.00			$196,602.65
18								
19	DRAINAGE	$256,077.50		$172,174.80				$83,902.70
20								
21	LANDSCAPING	$141,737.00						$141,737.00
22								
23	CONSTRUCTION MANAGEMENT	$5,250.00			$2,000.00			$3,250.00
24								
25	MISCELLANEOUS	$8,200.00						$8,200.00
26								
		$1,635,671.15	$176,699.00	$172,174.80	$527,617.00	$0.00	$0.00	$759,180.35
	25% Per Ordinance Section 17.9.301	$408,917.79			$131,904.25			$277,013.54
LETTER	**ICG Amount**	**$2,044,588.94**	$176,699.00	$172,174.80	$659,521.25	$0.00	$0.00	$1,036,193.89
	10% Durability - retained at ICG release	**$204,458.89**						$204,458.89
PAID	**Street Lights**	**$ 10,000.00**						
	Street Trees	**$ -**						
PAID	**Fees**	**$14,880.00**						

Please Note: This Performance Guarantee is a representation ONLY for the basis of determining the initial amount of guarantee. Performance Guarantee funds are to ensure the completion of all public or essential common improvements per the American Fork City ordinance pertaining to said improvements. As such, release of funds will be based upon a determination that all such facilities are complete, without regard to if they are found within the itemized list hereupon.

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JUNE 14, 2016

Department Public Works **Director Approval** *Dale Goodman*

AGENDA ITEM (Common Consent Agenda) - Consideration regarding authorization to release the Improvements Construction Guarantee in the amount of $189,099.56 and Issue a Notice of Acceptance for the Maverik Gas Station construction of public improvements located at 1078 East State Street.

SUMMARY RECOMMENDATION The City Engineer recommends that the Improvements Construction Guarantee (ICG) be released. The improvements were found in a condition meeting City standards and specifications and in conformance with the approved project construction plans.

BACKGROUND Pursuant to the terms of Sections 17.9.100 and 17.9.304 of the City Development Code, the City Council may authorize the release of the ICG and issue a "Notice of Acceptance" of the project improvements. Following the issuance of the Notice of Acceptance, the City accepts ownership of the project improvements. The project will then enter the one (1) year Durability Testing Period as specified in section 17.9.400 of the City Development Code.

In issuing a Notice of Acceptance, the City Council finds that:

- The condition of the improvements are found to be satisfactory.
- All liens have been released, all outstanding fees paid, costs of administration paid, and reimbursement payments to prior developers (if any) have been made.
- The project clean-up is found to be satisfactory.

The City may request a current title report or other such measures or reports as deemed appropriate by the City as a means of determining the existence of any unreported liens or other claims upon the project. All financial information (if any) provided by the developer is attached. The Council may request additional information as deemed necessary.

BUDGET IMPACT Following the release of the ICG, there is a one (1) year Durability Testing Period wherein ten percent (10%) of the total ICG is held to ensure the durability of the constructed improvements.

SUGGESTED MOTION Move to accept the improvements and authorize the Mayor to execute the Notice of Acceptance for the Maverik Gas Station public improvements located at 1078 East State Street. To authorize the issuance of documents and/or payments to release the

Improvement Construction Guarantee (ICG). Commence the Durability Testing Period by retaining ten percent (10%) of the ICG. To find that the project improvements are in a condition meeting City ordinances, standards, and specifications and are in conformance with the approved project construction plans.

Note: With passage of the Common Consent Agenda items, the City Council will enact the motion and findings as noted in the "Suggested Motion" heading found above.

SUPPORTING DOCUMENTS

Maverik Performance Guarantee Release (PDF)
1. Notice of Acceptance of ICG by Council Maverick Gas Station (PDF)
1a. Notice of Completion and Release Request Maverick Gas Station (PDF)

PERFORMANCE GUARANTEE BOND RELEASE INSPECTION

This is an application for Escrow Bond Release/ Performance Guarantee or Maintenance Bond partial or final release.

Project Information

Project Name: Maverick Gas Station

Project Address: 1078 East State Street

Type of Project ☐ Subdivision ■ Site Plan ☐ Road Project ☐ Underground Utility

Performance Guarantee Bond Information

Performance Guarantee Bond posted for site improvements in the amount of $ 189,099.56

Date of the Request: May 26 2016

Amount of the Request: $ 189,099.56 Land Disturbance Permit No: 815

Type of Release: ☐ Partial Release ■ Final Release ☐ Warranty Period

Type of Bond: ■ Cash Deposit ☐ Letter of Credit ☐ Performance in Lieu

Field Inspection and Performance Guarantee Bond Release Information

☑ A field inspection was performed on the above referenced application on .....

☑ Recommended Performance Guarantee Bond Release: $189,099.56

☐ DO NOT Recommend Release or Reduction at this time for the following reasons:

1. .....
2. .....
3. .....
4. .....
5. .....
6. .....

I certify that the following recommendations are based on compliance with the American Fork City standards and technical specifications.

Jay Butcher 6-6-16

City Inspector's signature Date

APPROVED 6-7-2016

City Engineer's signature Date

Attachment: Maverik Performance Guarantee Release (1351 : Maverick Gas Station ICG Release and Enter Durability)

BOND RELEASE REQUEST

Please complete and return this form to the Engineering Division:

City Engineer's Office
American Fork City
275 East 200 North
American Fork, UT 84004

It is the City of American Fork policy to release performance guarantee bond funds upon the request of and to the person who paid the performance guarantee bond once the bond release inspection is satisfied.

Project Information

Subdivision/ Site Plan Name: Maverik

Subdivision/ Site Plan Address: 1078 East State Road

I Troy Jorgensen, Director of Construction, Maverik, Inc. am requesting the release of the following bond (s):

No.	Description of Item	Estimate
1	Culinary Water	$32,780.00
2	Sanitary Sewer	$4110.00
3	Storm Drain	$28,408.00
4	Irrigation	$35,231.65
5	Miscellaneous	$26,260.00
6	25% Per Ordinance Section 17.9.301	$37,819.91
7		
8		
9		
10		
11		
12		
	Subtotal =	$189,099.56

Please, send bond release to (select one): ☒ Individual ☐ Letter to the Bank of record

Name: Maverik, Inc.

Address: 185 South State Street

City: Salt Lake City State: UT Zip Code: 84111

Phone: 801-936-5557 Email: troy.jorgensen@maverik.com

Signature

5/12/16
Date

Attachment: Maverik Performance Guarantee Release (1351 : Maverick Gas Station ICG Release and Enter Durability)

Name of Development: Maverik 1078 E State Road

Date: 5/5/2015

No.	Description of Item	Estimate	Release #1 date 6/7/2016	Release #2 date	Release #3 date	Release #4 date	Release #5 date	Balance
1	Culinary Water	$32,780.00	$32,780.00					$0.00
2								
3	Sanitary Sewer	$4,110.00	$4,110.00					$0.00
4								
5	Storm Drain	$28,408.00	$28,408.00					$0.00
6								
7	Irrigation	$24,490.00	$24,490.00					$0.00
8								
9	Street Improvements	$35,231.65	$35,231.65					$0.00
10								
11	Misc	$26,260.00	$26,260.00					$0.00
12								
13								$0.00
14								
15								$0.00
16								
17								$0.00
18								
19								$0.00
20								
21								$0.00
22								
23								$0.00
24								
25								$0.00
26								
		$151,279.65	$151,279.65	$0.00	$0.00	$0.00	$0.00	$0.00
	25% Per Ordinance Section 17.9.301	$37,819.91	$37,819.91					$0.00
	ICG Amount	**$189,099.56**	$189,099.56	$0.00	$0.00	$0.00	$0.00	$0.00
	10% Durability - retained at ICG release	**$18,909.96**						$18,909.96
	Street Lights	**$ -**						
	Street Trees	**$ -**						
	Fees	**$1,726.00**						

Please Note: This Performance Guarantee is a representation ONLY for the basis of determining the initial amount of guarantee. Performance Guarantee funds are to ensure the completion of all public or essential common improvements per the American Fork City ordinance pertaining to said improvements. As such, release of funds will be based upon a determination that all such facilities are complete, without regard to if they are found within the itemized list hereupon.

NOTICE OF ACCEPTANCE
AND
IMPROVEMENTS CONSTRUCTION GUARANTEE
RETAINER RELEASE AUTHORIZATION

The City Council of American Fork City, a Municipal Corporation and Body Politic in the State of Utah, hereby authorizes the release of the Improvements Construction Guarantee for the Maverick Gas Station located at 1078 East State Street pursuant to the terms of Sections 17.9.100 and 17.9.304 of the City Development Code. The City Council accepts the improvements completed with the finding that said improvements are in a condition meeting City ordinances, standards, and specifications, are in conformance with the approved project construction plans, and all conditions for release as detailed in section 17.9.304 of the City Code have been satisfied.

The City Council hereby authorizes the issuance of a letter to the financial guarantee institution authorizing release of the Improvements Construction Guarantee, or to issue an authorized City check as appropriate for the type of guarantee provided. Upon issuance of this Notice of Acceptance, the Durability Testing Period shall commence as detailed in section 17.9.400 of the City Development Code. An amount totaling ten percent (10%) of the Improvements Construction Guarantee funds will be held as the Durability Retainer pursuant to the City Performance Guarantee ordinance.

Amount Released: $189,099.56

PASSED THIS _____ DAY OF _____, _____.

_____
James H. Hadfield, Mayor

ATTEST:

_____
Richard M. Colborn, City Recorder

Attachment: 1. Notice of Acceptance of ICG by Council Maverick Gas Station (1351 : Maverick Gas Station ICG Release and Enter Durability)

NOTICE OF COMPLETION AND REQUEST FOR RELEASE

Projects and/or subdivisions completed within the corporate limits of American Fork City

Mayor James H. Hadfield
51 East Main Street
American Fork, UT 84003

Re: Maverick Gas Station

Dear Mr. Hadfield:

As the project and/or subdivision construction has now been completed in full, I request that the Improvement Construction Guarantee (ICG) be released in full up to one hundred percent (100%) of the initial construction costs. Following the release of the ICG, I understand that the one (1) year Durability Testing Period will commence wherein ten percent (10%) of the total ICG is held to ensure the durability of the constructed improvements per City Ordinance Section 17.9.

I, _____, the owner, developer, and authorized representative of _____ Subdivision/Project, do hereby request the release of the Improvement Construction Guarantee. I certify that all liens have been released, all outstanding fees paid, costs of administration paid, and reimbursement payments to prior developers (if any) have been made, and the project clean-up is complete.

Project:	Maverick Gas Station
Address:	1078 East State Street
Requested ICG Amount:	$189,099.56

_____ _____
Owner/Developer Date

Attachment: 1a. Notice of Completion and Release Request Maverick Gas Station (1351 : Maverick Gas Stationt ICG Release and Enter

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JUNE 14, 2016

Department Public Works **Director Approval** *Dale Goodman*

AGENDA ITEM (Common Consent Agenda) - Consideration regarding authorization to release the Improvements Construction Guarantee in the amount of $400,000.00 and Issue a Notice of Acceptance for the Morinda Parking Lot Expansion construction of public improvements located at 737 East 1180 South.

SUMMARY RECOMMENDATION The City Engineer recommends that the Improvements Construction Guarantee (ICG) be released. The improvements were found in a condition meeting City standards and specifications and in conformance with the approved project construction plans.

BACKGROUND Pursuant to the terms of Sections 17.9.100 and 17.9.304 of the City Development Code, the City Council may authorize the release of the ICG and issue a "Notice of Acceptance" of the project improvements. Following the issuance of the Notice of Acceptance, the City accepts ownership of the project improvements. The project will then enter the one (1) year Durability Testing Period as specified in section 17.9.400 of the City Development Code.

In issuing a Notice of Acceptance, the City Council finds that:

- The condition of the improvements are found to be satisfactory.
- All liens have been released, all outstanding fees paid, costs of administration paid, and reimbursement payments to prior developers (if any) have been made.
- The project clean-up is found to be satisfactory.

