

AMERICAN FORK CITY COUNCIL
SEPTEMBER 27, 2016
REGULAR SESSION MINUTES

Members Present:

James H. Hadfield	Mayor
Kevin Barnes	Councilman
Carlton Bowen	Councilman
Brad Frost	Councilman
Rob Shelton	Councilman
Jeff Shorter	Councilman

Staff Present:

Camden Bird	Administrative Management Analyst
Nestor Gallo	City Engineer
Terilyn Lurker	City Recorder
Lynn Ruff	Interim Finance Director
Doug Bateman	Fire Marshall/Battalion Chief
Judy Thimakis	Human Resource Director/Interim City Administrator
George Schade	IT Director
Kasey Wright	Legal Counsel
Derric Rykert	Parks and Recreation Director
Darren Falslev	Police Chief
Audra Sorensen	Public Relations/Economic Development Director
Dale Goodman	Public Works Director
Adam Olsen	Senior Planner
Wendelin Knobloch	Associate Planner

Also Present: Kimberly Watkins, Scott Olsen, Bruce Frandsen, Jason Schaefer, Dan Richards, Brent Skidmore, two additional citizens, and scouts along with their leaders.

PUBLIC HEARING

The American Fork City Council held a public hearing on Tuesday, September 27, 2016, in the American Fork City Hall, 31 North Church Street as follows:

7:25 p.m. - Receiving of public comment on the right-of-way vacation at approximately 925 West 1120 North.

Mayor Hadfield explained the purpose of the public hearing was to hear comment on the right-of-way vacation at 925 West 1120 North. He stated that at the time of annexation, the city required right-of-way for 900 West but the alignment was not known at that time. When the construction of 900 West was completed, there was property left over. The homeowner has asked that the property be deeded back to her.

There were no public comments, the hearing closed at 7:26 p.m.

REGULAR SESSION

The American Fork City Council met in a regular session on Tuesday, September 27, 2016, in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m.

1. Pledge of Allegiance; prayer by Councilman Bowen; roll call.

Mayor Hadfield welcomed everyone to the City Council meeting. Those present recited the Pledge of Allegiance and Councilman Bowen offered a prayer. Roll Call was taken. Mayor Hadfield invited the scouts to come forward to introduce themselves:

Troop 12: Preston Barratt, Owen Peterson, Spencer Burton, Zach Osmond, Ryan Christensen, Corbin Everett

Troop 18: Bryson Harrison, Brayden Steele, Joshua Healey, Ben Scoresby

Troop 813: Isaac Olsen, Roy Hayward

Troop 1210: Kaden Dawson

Troop 1344: Zachary Connelly

Troop 1628: Braxton Christiansen

Mayor Hadfield invited the scouts to consider American Fork City when the time comes to decide upon an Eagle Project.

2. Twenty-minute public comment period - limited to two minutes per person.

There were no public comments.

3. Council Reports concerning Committee Assignments.

Councilman Barnes reported that the Neighborhood Preservation Commission met this past week. He explained the purpose of the commission was to help keep and maintain a beautiful city by helping people understand what they can and cannot do with regards to their property. It was a delicate balance between that and property rights and those involved have done a great job in keeping that balance.

Councilman Barnes reported the Historic Preservation Commission also met last week. They were working on designating additional historic homes and would start on historic commercial buildings soon.

Councilman Barnes reported that he attended the League of Cities and Towns meetings on September 14 to September 16. He received a lot of good information.

Councilman Bowen reported the Beautification Committee met this past week at the Mountain Meadow Park. They were working on the Second Annual Scarecrow Festival which will be held on October 29, 2016. They were encouraging businesses to participate and awards would be given. He stated citizens were also welcome to enter and could bring their scarecrows to Main Street that day. To register, email afscarecrow@gmail.com

Councilman Frost reported the monument in Robinson Park for Sgt. Cory Wride was vandalized. The monument company has indicated the monument could be repaired, there were several organizations and private donors willing to pay for this repair.

