

AMERICAN FORK CITY COUNCIL
DECEMBER 13, 2016
NOTICE OF PUBLIC HEARING, REGULAR SESSION MINUTES

ATTACHMENT

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	Admin Analyst
Wendelin Knobloch	Associate Planner
Terilyn Lurker	City Recorder
Trent Andrus	Engineer
Trevor Coombs	Finance Director
Aaron Brems	Acting Fire Chief
Judy Thimakis	Human Resources (HR) Manager
George Schade	Information Technology (IT) Director
Kasey Wright	Legal Counsel
Colleen Eggett	Library Director
Darren Falslev	Police Chief
Dale Goodman	Public Works Director
Derric Rykert	Parks and Recreation Director
Adam Olsen	Senior Planner

Also present: Allen Christensen, Neil Christensen, Wayne Christensen, Bruce Frandsen, Jess Green, Neal and Cassie Allred, Jeff Wells, and approximately 15 additional people.

PUBLIC HEARINGS

The American Fork City Council met in public hearings on Tuesday, December 13, 2016, in the American Fork City Hall, 31 North Church Street, as follows:

7:15 p.m. – Receiving of public comment on adjustments to the fiscal year ending June 30, 2017, city budget.

Mayor Hadfield welcomed everyone and invited anyone to comment.

Councilman Bowen stated some citizens were concerned about the money being spread over the

budget instead of focusing on roads. The budget document and financial statements over the past several years have reflected that roads should be the City's highest priority; however, this wasn't reflected in the budget. Mayor Hadfield said the matter would be taken into consideration and thanked Councilman Bowen for his comment.

Seeing no other comments, the public hearing was closed.

7:25 p.m. – Receiving of public comment regarding the Dixie Fenn American Fork Plat A Annexation consisting of 171.15 acres at approximately 600 South 800 West.

Mayor Hadfield provided an overview of the item. He invited anyone to comment.

Wayne Christensen wanted to know if there was a map showing the City boundaries. Mayor Hadfield said one existed, but staff did not have one readily available for the meeting. He advised Mr. Christensen to get in touch with staff in order to view a copy. There was brief discussion regarding the map's contents.

Mayor Hadfield asked if there were any other questions regarding the Dixie Fenn Annexation. There were not, so the Regular City Council meeting commenced at 7:30 pm.

REGULAR SESSION

The American Fork City Council met in a regular session on Tuesday, December 13, 2016, in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m. Amended agenda was followed. Copies could be found on a table in the center of the room for anyone who wanted to follow along. Agenda was posted on the State website as required by State law and posted conspicuously in three community locations. Agenda was followed as it was presented.

1. Pledge of Allegiance; prayer by Colleen Eggett; roll call.

Mayor Hadfield welcomed everyone to the meeting and those present recited the Pledge of Allegiance. Library Director Colleen Eggett offered a prayer and roll call was taken.

Boy Scout Troop 1159 was invited forward. Members included: Wesley Baldwin, Rowen Greenwood, Jacob Smith, Spencer Tupou and Michael Ferris. Mayor Hadfield expressed gratitude and appreciation towards the scouts for their attendance. He asked everyone to keep them in mind for service and other various projects.

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

Cassie Allred expressed concerns with the TOD and anything with which UTA was involved. She wasn't sure how much the developer was connected to UTA. Ms. Allred expressed opposition to the TOD because her family didn't want the land use or zoning changed; rather, they wanted to farm the land. She expressed hope that the City would protect their right to farm.

Mayor Hadfield thanked Mrs. Allred for her remarks.

Allen Christensen noted that much public comment has been given on this item in previous meetings, and he wanted to know if the Council had given any weight to that feedback. Mayor Hadfield stated he had instructed staff to go back to UDOT to revise their plan in order to meet the needs of the community.

The members of Boy Scout Troop 942 were introduced as follows: Ted Prosser (Scoutmaster), Seth Wright, Johnny Harrison, Tye Prosser, Jace Mulliner, Jackson Hanna, Jacob Schultz, James Ericson, David Ericson, Joshua Chou, John Sudar (Assistant Scoutmaster). Mayor Hadfield said introductions were necessary for the public record. He explained that the scouting program served the community in various capacities, and he thanked them for their attendance in tonight's meeting.