The City may request a current title report or other such measures or reports as deemed appropriate by the City as a means of determining the existence of any unreported liens or other claims upon the project. All financial information (if any) provided by the developer is attached. The Council may request additional information as deemed necessary.

BUDGET IMPACT Following the release of the ICG, there is a one (1) year Durability Testing Period wherein ten percent (10%) of the total ICG is held to ensure the durability of the constructed improvements.

SUGGESTED MOTION Move to accept the improvements and authorize the Mayor to execute the Notice of Acceptance for the Morinda Parking Lot Expansion public improvements located at 737 East 1180 South. To authorize the issuance of documents and/or payments to

release the Improvement Construction Guarantee (ICG). Commence the Durability Testing Period by retaining ten percent (10%) of the ICG. To find that the project improvements are in a condition meeting City ordinances, standards, and specifications and are in conformance with the approved project construction plans.

Note: With passage of the Common Consent Agenda items, the City Council will enact the motion and findings as noted in the "Suggested Motion" heading found above.

SUPPORTING DOCUMENTS

Morinda Parking Addition Performance Guarantee Release (PDF)
Notice of Acceptance of ICG by Council Morinda Parking Lot Expansion (PDF)
Notice of Completion and Release Request Morinda Parking Lot (PDF)

PERFORMANCE GUARANTEE BOND RELEASE INSPECTION

This is an application for Escrow Bond Release/ Performance Guarantee or Maintenance Bond partial or final release.

Project Information

Project Name: Morinda Parking Lot Expansion Project

Project Address: 737 East 1180 South

Type of Project ☐ Subdivision ☒ Site Plan ☐ Road Project ☐ Underground Utility

Performance Guarantee Bond Information

Performance Guarantee Bond posted for site improvements in the amount of $ 400,000.00

Date of the Request: May 27 2016

Amount of the Request: $ 400,000.00 Land Disturbance Permit No: 979

Type of Release: ☐ Partial Release ☒ Final Release ☐ Warranty Period

Type of Bond: ☒ Cash Deposit ☐ Letter of Credit ☐ Performance in Lieu

Field Inspection and Performance Guarantee Bond Release Information

☑ A field inspection was performed on the above referenced application on 6-6-16

☑ Recommended Performance Guarantee Bond Release: 400,000.00

☐ DO NOT Recommend Release or Reduction at this time for the following reasons:

1. .....
2. .....
3. .....
4. .....
5. .....
6. .....

I certify that the following recommendations are based on compliance with the American Fork City standards and technical specifications.

Jay Baker 6-6-16

City Inspector's signature Date

APPROVED 6-7-2016

City Engineer's signature Date

Attachment: Morinda Parking Addition Performance Guarantee Release (1349 : Morinda Parking Lot ICG Release and Enter Durability)

American Fork City Public Works Department Engineering Division

BOND RELEASE REQUEST

Please complete and return this form to the Engineering Division:

City Engineer's Office
American Fork City
275 East 200 North
American Fork, UT 84004

It is the City of American Fork policy to release performance guarantee bond funds upon the request pf and to the person who paid the performance guarantee bond once the bond release inspection is satisfied.

Project Information

Subdivision/ Site Plan Name: MORINDA PARKING EXPANSION PROJECT
Subdivision/ Site Plan Address: 737 EAST 1180 SOUTH, AMERICAN FORK, UT 84003

I/ we MORINDA, INC., am/ are requesting the release of the following bond (s):

Nro.	Description of Item	Estimate
1	$400,000 PERFORMANCE GUARANTEE, deposit and letter	requesting entire amount of $400,000
2		
3	NOTE: This performance guarantee was provided at the request of Mr. Andy	
4	Spencer--to guaranty the construction of expanded parking to meet the city's	
5	parking code for the building remodel project. Because the inside work was	
6	not completed until the last quarter of 2015, work on the parking expansion	
7	was delayed due to anticipated winter weather that would impair proper	
8	construction. A conditional occupancy permit was granted subject to Morinda	
9	depositing the amount of anticipated construction costs--thereby providing	
10	public-project bond-like assurance that the parking lot would be completed.	
11	We are not nearing the end of the parking expansion project. It will be done in	
12	just a few weeks, and the release of the $400,000 is needed to pay the	
13	general contractor and its subs.	

Please, send bond release to (select one): ☐ Individual ☐ Letter to the Bank of record

Name: MORINDA, INC. attn. Randy Smith, CFO
Address: 737 East 1180 South
City: American Fork State: UT Zip Code: 84003
Phone: (801) 234-1000 Email: randys@morinda.com

Signature

27 MAY 2016
Date

Attachment: Morinda Parking Addition Performance Guarantee Release (1349 : Morinda Parking Lot ICG Release and Enter Durability)

Morinda Parking Lot Addition

Name of Development: 737 East 1180 South

Date:

No.	Description of Item	Estimate	Release #1 date	Release #2 date	Release #3 date	Release #4 date	Release #5 date	Balance
1	Site Work	$314,436.00	$314,436.00					$0.00
2								
3	Concrete	$39,922.00	$39,922.00					$0.00
4								
5								$0.00
6								
7								$0.00
8								
9								$0.00
10								
11	NOTE: City only charged about 13%							$0.00
12	instead of the 25% (per Andy Spencer)							
13								$0.00
14								
15								$0.00
16								
17								$0.00
18								
19								$0.00
20								
21								$0.00
22								
23								$0.00
24								
25								$0.00
26								

		$354,358.00	$354,358.00	$0.00	$0.00	$0.00	$0.00	$0.00
	25% Per Ordinance Section 17.9.301	$45,642.00	$45,642.00					$0.00
	ICG Amount	**$400,000.00**	$400,000.00	$0.00	$0.00	$0.00	$0.00	$0.00
	10% Durability - retained at ICG release	**$40,000.00**						$40,000.00

Street Lights #REF!

Street Trees #REF!

Fees $1,741.00

Please Note: This Performance Guarantee is a representation ONLY for the basis of determining the initial amount of guarantee. Performance Guarantee funds are to ensure the completion of all public or essential common improvements per the American Fork City ordinance pertaining to said improvements. As such, release of funds will be based upon a determination that all such facilities are complete, without regard to if they are found within the itemized list hereupon.

NOTICE OF ACCEPTANCE
AND
IMPROVEMENTS CONSTRUCTION GUARANTEE
RETAINER RELEASE AUTHORIZATION

The City Council of American Fork City, a Municipal Corporation and Body Politic in the State of Utah, hereby authorizes the release of the Improvements Construction Guarantee for the Morinda Parking Lot Expansion project pursuant to the terms of Sections 17.9.100 and 17.9.304 of the City Development Code. The City Council accepts the improvements completed with the finding that said improvements are in a condition meeting City ordinances, standards, and specifications, are in conformance with the approved project construction plans, and all conditions for release as detailed in section 17.9.304 of the City Code have been satisfied.

The City Council hereby authorizes the issuance of a letter to the financial guarantee institution authorizing release of the Improvements Construction Guarantee, or to issue an authorized City check as appropriate for the type of guarantee provided. Upon issuance of this Notice of Acceptance, the Durability Testing Period shall commence as detailed in section 17.9.400 of the City Development Code. An amount totaling ten percent (10%) of the Improvements Construction Guarantee funds will be held as the Durability Retainer pursuant to the City Performance Guarantee ordinance.

Amount Released: $400,000.00

PASSED THIS _____ DAY OF _____, _____.

_____
James H. Hadfield, Mayor

ATTEST:

_____
Richard M. Colborn, City Recorder

Attachment: Notice of Acceptance of ICG by Council Morinda Parking Lot Expansion (1349 : Morinda Parking Lot ICG Release and Enter

NOTICE OF COMPLETION AND REQUEST FOR RELEASE

Projects and/or subdivisions completed within the corporate limits of American Fork City

Mayor James H. Hadfield
51 East Main Street
American Fork, UT 84003

Re: Morinda Parking Lot Expansion

Dear Mr. Hadfield:

As the project and/or subdivision construction has now been completed in full, I request that the Improvement Construction Guarantee (ICG) be released in full up to one hundred percent (100%) of the initial construction costs. Following the release of the ICG, I understand that the one (1) year Durability Testing Period will commence wherein ten percent (10%) of the total ICG is held to ensure the durability of the constructed improvements per City Ordinance Section 17.9.

I, _____, the owner, developer, and authorized representative of _____ Subdivision/Project, do hereby request the release of the Improvement Construction Guarantee. I certify that all liens have been released, all outstanding fees paid, costs of administration paid, and reimbursement payments to prior developers (if any) have been made, and the project clean-up is complete.

Project:	Morinda Parking Lot Expansion
Address:	737 East 1180 South
Requested ICG Amount:	$400,000.00

_____ _____
Owner/Developer Date

Attachment: Notice of Completion and Release Request Morinda Parking Lot (1349 : Morinda Parking Lot ICG Release and Enter Durability)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JUNE 14, 2016

Department Public Works **Director Approval** *Dale Goodman*

AGENDA ITEM (Common Consent Agenda) - Consideration regarding authorization to release the Improvements Construction Guarantee in the amount of $7,380.00 And Issue a Notice of Acceptance for the American Fork Duplex construction of public improvements located at 625 East 100 North.

SUMMARY RECOMMENDATION The City Engineer recommends that the Improvements Construction Guarantee (ICG) be released. The improvements were found in a condition meeting City standards and specifications and in conformance with the approved project construction plans.

BACKGROUND Pursuant to the terms of Sections 17.9.100 and 17.9.304 of the City Development Code, the City Council may authorize the release of the ICG and issue a "Notice of Acceptance" of the project improvements. Following the issuance of the Notice of Acceptance, the City accepts ownership of the project improvements. The project will then enter the one (1) year Durability Testing Period as specified in section 17.9.400 of the City Development Code.

In issuing a Notice of Acceptance, the City Council finds that:

- The condition of the improvements are found to be satisfactory.
- All liens have been released, all outstanding fees paid, costs of administration paid, and reimbursement payments to prior developers (if any) have been made.
- The project clean-up is found to be satisfactory.

The City may request a current title report or other such measures or reports as deemed appropriate by the City as a means of determining the existence of any unreported liens or other claims upon the project. All financial information (if any) provided by the developer is attached. The Council may request additional information as deemed necessary.

BUDGET IMPACT Following the release of the ICG, there is a one (1) year Durability Testing Period wherein ten percent (10%) of the total ICG is held to ensure the durability of the constructed improvements.

SUGGESTED MOTION Move to accept the improvements and authorize the Mayor to execute the Notice of Acceptance for the American Fork Duplex public improvements located at 625 East 100 North. To authorize the issuance of documents and/or payments to release the

Improvement Construction Guarantee (ICG). Commence the Durability Testing Period by retaining ten percent (10%) of the ICG. To find that the project improvements are in a condition meeting City ordinances, standards, and specifications and are in conformance with the approved project construction plans.

Note: With passage of the Common Consent Agenda items, the City Council will enact the motion and findings as noted in the "Suggested Motion" heading found above.

SUPPORTING DOCUMENTS

PERFORMANCE GUARANTEE BOND RELEASE (PDF)
1. Notice of Acceptance of ICG by Council American Fork Duplex (PDF)
1a. Notice of Completion and Release Request American Fork Duplex (PDF)

PERFORMANCE GUARANTEE BOND RELEASE INSPECTION

This is an application for Escrow Bond Release/ Performance Guarantee or Maintenance Bond partial or final release.

Project Information

Project Name: American Fork Duplex

Project Address: 625 East/ 623 East 100 North

Type of Project ☒ Subdivision ☐ Site Plan ☐ Road Project ☐ Underground Utility

Performance Guarantee Bond Information

Performance Guarantee Bond posted for site improvements in the amount of $ 8,200.00

Date of the Request: May 26 2016

Amount of the Request: $ 7,380.00 Land Disturbance Permit No: 917

Type of Release: ☐ Partial Release ☐ Final Release ☐ Warranty Period

Type of Bond: ☐ Cash Deposit ☐ Letter of Credit ☐ Performance in Lieu

Field Inspection and Performance Guarantee Bond Release Information

☑ A field inspection was performed on the above referenced application on 6-6-16

☑ Recommended Performance Guarantee Bond Release: 7,380.00

☐ DO NOT Recommend Release or Reduction at this time for the following reasons:

1. .....
2. .....
3. .....
4. .....
5. .....
6. .....