Councilman Shelton reported that the Chamber of Commerce, as part of the North County Summit, would be putting on a half day workshop for businesses on November 10, 2016, from 8:30 a.m. to 12:30 p.m. You can register at americanforkchamber.org. On October 5, 2016, Joe Phelon, a licensed business appraiser, will talk about evaluations of businesses; this will be held at 11:30 a.m. at the Holiday Inn.

Councilman Shorter stated any youth in grades 9th through 12th interested in participating in the Youth City Council can contact him. It is a great organization for the youth to be a part of.

4. Mayor's Report

Mayor Hadfield reported that Home Goods would be opening on Friday in the Meadows. He noted that several other businesses were moving along and would be opening soon.

Mayor Hadfield announced an Open House for transportation planning. There were three open houses. On October 12, 2016, from 4:30 p.m. to 6:00 p.m., the open house would be held at the MATC building in Lehi for the northern cities. The other locations are in Spanish Fork on October 13 and in Orem on October 20. This would give the citizens a chance to see what road projects that are planned for the next three to five years.

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 September 8, 2016 Minutes
2. Approval of the September 13, 2016 Minutes
3. Approval of city bills for payment and purchase requests over \$25,000.

Councilman Shorter moved to approve the common consent agenda. Councilman Frost seconded the motion. The voting was as follows:

RESULT:	APPROVED [4 TO 0]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Kevin Barnes, Brad Frost, Rob Shelton, Jeff Shorter
ABSTAIN:	Carlton Bowen

ACTION ITEMS

1. Review and action on an ordinance approving the vacation of a Right-of-way at approximately 925 West 1120 North. (Requested by Terilyn Lurker, Recorder)
Mayor Hadfield explained this was the subject of the public hearing at 7:25 p.m.

Councilman Barnes move to approve Ordinance No. 2016-09-47 vacating the right-of-way of 3,015 square feet of land at approximately 925 West 1120 North.

Councilman Frost asked the property owner how long they have lived there. Kimberly Watkins explained they purchased the home four years ago. When they bought the property, this portion of the land was already deeded over to the City. She met with Andy Spencer and he informed her that she did not have that property but they could put the fence against the sidewalk. They were now trying to put the fence along the sidewalk and they would like to have the property deeded back to them. Ms. Watkins stated that when the city redid the property, there was some miscommunication and the sprinkling system and landscaping were attached to her property and her well. She noted they have been maintaining the property as their own.

Councilman Bowen asked if the city put in the sprinkler system and he was told that the city did do that.

Councilman Bowen then asked if they knew the purchase price of the right-of-way. Mayor Hadfield stated it came in at the annexation of the previous owner. They did not know the alignment of 900 West at that time, and they took more land than was required. The city did not purchase the property.

Councilman Shelton seconded the motion.

Councilman Bowen appreciated the situation that she came into, but when the home was purchased it did not show that she owned the piece. The City has done some improvements and he felt there should be some compensation for the land. Ms. Watkins stated that the improvements weren't really improvements and whoever was paid to put in the landscaping and sprinkling system did not do it correctly. Half of the yard was dead because they tied in too many sprinklers in the system and she was going to have to restore the property.

Councilman Bowen felt there was some value to the land and the sprinklers installed and

that if she did not want to purchase it she could put the fence on her property line. Ms. Watkins answered that was true, but the City would have to come back and correct the problem.

Mayor Hadfield state that the motion was to deed the property without a cost.

Councilman Bowen moved to amend the motion to include the \$1,000 payment. There was no second to the amended motion. The second motion died for lack of second.

Mayor Hadfield called for a vote on the original motion. The voting was as follows:

RESULT:	ADOPTED [4 TO 1]
MOVER:	Kevin Barnes, Councilman
SECONDER:	Rob Shelton, Councilman
AYES:	Kevin Barnes, Brad Frost, Rob Shelton, Jeff Shorter
NAYS:	Carlton Bowen

2. Review and action of a System Improvement and Impact Fee Credit Agreement for Easton Park (Requested by Dale Goodman, Public Works)

Mayor Hadfield stated that Easton Park was on the Max Graff property on 860 East and 500 South. The city asked the developer to oversize several lines and this agreement allowed for impact fee credits for those oversized improvements.