Mayor Hadfield closed the public comment period.

3. Council Reports concerning Committee Assignments.

Councilman Barnes noted he was assigned to work with the Cemetery Committee. He reported that the LDS Tabernacle would be closing next May for some extensive renovation and therefore, they would not be able to hold the Memorial Day program or Veterans Day program at that location. Rather, they would use the Junior High for those events.

Councilman Barnes also mentioned the passing of a member of the community. He was asked to express gratitude to public safety personnel for their professionalism in the matter.

Councilman Bowen reported several items. First, he wished everyone a Merry Christmas, and noted this would be the last public meeting before the New Year. He complimented staff for the decorations around town. Secondly, Councilman Bowen noted December 15th is the Bill of Rights Day. He expressed appreciation for the Constitution and the rights it allowed citizens. Third, Councilman Bowen spoke about a tragedy which occurred last week. He expressed appreciation for public safety personnel, and discussed the importance of the second amendment. Lastly, Councilman Bowen reported that the annual Christmas Party for the Beautification Commission was successful. The winner of the Mary Kawakami speech contest presented her speech.

Councilman Frost appreciated what staff did to bring a hometown feeling to American Fork, whether it was lights or cemetery improvements. It was an important element of living in American Fork. He commented that this agenda represented a great deal of time by dedicated individuals doing their jobs. He also referenced last week's tragic events, and expressed appreciation for public safety personnel.

Councilman Shelton reported on a recent PARC Tax Committee meeting, and said changes would be made for next year. He also had the opportunity to meet with the Chamber of Commerce. Registration for Steel Days would open in February. Lastly, he thanked Mr. Bird for helping him out with an audio/visual bid, a project for which they planned to save money.

Councilman Shorter wished everyone a Merry Christmas as well. He stated it was a pleasure working with Colleen Eggett and the Library Committee. He noted the Library had many opportunities available for Eagle Scout projects.

4. Mayor's Report

Mayor Hadfield appreciated staff and wished everyone a Merry Christmas.

COMMON CONSENT AGENDA

1. Approval of the November 17, 2016 Minutes
- ~~2. Approval of the November 22, 2016 Minutes~~
- ~~3. Approval of the city bills for payment (November 21, 2016 to December 13, 2016), manually prepared checks, and purchase requests over \$25,000~~
4. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$172,462.25 and issue a Notice of Acceptance for the Harts Service Station construction of public improvements located at 1020 West Pioneer Crossing. *(Requested by Dale Goodman, Public Works)*
5. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$198,277.00 and issue a Notice of Acceptance for the Ken Garff Auto Body construction of public improvements located at 1058 South Automall Drive. *(Requested by Dale Goodman, Public Works)*
6. Approval of a partial release for the performance guarantee bond in the amount of \$218,494.80 for Rivulet Apartments located at approximately 680 East 400 South. *(Requested by Dale Goodman, Public Works)*
7. Approval of the authorization to release the Improvements in the amount of \$27,503.07 and issue a Notice of Acceptance for the Robert's Roost Twin Homes construction of public improvements located at 190 West 350 South. *(Requested by Dale Goodman, Public Works)*

Councilman Bowen asked that Items #2 and #3 be moved under action items on the regular agenda. He also asked that the following changes be made to the November 17, 2016 Work Session minutes:

- First, he addressed corrections regarding the minutes taken on the item discussing the proposed ordinance that would extend the City's jurisdiction of American Fork Canyon over the watershed. He appreciated the details of this discussion that were included, and stated that the more detail included on these items the better.

- On page 5, line 11, the minutes made him sound like he was against off-road ATV use, and the opposite of which was true. He requested this line be amended to read: “Councilman Bowen was concerned the proposed ordinance would prohibit ATV use that is currently allowed”.
- On page 6 lines 30 and 3, Councilman Bowen requested striking the word "clarify" to "how", and for the line to read: “...he clarified the proposed ordinance wouldn't affect the proposed Tibble Fork reservoir situation”.
- On page 7, strike lines 37 and 38. Councilman Bowen stated he was asserting that the State rather than the City have jurisdiction for the Utah Enabling Act.