I certify that the following recommendations are based on compliance with the American Fork City standards and technical specifications.

Jay Butcher 6-6-16

City Inspector's signature — Date

..... APPROVED 6-7-2016

City Engineer's signature — Date

Attachment: PERFORMANCE GUARANTEE BOND RELEASE (1350 : American Fork Duplex ICG Release and Enter Durability)

BOND RELEASE REQUEST

Please complete and return this form to the Engineering Division:

City Engineer's Office
American Fork City
275 East 200 North
American Fork, UT 84004

It is the City of American Fork policy to release performance guarantee bond funds upon the request of and to the person who paid the performance guarantee bond once the bond release inspection is satisfied.

Project Information

Subdivision/ Site Plan Name: American Fork, Duplex

Subdivision/ Site Plan Address: 625 & 623 E 100 N

I/ we Michael Nielson, am/ are requesting the release of the following bond (s):

Nro.	Description of Item	Estimate
1	Bond for Sidewalk curb & gutter	$ 8200 00
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
	Subtotal =	$8200 00 - 60% $6560 00

Please, send bond release to (select one): ☒ Individual ☐ Letter to the Bank of record

Name: Michael Nielson

Address: 130 S. 300 E.

City: Lindon State: UT Zip Code: 84042

Phone: 801-592-3908 Email: Proroofing@live.com

Signature

4-11-16

Date

Attachment: PERFORMANCE GUARANTEE BOND RELEASE (1350 : American Fork Duplex ICG Release and Enter Durability)

Nielson, Mike
625 East 100 North
Name of Development: 801-592-3908 Date:

No.	Description of Item	Estimate	Release #1 date 6/7/2016	Release #2 date	Release #3 date	Release #4 date	Release #5 date	Balance
1	Curb, Gutter, Sidewalk & Asphalt	$5,000.00	$5,000.00					$0.00
2	($53.75 x 90' = $3857.50 x 125 + 150)							
3	Water, Sewer, PI	$1,560.00	$1,560.00					$0.00
4								
5								$0.00
6								
7								$0.00
8								
9								$0.00
10								
11								$0.00
12								
13								$0.00
14								
15								$0.00
16								
17								$0.00
18								
19								$0.00
20								
25								$0.00
26								
		$6,560.00	$6,560.00	$0.00	$0.00	$0.00	$0.00	$0.00
	25% Per Ordinance Section 17.9.301	$1,640.00	$1,640.00					$0.00
	ICG Amount	**$8,200.00**	$8,200.00	$0.00	$0.00	$0.00	$0.00	$0.00

10% Durability - retained at ICG release $820.00

Street Lights $ -

Street Trees $ -

Fees $0.00

Please Note: This Performance Guarantee is a representation ONLY for the basis of determining the initial amount of guarantee. Performance Guarantee funds are to ensure the completion of all public or essential common improvements per the American Fork City ordinance pertaining to said improvements. As such, release of funds will be based upon a determination that all such facilities are complete, without regard to if they are found within the itemized list hereupon.

NOTICE OF ACCEPTANCE
AND
IMPROVEMENTS CONSTRUCTION GUARANTEE
RETAINER RELEASE AUTHORIZATION

The City Council of American Fork City, a Municipal Corporation and Body Politic in the State of Utah, hereby authorizes the release of the Improvements Construction Guarantee for the American Fork Duplex located at 625 East 100 North pursuant to the terms of Sections 17.9.100 and 17.9.304 of the City Development Code. The City Council accepts the improvements completed with the finding that said improvements are in a condition meeting City ordinances, standards, and specifications, are in conformance with the approved project construction plans, and all conditions for release as detailed in section 17.9.304 of the City Code have been satisfied.

The City Council hereby authorizes the issuance of a letter to the financial guarantee institution authorizing release of the Improvements Construction Guarantee, or to issue an authorized City check as appropriate for the type of guarantee provided. Upon issuance of this Notice of Acceptance, the Durability Testing Period shall commence as detailed in section 17.9.400 of the City Development Code. An amount totaling ten percent (10%) of the Improvements Construction Guarantee funds will be held as the Durability Retainer pursuant to the City Performance Guarantee ordinance.

Amount Released: $7,380.00

PASSED THIS _____ DAY OF _____, _____.

_____
James H. Hadfield, Mayor

ATTEST:

_____
Richard M. Colborn, City Recorder

Attachment: 1. Notice of Acceptance of ICG by Council American Fork Duplex (1350 : American Fork Duplex ICG Release and Enter Durability)

NOTICE OF COMPLETION AND REQUEST FOR RELEASE

Projects and/or subdivisions completed within the corporate limits of American Fork City

Mayor James H. Hadfield
51 East Main Street
American Fork, UT 84003

Re: American Fork Duplex project

Dear Mr. Hadfield:

As the project and/or subdivision construction has now been completed in full, I request that the Improvement Construction Guarantee (ICG) be released in full up to one hundred percent (100%) of the initial construction costs. Following the release of the ICG, I understand that the one (1) year Durability Testing Period will commence wherein ten percent (10%) of the total ICG is held to ensure the durability of the constructed improvements per City Ordinance Section 17.9.

I, _____, the owner, developer, and authorized representative of _____ Subdivision/Project, do hereby request the release of the Improvement Construction Guarantee. I certify that all liens have been released, all outstanding fees paid, costs of administration paid, and reimbursement payments to prior developers (if any) have been made, and the project clean-up is complete.

Project:	American Fork Duplex project
Address:	625 East 100 North
Requested ICG Amount:	$7,380.00

_____ _____
Owner/Developer Date

Attachment: 1a. Notice of Completion and Release Request American Fork Duplex (1350 : American Fork Duplex ICG Release and Enter

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JUNE 14, 2016

Department Recorder **Director Approval** *Terilyn Lurker*

AGENDA ITEM Review and action on a Resolution adopting the American Fork City Budget for fiscal year ending June 30, 2017.

SUMMARY RECOMMENDATION City Staff recommends approval of the FYE June 30, 2017 city budget.

BACKGROUND American Fork City is required by State Statute to adopt and maintain an operating budget by June 22 if no tax increase is being considered. The City Council has met in work sessions to discuss the proposed budget. The budget documents have previously been given out for your review.

BUDGET IMPACT Adoption of the City budget will allow continued operations and meet statutory requirements for City Funds.

SUGGESTED MOTION I move to approve a Resolution adopting the American Fork City budget for fiscal year ending June 30, 2017, and the filing of the appropriate reports with the State of Utah.

SUPPORTING DOCUMENTS

FYE June 30, 2017 City Budget (DOCX)

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE AMERICAN FORK CITY 2016-2017 BUDGETS.

WHEREAS, AMERICAN FORK CITY IS REQUIRED BY UTAH STATE LAW TO ADOPT A BALANCED BUDGET PRIOR TO JUNE 22, AND,

WHEREAS, SAID BUDGET MUST INCLUDE THE GENERAL FUND, SEWER AND WATER FUND, SPECIAL REVENUE FUND, PERPETUAL CARE TRUST FUND, DEBT SERVICE FUND, CLASS B & C ROAD ACCOUNTS, CAPITAL IMPROVEMENTS AND EQUIPMENT FUND, CAPITAL PROJECTS FUNDS, FITNESS CENTER FUND, CELEBRATION COMMITTEE FUND, BROADBAND FUND, BUILDING AUTHORITY FUND AND,

WHEREAS, AMERICAN FORK CITY HAS COMPLIED WITH ALL LEGAL REQUIREMENTS,

NOW, THEREFORE, BE IT RESOLVED THAT THE ATTACHED BUDGETS ARE ADOPTED FOR 2016-2017.

PASSED AND SIGNED THIS 14 DAY OF JUNE, 2016.

APPROVED:

_____

JAMES H. HADFIELD, MAYOR

ATTEST:

_____

TERILYN LURKER, CITY RECORDER

Attachment: FYE June 30, 2017 City Budget (1348 : Fiscal Year Ending June 30, 2017 budget)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JUNE 14, 2016

Department Recorder **Director Approval** *Terilyn Lurker*

AGENDA ITEM Review and action on a Resolution setting the Certified Tax Rate for FYE June 30, 2017.

SUMMARY RECOMMENDATION City Staff recommends approval of the Certified Tax Rate.

BACKGROUND By law, American Fork City needs to adopt the certified tax rate by June 22, 2016.

The proposed FYE June 30, 2017, tax rate being proposed is .002261. The certified tax rate has decreased from last year due to the increase in the property valuations.

A 2015 worksheet has been provided to compare rates.

BUDGET IMPACT The certified tax rate sets the proposed tax rate on properties owned by the citizens of American Fork City and sets the proposed property tax revenue to be received in this budget year. The certified tax rate worksheet has been provided.

SUGGESTED MOTION I move to approve a Resolution setting the Certified Tax rate of .002261 for the 2016 property tax year.

SUPPORTING DOCUMENTS

Certified Tax Rate Resolution (DOCX)
Tax Rate Summary 2016 (PDF)
Tax Rate Summary 2015 for comparison (PDF)

RESOLUTION NO. _____

A RESOLUTION SETTING AMERICAN FORK CITY'S PROPOSED 2016 CERTIFIED TAX RATE.

WHEREAS, American Fork City is required by State Statute to adopt a Certified Tax Rate, and,

WHEREAS, American Fork City has complied with all legal requirements,

NOW THEREFORE, BE IT RESOLVED, that American Fork City's Certified Tax Rate be set at .002048 for General purposes and .000145 for Debt Service and .000068 for Tort Liability, for a combined total Certified Tax Rate of .002261 in accordance with the attached Certified Tax Rate and Summary worksheet as prepared by the Utah County Auditor's Office.

PASSED AND SIGNED THIS 14 DAY OF JUNE, 2015.

APPROVED:

_____

James H. Hadfield, Mayor

ATTEST:

_____

Terilyn Lurker, City Recorder

Attachment: Certified Tax Rate Resolution (1352 : 2016 Certified Tax Rate)

Certified Tax Rates

Open Tax Rates Messenger

Welcome: lynn ruff
Change Password Logout

View | Data Entry | Reports | Forms | Administration

County 25_UTAH | Entity 3020_AMERICAN FORK CITY | Tax Year 2016

Tax Rate Summary (693) CTY

Preliminary Data

Certified Rates set by Auditor | Proposed Rates set by Entity | Proposed Rates Approved by County | Approved by State OK to Print | Rates Finalized

Truth In Taxation | Save

	Current	Prior Year End	CY - PYE	% Change	Certified Tax Rate Value Adjustments		Value Adj	
Real	1,832,837,896	1,696,868,031	135,969,865	8.01%	BOE Adjustment	8,121,417	Reappraisal	65,743,800
Personal*	84,484,958	82,413,846	2,071,112	2.51%	CY Value Adj by BOE	1,814,068,899	Factoring	0
Central	46,588,894	44,820,139	1,768,755	3.95%	5 Year Avg Coll Rate CY/PYE	93.17 / 92.95	Legislative Adj	0
Total Value	**1,963,911,748**	**1,824,102,016**	**139,809,732**	**7.66%**	Proposed Tax Rate Value	**1,690,167,993**	Total Value Adj	**65,743,800**
CDRA R/CA	132,874,595	116,986,034	15,888,561	13.58%			Annex Adj	
CDRA Personal*	8,846,837	8,504,278	342,559	4.03%	New Growth: Calculated	57,847,542	Annex In	1,007,643
Total CDRA	**141,721,432**	**125,490,312**	16,231,120	12.93%	5 Year Avg Coll Rate CY	93.17	Annex Out	0
Semiconductor*	0	12,730	-12,730	-100.00%	New Growth: CTR Calculation	53,896,555	Accounting Period	
Total Value-CDRA-SCME	**1,822,190,316**	**1,698,598,974**	**123,591,342**	**7.28%**	Certified Tax Rate Value	**1,636,271,438**	Cycle	Fiscal
* "Personal" and "CDRA Pers" show Year-End values only and are one year earlier than Real and Centrally Assessed values.								