Councilman Frost moved to approve the Impact Fee Credit Agreement for Easton Park. Councilman Shelton seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brad Frost, Councilman
SECONDER:	Rob Shelton, Councilman
AYES:	Barnes, Bowen, Frost, Shelton, Shorter

3. 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 appeal of the denial of a commercial site plan for Schaefer Transport Impound and Storage located at approximately 1500 South 100 East in the I-1 Industrial zone. (Requested by Adam Olsen, Planning)

Jason Schaefer was present and stated he was asking for a reconsideration of the Planning Commission denial. It was denied, in his eyes, as it wasn't zoned properly for the zone. Mr. Schaefer stated it was zoned properly and his business was permitted in that zone.

Mayor Hadfield commented that one of the issues was relative to improvements to the site. Mr. Schaefer stated they wanted to use the property as a temporary use for up to

three years. It was noted this used to be the feed lot for the LDS church which was now owned by David Adams and Joel Kessler.

Mr. Schaefer stated his intention was to use the property up until the owners sold the property or up to three or five years. He wanted to lease this property until he could get to the point in his business to purchase land. He commented that the business would be for storage of vehicles for roadside assistance and repossessions. All of those vehicles would be put in a secure area, the silage pits, which were concrete walls with one opening on each end. They were not really visible to the public.

Councilman Shorter asked if it complies with the zoning but the concern with the length of time. Mr. Olsen explained an impound yard was allowed in the industrial zone, but he was asking for consideration on a temporary use until the property develops. The Planning Commission was concerned because this area was to be an upscale development when the property was developed, and they felt this did not fit with that. Mr. Olsen stated there were neighbors in opposition to the request. Without full improvements, the commissioners were not ready to approve the request.

Councilman Shorter stated the property does not look like a great piece of property. Mr. Schaefer stated he has cleaned up a lot of debris and garbage for his use and for fire hazard. He chose the silage pits because they were contained by concrete walls on three sides to limit visibility.

Councilman Frost asked if Mr. Schaefer felt he was misunderstood by the Planning Commission. Mr. Schaefer stated he did feel he was misunderstood and his use was misunderstood.

Councilman Shelton asked about the fire hydrant concerns. Mr. Bateman stated with the temporary nature they were not requiring a fire hydrant, but within a two year time frame one would need to be installed.

Brent Skidmore owned the property just to the north. The Planning Commission had a photo of what they were dealing with, which showed the sign advertising the meeting and after the Planning Commission meeting the cars were removed. If Mr. Schaefer owned the ground, it would be a different story. Mr. Skidmore stated he has a horse barn across and he goes out of his way to keep it clean. He was not looking forward to have a wrecking yard across the street. He commented that it won't be hidden and the neighbors would still see it.

Councilman Shelton stated that he looked at this, it looked like there were already cars to the west. He asked what the use of that building was. He was told it was a boat storage facility. He asked if the impound yard would be as far back as the vehicles were on the adjacent property. Mr. Schaefer pointed out the location of the silage pits he would be

using.

Councilman Barnes asked how many cars were on the property at this time. Mr. Schaefer stated there were 14 cars there at this time.

Mr. Skidmore asked if the cars were stored for re-use or if they were junk cars. Mr. Schaefer stated some were for re-use but there was one there in disrepair. Mr. Skidmore wanted the Council to understand that it would going to end up being a storage yard for inoperable vehicles.

Mr. Schaefer stated the main reason for the storage yard was if there was an accident after hours, the vehicle would stay there until the insurance company picked it up or until it was delivered to a collision repair business.

Councilman Shelton asked if there would be a bigger risk with weeds and junk accumulating there. Mr. Skidmore stated there are weeds that the owner needs to take care of. Councilman Shelton stated the main concern of the neighbors was the view and making sure it did not look worse than what it does look currently.

Bruce Frandsen stated he also has property in the vicinity. When this property and his property were annexed, the city wanted to really make it an upscale area. They are not improving it with this business. At the Planning Commission meeting he heard different lengths of times that the business would be there. The property was currently for sale and no effort has been made to make any improvements by the owner. Some of that was visible from the streets. Mr. Frandsen stated another valid comment was that if they allow for a time limit, he didn't know who would track it. His family has developed a number of properties and they were never allowed to start until improvements were installed. If this landowner wants to turn it into a business, he should be required to put in some improvements. It was adjacent to the Marina zones and they need to find options that would be nice. This was not a step toward niceness or goodness. He felt the property owner was just trying to find a way to offset costs in the short-term. Mr. Frandsen was not worried about the view, but the precedent they were setting. It was permitted, but the zone also required improvements.

Councilman Shelton asked Mr. Olsen if the ordinance gave the ability to waive improvements. Mr. Olsen answered no and that was why they went to the Planning Commission. He commented that a couple of months ago, there was an interim use on another piece of property that went before the Planning Commission. This was addressed to the commission as temporary use but their concerns were what was brought up. He agreed that when this annexation was brought forward it was supposed to be a nice business park. Also, if there would have been some improvements installed, the commissioners would not have been opposed.

Mayor Hadfield was also concerned with the precedent it would set. He commented that the last vehicle storage business was put in an approved zone and the City Council required a fence that had obscure slats in the fences so the storage could not be seen from the road. They complied with that and it has not had an impact on the neighborhood. He was seeing this without the same requirements.

Councilman Frost commented that he would not lay his hat on the view as there are other issues and he would vote to uphold the Planning Commission decision. He did not think they should go against the Planning Commission.

Councilman Bowen thought it was a creative use of the property. A business owner drove by, saw something that already had cement walls that was not being used, and he approached the landowner. He understood there were other interests of the neighbors. The fundamental question was how much say they gave someone else over your right to do what you want on your property. Councilman Bowen thought that was important. He always sided with the property owner, who in this case was willing to lease the property. It was a temporary use and was zoned industrial. It was not a development; the applicant wanted to utilize it how it currently sat. He respected that and thought they were heavy handed if they want to deny the property owner and the business owner the use of the property. This may not be the best long term use, but for now the property was idle. He did not think it was wrong for the owner to get some income.

Councilman Shelton moved to uphold the denial of the commercial site plan for Schaefer Transport Impound and Storage located at approximately 1500 South 100 East in the I-1 Industrial zone. He commented that they set a very scary precedent if they go outside the authority they gave themselves. He felt that if they wanted the ability to do that, they needed to change the ordinance and make sure it was allowed in the code.

Councilman Frost seconded the motion.

Councilman Barnes stated he drove down and looked at this. Unless he had the wrong property, he thought he saw animals and vehicles on the property that could be seen from the road. Mr. Schaefer stated there were no animals on the road and the vehicles were in the back. Mr. Schaefer also stated he has driven down that road and he cannot see any of the vehicles. Councilman Barnes noted that he counted 12 or 15 vehicles through a gate.

Mr. Schaefer stated that he valued their opinion as a resident of American Fork. He thought this would be a good choice for a temporary use because of the concrete walls. He stated that if privacy slats were needed as part of the fence, he would do it.

Councilman Shelton stated his bigger concern was the adjacent neighbor that had to install the improvements, although that was a permanent use. The code has not addressed that at all, and this was a bigger discussion. How do they define temporary? How do they

enforce it? If they want to have the ability to waive the requirements, they need to add that provision to the code. The applicant was asking for something the code did not allow.