NOTES

Budget Code	Budget Name		Date of Election	Rate Limit	Code from Utah Annotated	Maximum By Law	Calculated Certified Tax Rate	Auditor's Certified Tax Rate	Proposed Tax Rate	Auditor's Certified Rate Revenue	Requested Revenue
10	General Operations				§11-6-133	.007	0.002048	0.002048	0.002048	3,461,464	3,461,464
20	Interest and Sinking Fund/Bond				§17-12-1	Sufficient	0.000000		0.000145	245,000	245,000
50	Tort Liability				§63G-1-704	0.0001	0.000068	0.000068	0.000068	114,931	114,931
190	Discharge of Judgement				§59-2-1328 & 1330	Sufficient	0.000000			0	
	Total Tax Rate						0.002116	0.002116	0.002261	3,821,395	3,821,395

Attachment: Tax Rate Summary 2016 (1352 : 2016 Certified Tax Rate)

City of American Fork
Certified Tax Rate
2016-2017

694 B Adjusted Sum of Valuations: Valuation: $ 1,690,167,993

	Certified Tax Rate	Proposed Tax Rate	Max By Law	Budgeted Revenue
General Purpose	0.002048	0.002048	0.007	$ 3,461,464
Interest, Sinking	0.000145	0.000145	sufficient	$ 245,000
Tort Liability	0.000068	0.000068	0.0001	$ 114,931
Total Tax Rate	0.002261	0.002261	0.0071	$ 3,821,395

Impact to Taxpayers on $225,000 Home Valuation

(American Fork Median Value)

Rate	Market Value	Taxable (55%)	Rate	Cost
Tax Impact	$ 225,000	$ 123,750	0.002261	$280
Last Year	$ 225,000	$ 123,750	0.002362	$292
Change in City Tax Valulation				($12)

****Assuming no change in property valuation**

Comparison of Median Valuation of Surrounding Communities

City	Median Valuation
Alpine	$ 466,600
Highland	$ 439,700
Lehi	$ 259,400
Pleasant Grove	$ 228,200
American Fork	**$ 225,000**

Attachment: Tax Rate Changes (1352 : 2016 Certified Tax Rate)

Certified Tax Rates

Open Tax Rates Messenger

Welcome: lynn ruff
Change Password Logout

View | Data Entry | Reports | Forms | Administration

County 25_UTAH | Entity 3020_AMERICAN FORK CITY | Tax Year 2015

Tax Rate Summary (693) CTY

Certified Rates set by Auditor | Proposed Rates set by Entity | Proposed Rates Approved by County | Approved by State OK to Print | Rates Finalized

Truth In Taxation

	Current	Prior Year End	CY - PYE	% Change	Certified Tax Rate Value Adjustments		Value Adj	
Real	1,703,468,804	1,548,870,234	154,598,570	9.98%	BOE Adjustment	9,121,820	Reappraisal	91,710,588
Personal*	82,413,846	81,701,350	712,496	0.87%	CY Value Adj by BOE	1,695,771,728	Factoring	0
Central	44,882,456	41,067,746	3,814,710	9.29%	5 Year Avg Coll Rate CY/PYE	92.95 / 92.32	Legislative Adj	0
Total Value	**1,830,765,106**	**1,671,639,330**	**159,125,776**	**9.52%**	Proposed Tax Rate Value	**1,576,219,821**	Total Value Adj	**91,710,588**
CDRA R/CA	117,354,550	92,513,557	24,840,993	26.85%			**Annex Adj**	
CDRA Personal*	8,504,278	14,472,621	-5,968,343	-41.24%	New Growth: Calculated	48,532,199	Annex In	1,270,498
Total CDRA	**125,858,828**	**106,986,178**	18,872,650	17.64%	5 Year Avg Coll Rate CY	92.95	Annex Out	0
Semiconductor*	12,730	2,391	10,339	432.41%	New Growth: CTR Calculation	45,110,679	**Accounting Period**	
Total Value-CDRA-SCME	**1,704,893,548**	**1,564,650,761**	**140,242,787**	**8.96%**	Certified Tax Rate Value	**1,531,109,142**	Cycle	Fiscal
* "Personal" and "CDRA Pers" show Year-End values only and are one year earlier than Real and Centrally Assessed values.								

NOTES

American Fork submitted their debt schedule for review on 6/15/2015. Total GO Bond 2015 Payments according to schedule is $245,000. Amount requested through property tax for 2015 is $245,000. Review by BH on 6/24/15

Budget Code	Budget Name		Date of Election	Rate Limit	Code from Utah Annotated	Maximum By Law	Calculated Certified Tax Rate	Auditor's Certified Tax Rate	Proposed Tax Rate	Auditor's Certified Rate Revenue	Requested Revenue
10	General Operations				§11-6-133	.007	0.002136	0.002136	0.002136	3,366,806	3,366,806
20	Interest and Sinking Fund/Bond				§17-12-1	Sufficient	0.000000	0.000155	0.000155	245,000	245,000
50	Tort Liability				§63G-1-704	0.0001	0.000071	0.000071	0.000071	111,912	111,912
190	Discharge of Judgement				§59-2-1328 & 1330	Sufficient	0.000000			0	
	Total Tax Rate						0.002207	0.002362	0.002362	3,723,718	3,723,718

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JUNE 14, 2016

Department Recorder **Director Approval** *Terilyn Lurker*

AGENDA ITEM Review and action on a Resolution declaring 52 abandoned bicycles to be surplus and given to the Utah State Developmental Center.

SUMMARY RECOMMENDATION Staff recommends approval of declaring the bikes surplus and given to the Utah State Developmental Center.

BACKGROUND Any abandoned bicycles are stored at the police department storage shed. Periodically, they are declared surplus and then given to the Utah State Developmental Center for their training purposes. The police currently have 52 abandoned bikes in storage and would like to turn them over to the Developmental Center.

BUDGET IMPACT N/A

SUGGESTED MOTION I moved to adopt a Resolution declaring 52 abandoned bikes surplus and to be given to the Utah State Developmental Center, another government agency, for their training purposes.

SUPPORTING DOCUMENTS

06-14-16 - Surplus - abandoned bikes (DOC)

RESOLUTION NO.

A RESOLUTION DECLARING PROPERTY TO BE SURPLUS

WHEREAS, American Fork City provided published notice of a public hearing in the *Daily Herald* on the 9 day of June 2016; and

WHEREAS, a public hearing was held on the 14 day of June 14, 2016, regarding the proposed surplus of property, where public comment was entertained;

THEREFORE, BE IT RESOLVED by the City Council of American Fork, Utah as follows:

The following is hereby found to be surplus and to be given to the Utah State Developmental Center, another governmental agency, for their training program:

52 abandoned bicycles

This Resolution shall become effective upon its passage.

PASSED by the American Fork City Council this 14 day of June, 2016.

James H. Hadfield, Mayor

ATTEST:

Terilyn Lurker, City Recorder

Attachment: 06-14-16 - Surplus - abandoned bikes (1353 : Surplus Property - abandoned bikes)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JUNE 14, 2016

Department Planning **Director Approval** *Adam Olsen*

AGENDA ITEM Review and action on a Park Improvement and Impact Fee Credit Agreement for Easton Park

SUMMARY RECOMMENDATION Vertical Development, LLC proposes a development agreement for the dedication and development of public park area within the recently approved Easton Park development.

BACKGROUND The City Council approved Phases I-III of the Easton Park development at the May 10, 2016 regular session meeting. Vertical Development, LLC (developer) has been working closely with the City's Parks and Recreation Director on a plan for the development of the public park area within the Easton Park development. A development agreement was drafted by the developer and reviewed by the City Attorney's office. The agreement outlines the parameters for park impact fee credits; the land for park purposes being dedicated to the City without cost, while the City allows an impact fee credit up to $1,079,232.00 for the improvement of said park area. The agreement stipulates the timing of completion of park improvements in exchange for the credit of park impact fees. Costs of park improvements above the credit of $1,079,232.00 are to be borne by the developer.

BUDGET IMPACT An amount no greater than $1,079,232.00 be applied as park impact fee credit.

SUGGESTED MOTION I move to approve the Park Improvement and Impact Fee Credit Agreement for Easton Park.

SUPPORTING DOCUMENTS

Easton Agreement 05.20.16 (DOC)
16-1190E Easton Park Renderings (PDF)

PARK IMPROVEMENT AND IMPACT FEE CREDIT AGREEMENT

This Park Improvement and Impact Fee Credit Agreement ("*Agreement*") is entered into as of this ____ day of _____, 2016, by and between Vertical Development, LLC, a limited liability company with its principal offices located at 1824 North 230 East in Pleasant Grove, Utah ("*Developer*") and American Fork City, a municipal corporation and political subdivision of the State of Utah (the "*City*").

RECITALS

WHEREAS, Developer owns approximately _____acres of property located at approximately _____, American Fork, Utah;

WHEREAS, Developer intends to develop a new residential subdivision located on or about said property consisting of approximately 336 residential units to be known as "Easton Park" (the "*Subdivision*");

WHEREAS, Developer dedicated to City approximately seven (7) acres of land within its residential subdivision valued at approximately $250,000 per acre for a public park;

WHEREAS, a public park within the Subdivision will provide community benefits to the City and its residents;

WHEREAS, City agrees to provide Developer impact fee credits in exchange for the public park improvements; and

WHEREAS, the parties desire to enter into this Agreement to establish the rights and responsibilities of Developer and City.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration. The receipt and sufficiency of which is hereby acknowledged, the City and Developer hereby agree as follows:

AGREEMENT

1. **Park Property.** Developer shall donate to the City for use as a public park, without cost to the City, approximately seven (7) acres of land located on or about _____ in American Fork, Utah for use as a public park (hereinafter the "Park Property") at the time of site plan approval.
2. **Park Improvements.** Developer will construct, pay for, and install the improvements to the Park Property, as approved by the City, consistent with the plans attached hereto as Exhibit "A." Any deviation from the plans as set forth in Exhibit "A" must be approved by the City's Director of Parks and Recreation.
3. **Improvement Costs.** Upon the completion of improvements to the Park Property, Developer shall submit to the City an itemized list of actual costs (including, without

Attachment: Easton Agreement 05.20.16 (1340 : Development Agreement for Easton Park)

limitation, fees and costs for design, construction, installation, materials, and labor) to the City for approval and final determination of impact fee credit.

4. **Park Impact Fee Credit.** City agrees to provide to Developer impact fee credits against the payment of park impact fees equal to the full amount of the actual Improvement Costs approved by the City, not to exceed the total park impact fees required for the entire Subdivision. Developer shall be responsible for the costs of all improvements to the Park Property in excess of the required impact fees.

5. **Calculation of Impact Fees.** The park impact fee is $3,212 per residential unit. Thus, Developer's required impact fees for the entire Subdivision, as currently proposed, will be $1,079,232.00 (336 units x $3,212.00). By way of example, if the actual improvement costs approved by the City are $1,165,000.00, then Developer would be responsible for $85,768.00 of the improvement costs ($1,165,000.00 - $1,079,232.00).

6. **Impact Fee Application and Use.** The credit of park impact fees shall be applied immediately as building permits are applied for and issued within the Subdivision, even if the Park improvements have not been fully completed. The Park improvements must be substantially completed, as approved by the City's Director of Parks and Recreation, by the time that building permits for 60% of the total number of approved residential units in the Subdivision have been issued.

7. **Park Property Maintenance.** After the improvements to the Park Property are complete and approved by the City, the City shall be responsible to maintain the Park Property in good condition and repair.