Councilman Bowen wanted to be clear that the code does allow for temporary use and it was not a violation of the code. He wanted to look at why it went to the Planning Commission. The Planning Commission normally looked at requests to make sure it met the code. In this case, since the code allowed this, the Planning Commission could deny it or they could approve it. They were not obligated either way. He came down on the side of the property rights of the owner and those who want to use the land. Again, it was a question on whether or not we let someone else control what we do on our property.

Councilman Shelton thought this was not allowed in the code and it didn't address temporary uses. Mr. Olsen explained it went to the Planning Commission because it was looked at as an interim use. They do allow temporary uses but only on a four month basis. Staff knew they did not want to stay permanently and did not want to put in the improvements so it was sent to the Planning Commission. They explained that the use was allowed but it was not intended to be a permanent use and that was why improvements were put off until development. It was up to the commission on whether or not they approved or denied it as a temporary use until the property developed, and they denied it. The code does not allow for a waiver of improvements on temporary uses.

Councilman Bowen asked if improvements were required for temporary uses. Mr. Olsen explained they were not required on a temporary use of four months, but this was not four months. The Planning Commission did have the authority to make modifications, and in this case they chose not to allow it and that future development outweighed what was proposed and the neighbors were against it.

Mayor Hadfield called for a vote on the motion to uphold the denial of the commercial site plan. Voting was as follows:

RESULT:	DENIED [4 TO 1]
MOVER:	Rob Shelton, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Kevin Barnes, Brad Frost, Rob Shelton, Jeff Shorter
NAYS:	Carlton Bowen

- b. Review and action on an ordinance approving a commercial site plan for Verizon Wireless to place low power radio antennas and equipment at Art Dye Park, located at 1100 North 550 East in the PF Public Facilities zone. (Requested by Adam Olsen, Planning)

Mayor Hadfield explained this was to allow for a low power radio antenna and equipment at Art Dye Park.

Pete Simmons, representing Verizon Wireless, stated they have provided a template document for a lease for the attorney and George Schade to review.

Mayor Hadfield stated there was an aerial included with the material. He was concerned that the structure would be up to the sidewalk and in order to continue the sidewalk they would have to go around that structure. He asked if they could relocate the structure. Mr. Simmons stated they need space around the equipment for maintenance and they would be right up against the sidewalk where it ends now.

Councilman Shelton asked if it would impact future plans for the park. Mr. Rykert stated they would have to go around the structure with a sidewalk and bump out the parking lot.

Mr. Wright explained that whether they approve or deny this, there was no lease agreement with the city at this time and any approval needed to be contingent on the approval of a lease agreement.

Mayor Hadfield asked if they were willing to bring in all the lines from 700 North into the facility and Mr. Simmons stated they were.

Councilman Barnes asked if they foresaw any problems with the contract. Mr. Wright stated they do not have that agreement yet but he does not want them to make any commitments based on a belief that they would get a contract.

Councilman Shelton asked if this could be moved in Art Dye. Mr. Simmons stated they could look that, but this was what they already owned. It was approved seven years ago and everyone liked it at that time. They could relocate the pole but would rather not; however, it was city property and they would do what the city wanted.

Councilman Shelton stated they have a pole with AT&T and asked if they could group those together instead of spreading them around the park. Mr. Simmons stated the difference was AT&T had a permanent shelter and Verizon had outdoor equipment.

Councilman Shelton thought it was worth talking about, as they did not want to re-design the parking lot around that equipment. He wanted to make sure Art Dye Park was done right and not look like they had not done their planning. Mr. Simmons asked if he wanted them to locate next to AT&T. Councilman Shelton commented that was an option, or they could put it in another location; he did not think it made sense in that location.

Mr. Simmons stated they have been working with the city on this location and this site was basically accepted. They could look into massaging the design to see if they shorten it up so it does not bulge out. He stated he sends a lot of emails to the Mayor because he has not been getting a response from staff. If they want to relook at this he would go back to Verizon to see what they want, but Mr. Simmons wants communication from city staff.

Councilman Bowen stated the primary purpose of the land was a park and that had to be the first consideration. He did not think the city should have to alter the city's plans. He questioned if there would be snack shack with a building in the center when the other ball fields are completed and he wondered if they could enlarge that and lease out the area to telecommunication providers. He agreed that changing the design of the sidewalk and parking was a concern.

Mr. Simmons stated the idea was to reuse the pole and want to keep the equipment close to the pole. His preference would be to have the equipment right next to the pole, but current technology did allow them to place the equipment up to 600 feet away from the antenna. Mr. Simmons commented that it would have been nice to have this discussion before coming to them tonight for approval.

Councilman Barnes did not want to upset the applicant, but he also did not think the city should have to move the sidewalk.

Mr. Simmons stated there was a lack of communication between city staff and himself. They came to the city seven years ago for this site and they never completed that project, but they were now before them with the same plan. Mr. Simmons commented that they talked about the layout of the future park and no one made those suggestions to him earlier. He thought they might be able to slide the equipment up next to the ballfield and make it longer to see if they fit the equipment in that grassy area.

Councilman Frost stated if they could fit the equipment between the sidewalk and the fence line to keep the flow of the sidewalk he would be supportive.

Councilman Frost asked if there was a reason they wanted the equipment to stay next to the pole. Mr. Simmons explained that the farther from the pole they are, there starts to be an RF loss and the signal isn't as strong. Mr. Simmons stated that moving the fiber would allow them to get further away.

Councilman Bowen moved to table approval of the commercial site plan for Verizon Wireless pending an updated site plan.

Councilman Shelton asked that they include that staff meet with them within two weeks and then to put this back onto the next agenda.

Mayor Hadfield also thought they needed an acceptable lease agreement or contract to lease the property.

Councilman Bowen amended the motion to encourage relevant staff to meet with the applicant within the next two weeks. Councilman Shelton seconded the motion.

Voting was as follows:

RESULT:	TABLED [UNANIMOUS]
MOVER:	Carlton Bowen, Councilman
SECONDER:	Rob Shelton, Councilman
AYES:	Barnes, Bowen, Frost, Shelton, Shorter

4. Review and action on an agreement for transcription services of City Council meetings with C. Price Transcription LLC. (Requested by Terilyn Lurker, Recorder)

Mayor Hadfield explained this was for transcription service of City Council meetings.

Councilman Shelton thought it was great and would help with the Recorder's work load.

Councilman Shelton moved to approve the contract with C. Price Transcription, LLC for city council meeting transcription services. Councilman Barnes seconded the motion.

Councilman Bowen thought it was great to get transcriptions. He asked if bids were obtained. Ms. Lurker explained there were few businesses that offer this service and this company was less expensive. Ms. Lurker also stated other cities use Ms. Price and like her services.

Councilman Bowen asked if this would be over \$25,000, which would require bids. Ms. Lurker stated she thought the cost would be around \$10,000 per year.

Mayor Hadfield called for a vote on the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Councilman
SECONDER:	Kevin Barnes, Councilman
AYES:	Barnes, Bowen, Frost, Shelton, Shorter

5. Review and action on the award of a contract for the Mitchell Hollow 1120 N Emergency Roadway Repair to Nolan and Son Construction Company (Requested by Dale Goodman, Public Works)

Mayor Hadfield explained he had amended the agenda to include this approval. However, he and Dale Goodman met with the engineering firm that did the design work and with the construction manager of the project. He commented that they have had their people look at this and had some options. They would be doing further research and it may be on a future agenda.

Councilman Bowen asked if they had already refunded the bond. Mayor Hadfield explained this was done at the City's expense and was done over a 15-year period with different contracts.

Councilman Barnes asked what they would do in the meantime. Mayor Hadfield stated they would barricade the road, but they should see something done in the next two weeks. They may start the project in the next two weeks, at which time the Mayor would bring it before the Council for ratification.

6. Adjournment

Councilman Frost moved to adjourn the meeting. Councilman Shelton seconded the motion. All were in favor.

The meeting adjourned at 8:50 p.m.



Terilyn Lurker
City Recorder