8. **Choice of Law.** This Agreement shall be governed by, and construed in accordance with, the laws of the State of Utah.

9. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof and supersedes all prior understandings, written or oral, regarding the subject matter hereof.

10. **Modification.** This Agreement may only be modified or altered by a writing signed by both parties.

11. **Attorney Fees.** In the event either party seeks to enforce the terms hereof in a lawsuit or other proceeding, the prevailing party shall be entitled to an award of the costs incurred, including reasonable attorney fees.

12. **Execution.** This Agreement may be executed in multiple original counterparts, each of which shall be deemed to be an original and all of which, taken together, shall constitute one and the same Agreement.

Attachment: Easton Agreement 05.20.16 (1340 : Development Agreement for Easton Park)

WHEREFORE, the parties have executed the foregoing to be effective on the date appearing above.

Vertical Development, LLC

_____

By: _____

Name: _____

Its: _____

American Fork City

_____

By: _____

James H. Hadfield

Mayor, American Fork City

ATTEST:

_____

City Recorder

Attachment: Easton Agreement 05.20.16 (1340 : Development Agreement for Easton Park)

EXHIBIT A

Attachment: Easton Agreement 05.20.16 (1340 : Development Agreement for Easton Park)

Easton Park
American Fork, UT
Sales Representative
BIG T RECREATION
Equipment Manufacturer
PLAYWORLD
The world needs play.

Easton Park
American Fork, UT
Sales Representative
BIG T RECREATION
Equipment Manufacturer
PLAYWORLD
The world needs play.

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American Fork, UT
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PLAYWORLD
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Easton Park
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Sales Representative
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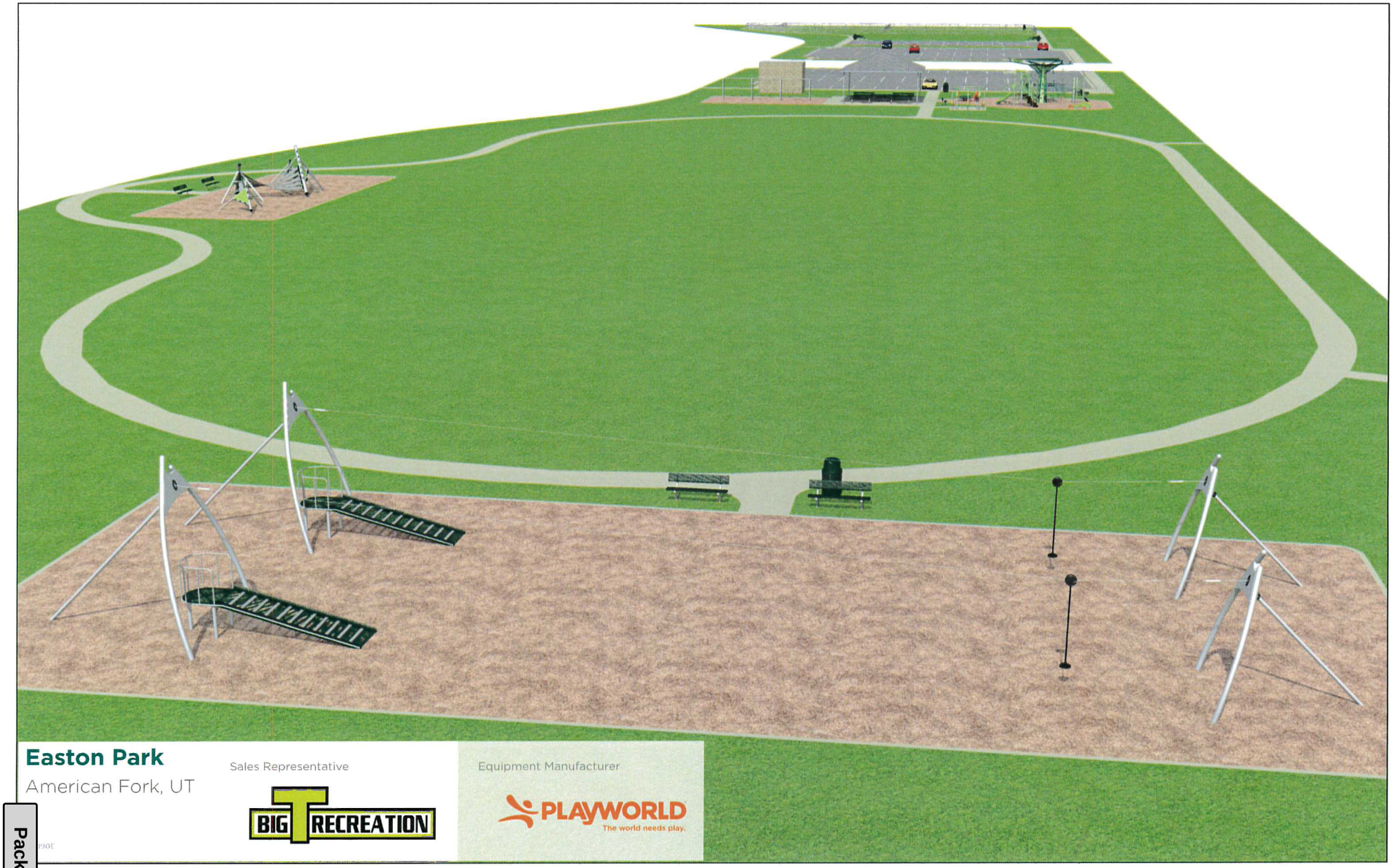
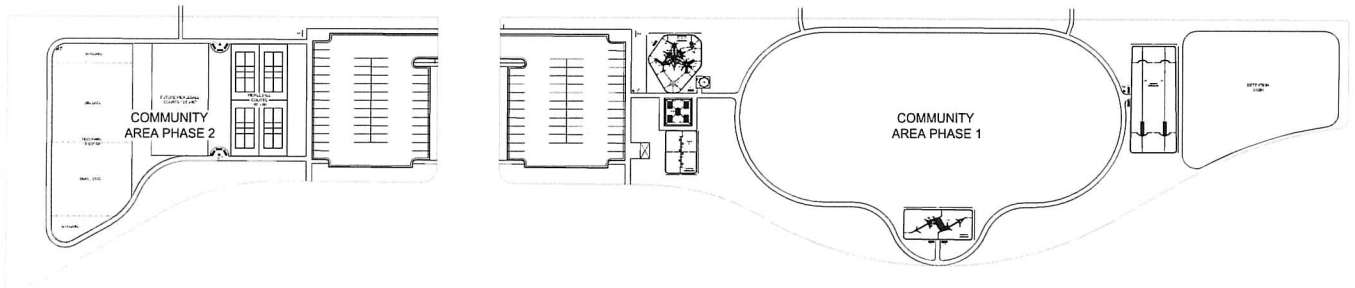
PLAYWORLD
The world needs play.


Easton Park
American Fork, UT
Sales Representative
BIG T RECREATION
Equipment Manufacturer
PLAYWORLD
The world needs play.



PLAYGROUND SUPERVISION REQUIRED

PLAYWORLD

BIG T RECREATION
949 East Pioneer Rd, Suite A4
Draper, UT 84020

EQUIPMENT SIZE:
SEE DWG

USE ZONE:
SEE DWG

AREA:
SEE DWG

PERIMETER:
SEE DWG

FALL HEIGHT:
8 Ft.

USER CAPACITY:
150

AGE GROUP:
5-12

EASTON PARK
AMERICAN FORK, UT

✓ ASTM F1487-11
✓ CPSC #325

PROJECT NO:	SCALE:
16-1190E	1/128"=1'-0"
DRAWN BY: PHIL SAILOR	Paper Size B
DATE: 3-JUNE-16	

Attachment: 16-1190E Easton Park Renderings (1340 : Development Agreement for Easton Park)

PLAYWORLD

BIG T RECREATION
949 East Pioneer Rd, Suite A4
Draper, UT 84020

EQUIPMENT SIZE:
SEE DWG

USE ZONE:
SEE DWG

AREA:
SEE DWG

PERIMETER:
SEE DWG

FALL HEIGHT:
8 Ft.

USER CAPACITY:
150

AGE GROUP:
5-12

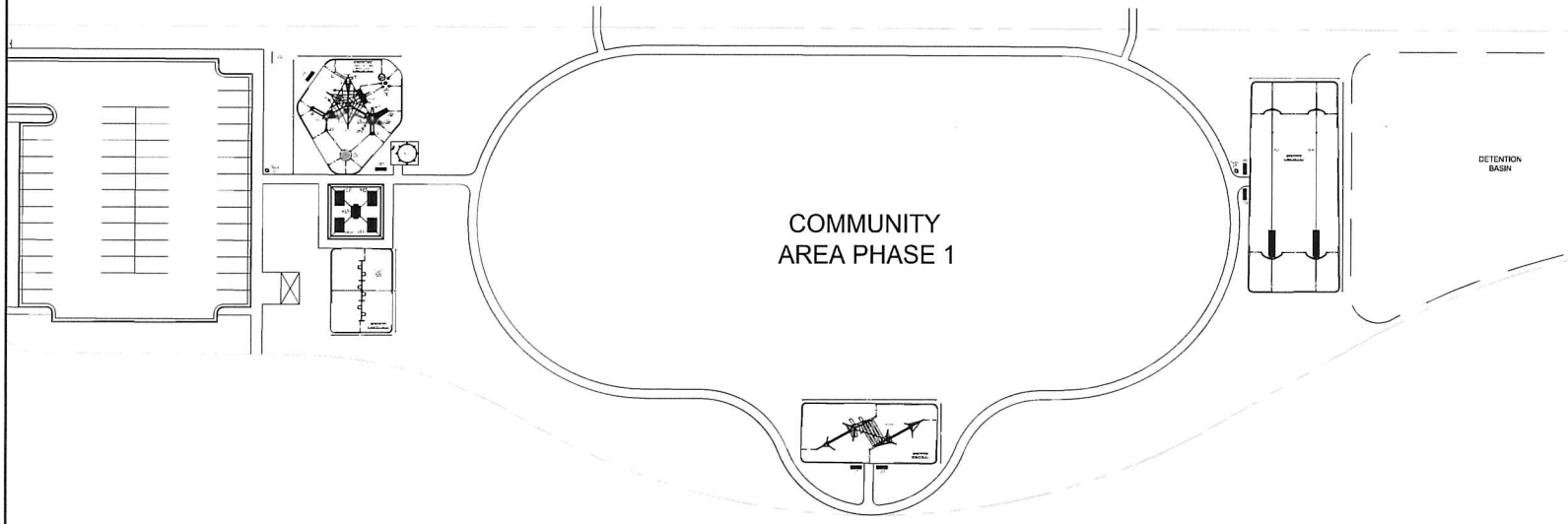
EASTON PARK
AMERICAN FORK, UT

✓ ASTM F1487-11
✓ CPSC #325

PROJECT NO:	SCALE:
16-1190E	1/32"=1'-0"
DRAWN BY: PHIL SAILOR	Paper Size B
DATE: 3-JUNE-16	

*PLAYGROUND SUPERVISION REQUIRED

Attachment: 16-1190E Easton Park Renderings (1340 : Development Agreement for Easton Park)



PLAYGROUND SUPERVISION REQUIRED

PLAYWORLD

BIG T RECREATION
949 East Pioneer Rd, Suite A4
Draper, UT 84020

EQUIPMENT SIZE:
SEE DWG

USE ZONE:
SEE DWG

AREA:
SEE DWG

PERIMETER:
SEE DWG

FALL HEIGHT:
8 Ft.

USER CAPACITY:
150

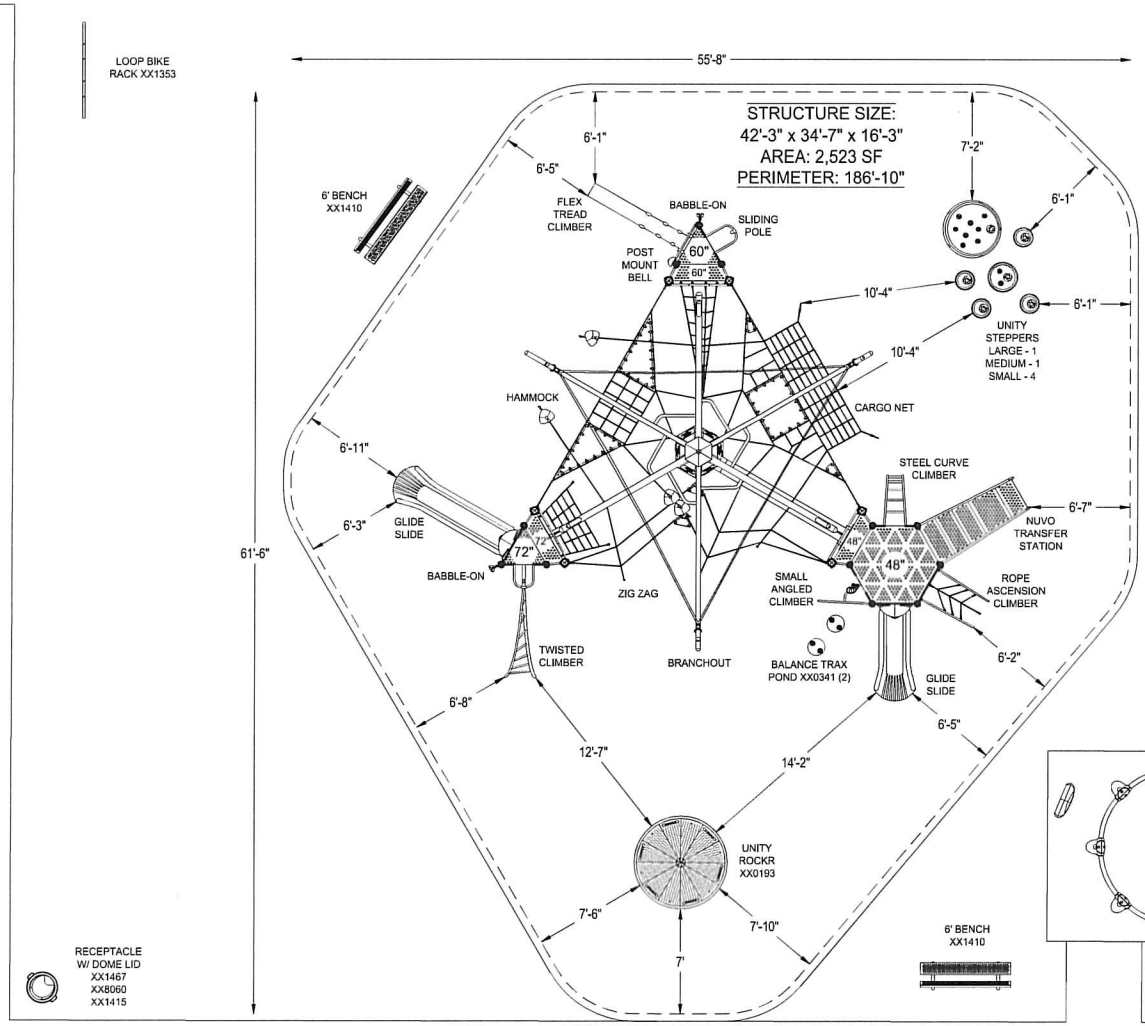
AGE GROUP:
5-12

EASTON PARK
AMERICAN FORK, UT

✓ ASTM F1487-11
✓ CPSC #325

PROJECT NO:	SCALE:
16-1190E	1/64"=1'-0"
DRAWN BY: PHIL SAILOR	Paper Size B
DATE: 3-JUNE-16	

Attachment: 16-1190E Easton Park Renderings (1340 : Development Agreement for Easton Park)



PLAYWORLD

BIG T RECREATION
949 East Pioneer Rd, Suite A4
Draper, UT 84020

EQUIPMENT SIZE:
SEE DWG

USE ZONE:
SEE DWG

AREA:
SEE DWG

PERIMETER:
SEE DWG

FALL HEIGHT:
8 Ft.

USER CAPACITY:
150

AGE GROUP:
5-12

ADA SCHEDULE

	Total Elevated Play Activities: 9	Total Ground-Level Play Activities: 8	
	Accessible Elevated Activities	Accessible Ground-Level Activities	Accessible Ground-Level Play Types
Required	5	3	3
Provided	5	8	5

✓ ASTM F1487-11
✓ CPSC #325

PROJECT NO:
16-1190E

SCALE:
1/8"=1'-0"

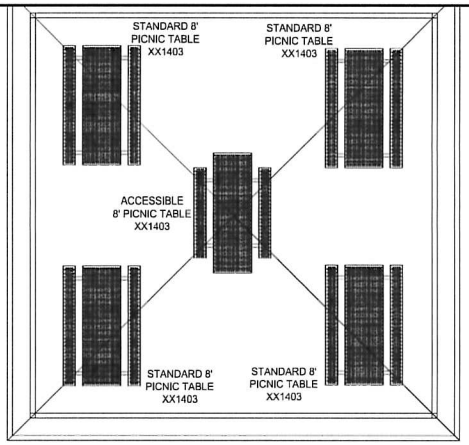
DRAWN BY:
PHIL SAILOR

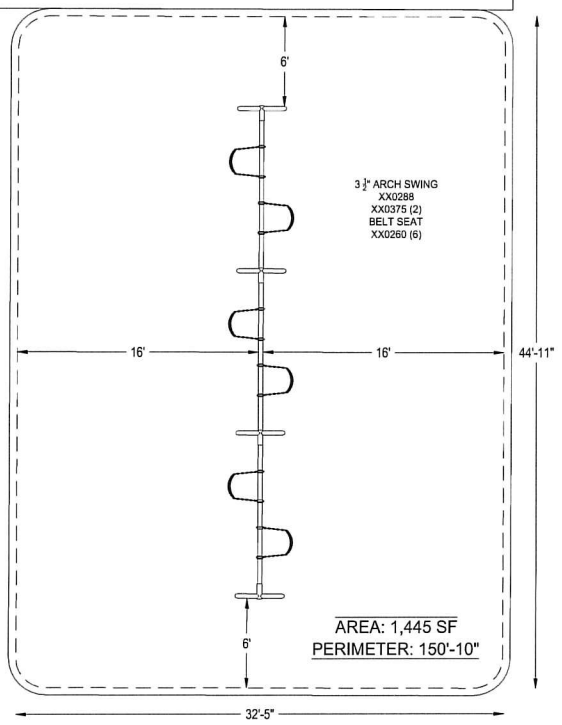
Paper Size
B

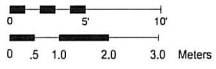
DATE:
3-JUNE-16

EASTON PARK
AMERICAN FORK, UT

Attachment: 16-1190E Easton Park Renderings (1340 : Development Agreement for Easton Park)







PLAYGROUND SUPERVISION REQUIRED

PLAYWORLD

BIG T RECREATION
949 East Pioneer Rd, Suite A4
Draper, UT 84020

EQUIPMENT SIZE:
SEE DWG

USE ZONE:
SEE DWG

AREA:
SEE DWG

PERIMETER:
SEE DWG

FALL HEIGHT:
8 Ft.

USER CAPACITY:
150

AGE GROUP:
5-12

ADA SCHEDULE

Total Elevated Play Activities: 0
Total Ground-Level Play Activities: 6

	Accessible Elevated Activities	Accessible Ground-Level Activities	Accessible Ground-Level Play Types
Required	0	0	0
Provided	0	6	1

✓ ASTM F1487-11
✓ CPSC #325

PROJECT NO:
16-1190E

SCALE:
1/8"=1'-0"

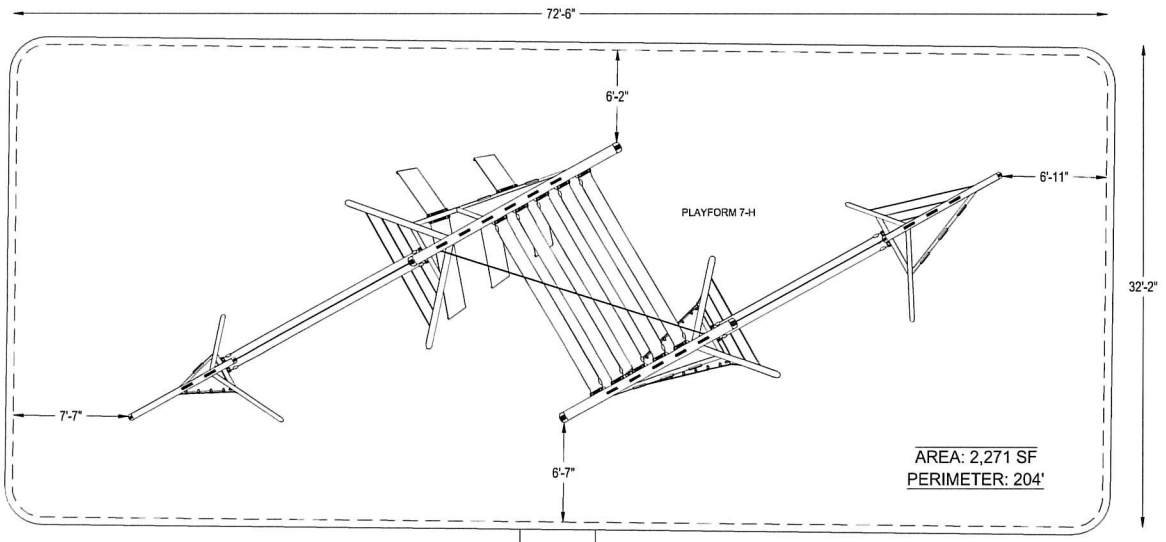
DRAWN BY:
PHIL SAILOR

Paper Size
B

DATE:
3-JUNE-16

EASTON PARK
AMERICAN FORK, UT

Attachment: 16-1190E Easton Park Renderings (1340 : Development Agreement for Easton Park)



0 5' 10'

0 .5 1.0 2.0 3.0 Meters

*PLAYGROUND SUPERVISION REQUIRED

PLAYWORLD

BIG T RECREATION
949 East Pioneer Rd, Suite A4
Draper, UT 84020

EQUIPMENT SIZE:
SEE DWG

USE ZONE:
SEE DWG

AREA:
SEE DWG

PERIMETER:
SEE DWG

FALL HEIGHT:
8 Ft.

USER CAPACITY:
150

AGE GROUP:
5-12

ADA SCHEDULE

Total Elevated Play Activities: 0

Total Ground-Level Play Activities: 1

	Accessible Elevated Activities	Accessible Ground-Level Activities	Accessible Ground-Level Play Types
Required	0	0	0
Provided	0	1	1

✓ ASTM F1487-11
✓ CPSC #325

PROJECT NO: **16-1190E**

SCALE: **1/8"=1'-0"**

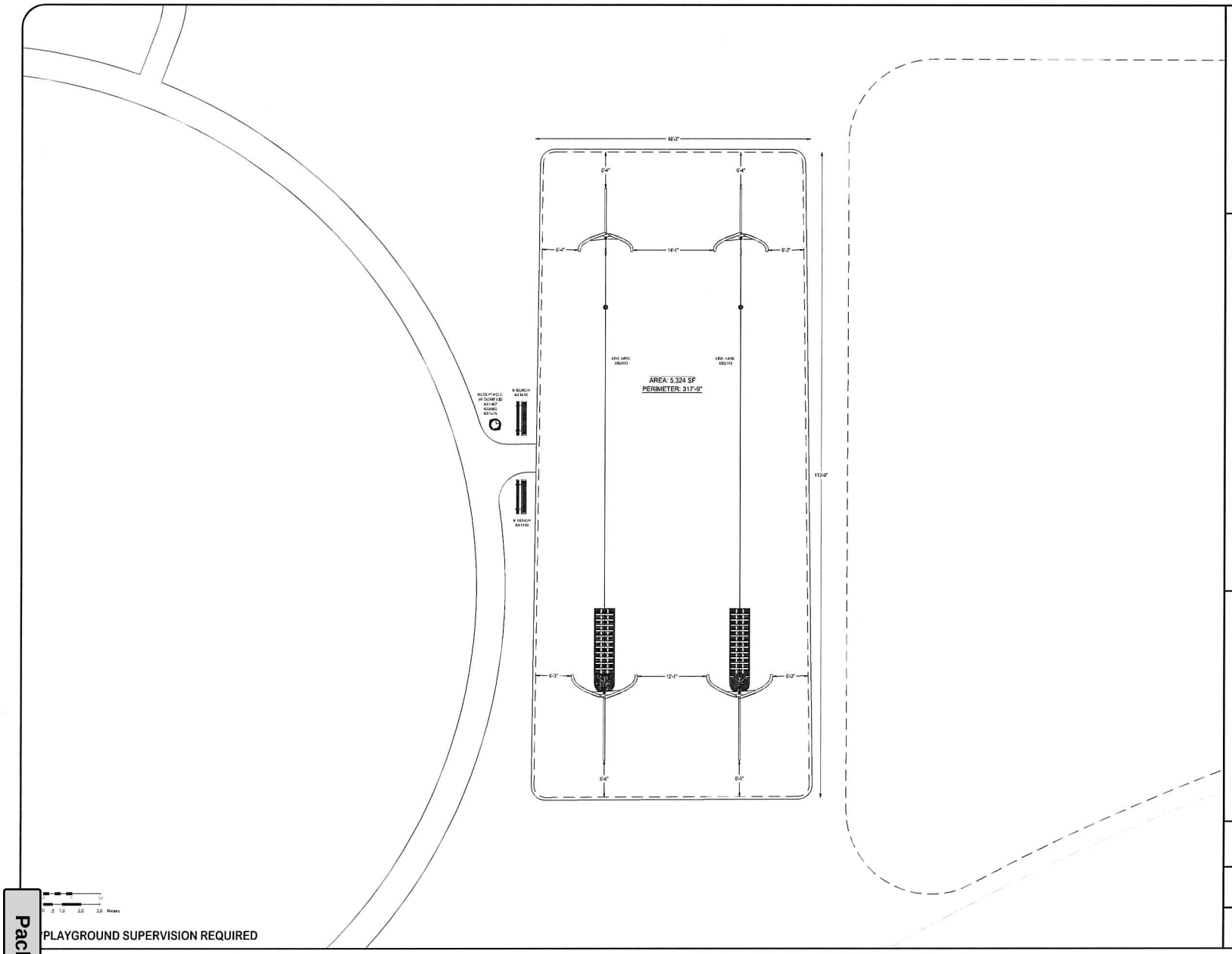
DRAWN BY: **PHIL SAILOR**

Paper Size **B**

DATE: **3-JUNE-16**

EASTON PARK
AMERICAN FORK, UT

Attachment: 16-1190E Easton Park Renderings (1340 : Development Agreement for Easton Park)



PLAYWORLD

BIG T RECREATION
949 East Pioneer Rd, Suite A4
Draper, UT 84020

EQUIPMENT SIZE:
SEE DWG

USE ZONE:
SEE DWG

AREA:
SEE DWG

PERIMETER:
SEE DWG

FALL HEIGHT:
8 Ft.

USER CAPACITY:
150

AGE GROUP:
5-12

ADA SCHEDULE

Total Elevated Play Activities: 0
Total Ground-Level Play Activities: 2

	Accessible Elevated Activities	Accessible Ground-Level Activities	Accessible Ground-Level Play Types
Required	0	0	0
Provided	0	2	1

✓ ASTM F1487-11
✓ CPSC #325

PROJECT NO:
16-1190E

SCALE:
1/16"=1'-0"

DRAWN BY:
PHIL SAILOR

Paper Size
B

DATE:
3-JUNE-16

EASTON PARK
AMERICAN FORK, UT

PLAYGROUND SUPERVISION REQUIRED

Attachment: 16-1190E Easton Park Renderings (1340 : Development Agreement for Easton Park)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JUNE 14, 2016

Department Planning **Director Approval** *Adam Olsen*

AGENDA ITEM Review and action on an ordinance adopting various amendments to the American Fork City Development Code regarding accessory apartments.

SUMMARY RECOMMENDATION The planning commission recommended approval of various amendments regarding accessory apartments as stated in the attached minutes of the May 4, 2016 planning commission meeting.

BACKGROUND This ordinance enacts various development code text amendments meant to permit accessory apartments in owner occupied single family dwellings. The planning commission discussed different features of the ordinance at length and proposes, among others, that accessory apartments must have a separate entrance on the side or rear of the dwelling and that the size of the accessory apartment is not limited and may exceed the size of the owner occupied dwelling. For further analysis, please refer to the attached development code text amendment, staff report and planning commission minutes.

BUDGET IMPACT No direct budgetary impact is anticipated as a result of this approval.

SUGGESTED MOTION I move to approve the ordinance adopting various amendments to the American Fork City Development Code regarding accessory apartments.

SUPPORTING DOCUMENTS

1. Ordinance (DOCX)
2. Staff report (PDF)
3. Minutes (PDF)

ORDINANCE NO _____

AN ORDINANCE ADDING A NEW SECTION OF THE AMERICAN FORK, UTAH, DEVELOPMENT CODE, UNDER SECTION 17.5 ENTITLED SUPPLEMENTARY REGULATIONS, IDENTIFIED AS SECTION 17.5.132 ESTABLISHING CRITERIA FOR ACCESSORY APARTMENTS; AMENDING SECTIONS 17.4.101, 17.4.102, 17.4.201, 17.4.202, 17.4.203, 17.4.204, 17.4.205, 17.4.206, 17.4.207, 17.4.208, 17.4.209, 17.4.301, 17.4.302 BY ADDING ACCESSORY APARTMENTS TO THE LIST OF PERMITTED USES WITHIN THE ZONES; AMENDING SECTION 17.12 ENTITLED DEFINITIONS BY ADDING A DEFINITION OF ACCESSORY APARTMENT TO THE "A" DEFINITIONS; AND PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH, AS FOLLOWS:

PART I

TEXT OF ORDINANCE

SECTION 1. Section 17.5 entitled Supplementary Regulations is hereby amended by adding a new section to read as follows:

17.5.132 Accessory Apartments

Accessory Apartments are permitted within the City subject to compliance with the conditions and criteria hereinafter set forth.

A. Intent. The intent of this section is to recognize the residential character of American Fork City, while providing for supplementary living accommodations in the community. These provisions are intended to provide additional opportunities for affordable housing, with limitations, to minimize the impact on neighboring properties and neighborhoods.

B. Conditions and Criteria
   1. A maximum of one (1) accessory apartment may be allowed in a single-family home within all single-family residential zones. Accessory apartments shall not be calculated as additional density. No accessory apartment may be allowed in any multi-family dwelling unit, or on any lot or parcel that cannot satisfy the parking requirements.
   2. Owner Occupied. No accessory apartment shall be created or occupied in a single-family home unless the owner of the property occupies either the main dwelling or the accessory apartment. For the purpose of this section, the term

Attachment: 1. Ordinance (1346 : Accessory Structures)

"owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Utah County tax assessment rolls. The property owner shall be registered with the Police Department's Landlord Registry.

3. Occupancy. The occupants of an accessory apartment shall be limited by one of the following family categories:
    a. One (1) person living alone; or
    b. Two (2) or more persons related by blood, marriage, or adoption, and not more than two unrelated persons; or
    c. Up to four (4) unrelated individuals.
4. Parking. Two off-street parking spaces, in addition to the two spaces required for a single-family home, are required for an accessory apartment. No parking spaces may be located within a front or side yard; except within an approved driveway. Tandem parking within a driveway is allowed to meet the parking requirement.
5. Utility Meters. A single family home with an accessory apartment may have separate meters for each water, gas, and electricity utility service. Each utility meter shall be in the property owner's name and the property owner shall be responsible for payment of all utilities.
6. Address. The principal dwelling unit and the accessory apartment shall have the same address number, but shall refer to the principal dwelling as unit "A and the accessory apartment as unit "B". Address must be located in a visible location on the street frontage side of the home.
7. Appearance. The outside appearance of a single family home with an accessory apartment shall not be changed from that of a single family home.
8. Entrances. An accessory apartment shall have a dedicated entrance located on any side or rear of the single family home.
9. Separate Living Areas. An accessory apartment must provide living areas for eating, sleeping and sanitation facilities separate from the principal dwelling unit.
10. Interior Access. An interior access between the main living area and an accessory apartment must be maintained.
11. Building Code. All construction and remodeling shall comply with building codes and ordinance requirements in effect at the time of construction or remodeling, in accordance with Utah State Code Section 10-9a-511.5, Changes to dwellings – Egress windows.
12. Not Intended for Sale. The accessory apartment shall not be intended for sale or detached by deed and shall only be rented.
13. Short Term Rental Prohibited. No portion or room of a main dwelling or accessory apartment shall be rented more than one (1) time in any thirty (30) day period.

Attachment: 1. Ordinance (1346 : Accessory Structures)

SECTION 2. Sections 17.4.101.B, 17.4.102.B, 17.4.201.B, 17.4.202.B, 17.4.203.B, 17.4.204.B, 17.4.205.B, 17.4.206.B, 17.4.207.B, 17.4.208.B, 17.4.209.B, 17.4.301.B, 17.4.302.B setting forth the list of permitted uses within said zone districts are hereby amended to add accessory apartments to the list of permitted uses within said zone districts, to read as follows:

Accessory Apartments subject to the requirements of Section 17.5.132 of this code.

SECTION 3. Section 17.12.201 entitled "A Definitions" is hereby amended by adding the definition of "Accessory Apartment" to read as follows:

Accessory Apartment – A subordinate dwelling, which has its own eating, sleeping and sanitation facilities located within a one-family dwelling.

PART II

PENALTY AND ADOPTION

SECTION 1 – Conflicting Provisions. Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

SECTION 2 – Provisions Severable. This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

SECTION 3 – Amendment to be Added to Development Code. The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the Official copies of the American Fork Development Code in the office of the City Recorder.

SECTION 4 – Penalty. Hereafter these amendments shall be construed as part of the Development Code of American Fork City, Utah, to the same effect as if originally a part thereof, and all provisions of said Code shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

SECTION 5 – Effective Date. This Ordinance shall take effect upon its passage and publication as required by law.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH, THIS ____ DAY OF _____ 2016.

Attachment: 1. Ordinance (1346 : Accessory Structures)

_____

Mayor

ATTEST:

_____

City Recorder

Attachment: 1. Ordinance (1346 : Accessory Structures)

Hearing, review and action on amendments to Sections 17.4, 17.5 and 17.12 of the American Fork City Development Code addressing accessory apartments.

The proposed draft ordinance incorporates the items from previous Planning Commission discussions relating to accessory apartments. Included in the draft ordinance is a new section of the Development Code addressing accessory apartments, a section detailing in which zoning districts they are allowed, and an addition to the definitions (for accessory apartments) found within the Code.

Included are the cover sheets from both times this item went before the Planning Commission as a discussion item.

Attachment: 2. Staff report (1346 : Accessory Structures)

Discussion on Development Code amendments regarding the establishment of accessory apartments.

At the last meeting, March 2nd, the Planning Commission discussed key elements that should be addressed in any ordinance allowing accessory apartments. Staff has organized the points of discussion into a draft ordinance format. The draft ordinance is intended to further discussion on the topic. The points of discussion are outlined below. Please review the draft ordinance and come prepared to discuss modifications or additions as you see fit.

Key elements as discussed at the March 2, 2016 Planning Commission meeting:

- One accessory apartment allowed with a single-family use, in ALL residential zones. Multi family structures (duplex, triples, etc.) may NOT have additional accessory dwelling units.

- Design and location of unit must be subordinate to principal structure (single family home).

- Accessory apartment is not calculated as additional density.

- Principal structure (single family home) OR accessory apartment shall be owner occupied. Owner shall register with Police Department's Landlord Registry.

- Size limit: accessory apartment not to exceed 50% of floor area of principal structure. (Is 50% too much, too little?)

- Outside appearance of principal structure (single family home) shall not be changed from that of a single family residence.

- Occupants of accessory apartments to fall under City's definition of "family" and is separate from the "family" of the principal structure.

- An additional two (one?) off-street parking spaces, above the two required for the single family use, are required for accessory apartments. Location shall not be on-street, or within a front or side yard, except within an approved driveway. Tandem driveway parking is allowed.

- Accessory apartment to use the same utility meters as principal structure.

- Home occupations allowed with written permission of property owner.

- Building permit required with City's Building Division.

Attachment: 2. Staff report (1346 : Accessory Structures)

Discussion on Development Code amendments regarding the establishment of accessory apartments.

The Planning Commission has expressed an interest in amending the Development Code to allow accessory apartments. A number of municipalities allow accessory apartments with provisions. A recent discussion with the Utah Housing Authority touched upon accessory apartments as a way in which affordable housing may be achieved.

If American Fork pursues allowing accessory apartments, a few key elements should be considered. Staff has identified the following elements and encourages the Planning Commission to consider any additional elements:

- One accessory apartment allowed with a single-family use, in ALL residential zones. Multi family structures (duplex, triples, etc.) may NOT have additional accessory dwelling units.

- Design and location of unit must be subordinate to principal structure (single family home).

- Accessory apartment is not calculated as additional density.

- Principal structure (single family home) OR accessory apartment shall be owner occupied. Owner shall register with Police Department's Landlord Registry.

- Size limit: accessory apartment not to exceed 50% of floor area of principal structure. (Is 50% too much, too little?)

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- Accessory apartment to use the same utility meters as principal structure.

- Home occupations allowed with written permission of property owner.

- Building permit required with City's Building Division.

Attachment: 2. Staff report (1346 : Accessory Structures)

went along, there was a piece of property that would be incorporated with the apartments to the north. It would need to have the land use and zone change amendments or they would have a sliver of what was left over.

Chairman Woffinden commented that it did create a buffer between the gas station and the apartments.

Mr. Andrus had no comments.

Public Hearing: There were no comments.

Christine Anderson moved to recommend approval of a land use map amendment for property located at approximately 79 North 1020 West from the design commercial designation to the high density residential designation. Leonard Hight seconded the motion. The voting was as follows:

John Woffinden, Chairman	**Aye**
Christine Anderson	**Aye**
Harold Dudley	**Aye**
Geoff Dupaix	**Aye**
Eric Franson	**Aye**
Leonard Hight	**Aye**
Nathan Schellenberg	**Aye**

The motion passed.

Hearing, review and action on a zone map amendment from the RA-1 Residential Agricultural zone to the R-4-7,500 Residential zone, located in the area of 79 North 1020 West

Public Hearing: There were no comments.

Nathan Schellenberg moved to recommend approval of the zone map amendment. Geoff Dupaix seconded the motion. The voting was as follows:

John Woffinden, Chairman	**Aye**
Christine Anderson	**Aye**
Harold Dudley	**Aye**
Geoff Dupaix	**Aye**
Eric Franson	**Aye**
Leonard Hight	**Aye**
Nathan Schellenberg	**Aye**

The motion passed.

Hearing, review and action on amendments to sections 17.4, 17.5 and 17.12 of the American Fork City Development Code addressing accessory apartments.

Mr. Olsen stated that this had been discussed a number of times and the comments have been taken into consideration and put into this final draft. They discussed different issues such as

Attachment: 3. Minutes (1346 : Accessory Structures)

parking, owner occupancy and such. He explained this was the potential ordinance that could move forward, but they could incorporate any changes they would like.

Mr. Dupaix noted that the percentage was a big discussion and he questioned if that issue had been settled. Mr. Olsen stated that the ordinance states that the apartment shall not occupy space which is greater than 50% of the floor area of a single-family home in which it is located or 1,000 square feet, whichever was less. For example, in a 4,000 square-foot home the limit would be 1,000 square feet. Ms. Anderson stated that as she was talking with a neighbor about the proposed ordinance, an issue was brought up on how a 2,000 square-foot basement would be divided up for the basement; she wondered if they should have a 50% rule. Mr. Olsen stated that initially it was a percentage but they had decided on the square footage; they could take that out and leave it as a percentage which may be easier to go by. Mr. Schellenberg asked what it gained them to have a limit of 50%; he did not think it would help them to even put a percentage in the requirements.

Mr. Olsen asked if they wanted them to take out the size restrictions. Mr. Knobloch stated that the difficulty without a size restriction was it became hard to say it was not a duplex; if it was 50% of the home, it was a duplex. It was a matter of the scale. If they have a basement apartment of 2,000 square feet then they could potentially have a family with 6 children in the apartment and then other issues such as parking come into play.

It was noted that parking was addressed in the ordinance.

Mr. Olsen explained that if they have an accessory unit, it would be a separate "family" living and would then follow under the definition of a family. Mr. Olsen stated this ordinance would provide a legal mechanism to have a legal accessory unit. Mr. Dudley stated he was in favor of this because it gave people an opportunity to do something legal that others were doing illegally.

Mr. Dudley pointed out the two scouts in attendance.

Mr. Dupaix asked what the commissioners wanted to do with the size requirement. Mr. Olsen stated he needed to have clear direction. Mr. Olsen asked if they wanted to take out the square footage limit and change that to a percent or if they want to take out the size requirement altogether. Mr. Olsen reminded them they had gone back and forth on this, and suggested changing the wording to no greater than 50%.

It was noted that one of the units had to be owner occupied.

Mr. Franson felt that if all the other items listed do what they want it to do, the size was irrelevant as to the function of an accessory apartment.

Mr. Schellenberg stated he liked the wording "the design and location of the unit must be subordinate to the principle structure."

Attachment: 3. Minutes (1346 : Accessory Structures)

Mr. Olsen suggested they take out the size requirement, but red-line it so the council could decide if they want. It was noted that if they send forward a recommendation, they should leave out any redlines and forward what they want. Mr. Olsen in the past has redlined any changes to ordinances forwarded on to the City Council, but this was a new ordinance.

Mr. Olsen clarified that they wanted to eliminate Section 4, which was the size requirement.

Mr. Andrus commented that it was entirely possible to have an accessory apartment with a family with 6 children. When he was a child, his family with six children lived in a three bedroom apartment.

Mr. Olsen explained that the large portion of the ordinance would be establishing the criteria for accessory apartments, with smaller sections listing the zone districts accessory apartments would be allowed in and then the addition of the "accessory apartment" definition.

Public Hearing: Councilman Rob Shelton was present for the public hearing.

Councilman Shelton appreciated their dedication and service. The minutes were well read and he valued them and the discussion the members have. He might not agree on everything, but for the most part they do agree. He has looked into this issue a lot over the last two years. He commented that Pleasant Grove passed a similar ordinance, and it was interesting to hear them discuss it.

Councilman Shelton thought there were a couple of items they need to take into consideration. They talk about size and occupancy and how many people can be in there. State law allows at least two people per bedroom, so if they have a 4 bedroom apartment 8 people could potentially live in the apartment. He wanted to make sure this fit with State law. Councilman Shelton commented that another issue was the number of off-street parking. He believed Pleasant Grove had 7 off-street parking spaces required, as that was the largest complaint they received. Pleasant Grove also would not allow for a second entrance from the front because it would give the feel of a duplex; they also wanted to keep the feel of a single family home. He stressed that off-street parking needed to be looked at and that 4 spaces may not be adequate.

There were no additional comments for the public hearing.

Chairman Woffinden asked if the ordinance addressed two front entrances. Mr. Olsen stated that one draft did address that, but this draft states that the entrance could be on any side of the single-family home. Mr. Olsen questioned if they want to make that change to the entrance being on the side or rear. It was felt that requirement would help maintain the feel of a single-family home.

Mr. Olsen pointed out that this draft ordinance called for two off-street parking spaces in addition to the two residential spaces required.

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Mr. Schellenberg asked if there were any building code requirements between the accessary apartment and rest of the home. Mr. Olsen stated there was the requirement that they would have to comply with all building codes.

Mr. Franson left the meeting at 8:35 p.m.

Chairman Woffinden did like having only one single entrance in the front, and Mr. Olsen stated he could make that change. Chairman Woffinden liked not having an additional entrance in the front so that it still looked like a single family unit.

Mr. Hight disagreed with not allowing two entrances in the front of the home. He stated there were homes that have a second entrance in the front that were very tactful. He did not think they should limit an existing home from having that entrance from the front. He did not think it looked unattractive.

Mr. Dupaix understood what Mr. Hight was saying, but they needed to put together a standard that could be enforced. Mr. Hight felt they were taking the ability away for those existing homes to create an accessory apartment if they had that entrance in the front.

Mr. Dudley was okay with that requirement. He felt they needed to draw the line somewhere. If a homeowner wanted the apartment they would need to invest the money for an entrance.

Mr. Dupaix stated they need a clear ordinance so they could actively measure it. If they try to find exceptions, they may as well not go down the path. They needed to establish a guideline.

Mr. Olsen asked if they wanted to change the entrance requirement to the side or rear of the home. Mr. Dupaix would prefer that.

Mr. Hight did not think they were talking apples to apples. In a normal home, they would put in a back door and go down. The only way into the basements of some homes was through the outside entrance. His neighbor's home did not have access to the basement other than the outside entrance. He knows of two homes where the only access to the basement was through the outside entrance.
Mr. Dupaix stated he was talking about a direct entrance into the basement needed to be on the side or rear; it would look more like a single family dwelling. He understood the neighbor's conditions were different.

Mr. Dudley thought what would be bad was to have an existing home without an outside entrance that excavated out in the front yard. Mr. Hight agreed.

Mr. Olsen stated the way it was worded now addressed Leonard's concern. If they change it to eliminate the front entrance, his neighbor would be affected. Mr. Schellenberg stated that if they allow a front entrance, it was subjective and they were putting pressure who was reviewing the plans to enforce the appearance of the home.

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Ms. Anderson thought it would be nice to not allow the accessary entrance on the front of the home.

Councilman Shelton commented that he wanted to point out the issues so American Fork could learn from Pleasant Grove's heartaches and what they debated. He felt the bigger concern was parking.

It was pointed out they could not require more parking for accessary apartments than the home. Mr. Knobloch stated the standard for two parking spaces was low and they have had some problems in areas of the cities. Ms. Anderson asked if they could require more parking spaces if the tenants were unrelated, but was told that they could not require more than two. Mr. Knobloch also pointed out enforcement would be a problem; right now the only enforcement took place when the city received complaints.

It was clarified that the size restrictions would be taken out of the ordinance and the entrances would be limited to the side and rear.

Nathan Schellenberg moved to recommend approval of the proposed ordinance for accessary apartments subject to the size restriction being removed and the entrances limited to the side and rear. Geoff Dupaix seconded the motion. The voting was as follows:

John Woffinden, Chairman	**Aye**
Christine Anderson	**Aye**
Harold Dudley	**Aye**
Geoff Dupaix	**Aye**
Eric Franson	**Absent**
Leonard Hight	**Nay**
Nathan Schellenberg	**Aye**

The motion passed 5 to 1.

Other business

It was announced that there would be no meeting on May 18, 2016.

Site Plan Committee Report

Mr. Knobloch reported the following upcoming projects:

- Mitchell Meadows – the property included in the Richards Annexation
- Timp Hollow – the property included in the Smart Annexation; this would be on the upcoming Planning Commission meeting for the annexation agreement.
- Cottages at Lakeside – this was the first parcel of the TOD area and would be a large apartment complex.

Review and action on the minutes of the April 20, 2016 Planning Commission Regular Session

It was noted one of the dates of the meeting needed to be corrected and Christine Anderson needed to be listed as absent for the regular session.

Attachment: 3. Minutes (1346 : Accessory Structures)