Councilman Bowen moved to approve items 1, 4, 5, 6 & 7 of the common consent agenda. Councilman Shorter seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Carlton Bowen, Councilman
SECONDER:	Jeff Shorter, Councilman
AYES:	Barnes, Bowen, Frost, Shelton, Shorter, Councilmen

Councilman Barnes asked what percentage of the actual project the construction guarantees represented. Mayor Hadfield explained this was money to be set aside to insure public improvements were completed. Most of those are put in at the time of the approval, after which the contractor will put in those improvements. As the improvements were installed, the city could then release back those funds. Councilman Barnes stated if those numbers were added up, it was roughly \$600,000 which was a small portion of all work being completed.

ACTION ITEMS

CC2. Approval of the November 22, 2016 Minutes

CC3. Approval of the city bills for payment (November 21, 2016 to December 13, 2016), manually prepared checks, and purchase requests over \$25,000

Councilman Bowen said he wanted to abstain on voting to approve the November 22, 2016 minutes as he did not have time to thoroughly review them. Additionally, he wished to vote “Nay” on Consent Item #3. He opined that the Finance Committee needed to be reinstated so they had a chance to review those expenses more in-depth as a Council.

Councilman Shorter moved to approve #2 and #3 of the common consent agenda. Councilman Shelton seconded the motion. Voting was as follows:

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

1. Review and action on a resolution indicating the city's intent to annex the Wen Hansen II Annexation consisting of 32.47 acres at approximately 450 North 1100 East. (Requested by Terilyn Lurker, Recorder)

Councilman Shorter moved to approve Resolution No. 2016-12-38R indicating the city' intent to annex the Wen Hansen II Annexation consisting of 32.47 acres at approximately 450 North 1100 East. Councilman Frost seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Barnes, Bowen, Frost, Shelton, Shorter, Councilmen

2. Review and action on a resolution approving adjustments to the fiscal year ending June 30, 2017, budget. (Requested by Terilyn Lurker, Recorder)
Mayor Hadfield stated there were some necessities to adjust the budget. The changes were previously discussed in a Work Session.

Mr. Coombs explained there was a Work Session in November where staff and elected officials discussed the compensation study that was done over the last eight or nine months. During that Work Session, Councilman Shelton requested that Mr. Coombs look over the budget to see if it was feasible to adopt the third party recommendations on those compensation studies. Mr. Coombs said he did his due diligence to ensure the City could absorb those potential increases. He also looked at other aspects of the budget process and provided the public, Mayor and Council time to look over the changes over the last week. He met with several Councilmembers, which was an opportunity he appreciated.

Mr. Coombs explained the summary of each of the City's funds, including the actuals, percentage expended, budgets up through November (including new proposals), adjustments and the new budget, if approved and adopted. Most of the changes came from the rapid growth the City was experiencing for a number of years. For example, there were increased revenues from sales and property taxes, as well as increases in business licenses, building permits and impact fees.

Mr. Coombs looked at making changes to compensation, among other items. Regarding building inspections, the City hired outside services to help try to keep those developing

projects moving forward and completed. Developers liked progress, and when their plans remained stagnant at the City for a long period of time it hindered their ability to move forward on a project. Therefore, the City hired additional services.

Mr. Coombs presented a more detailed breakdown for the funds. The information showed taxes overseeing the projections, licensing permits, charging for services, etc. There were individual expenditures in different departments, including changes in the administration office which required increased compensations. The Fire and Engineering Departments took bit hits due to increasing their staffing and resources. There was \$40,000 transferred over to the fitness center to help cover some of their compensations and expenditures, as projected in the new budget.

Capital projects were reviewed, and Mr. Coombs noted increases in the Streets and Engineering Departments for equipment to help with growth and expansion. The largest item in the budget proposal was in the enterprise funds. Mr. Coombs explained there was an error in the original budget. In the secondary irrigation system, there was a project that was earmarked for \$850,000 in the original budget process. However, when the item was actually put into the budget a zero was omitted and the item was entered in for \$85,000. Therefore, the proposed budget amendments fixed that project and absorbed the difference in the budget out of the fund balance. The money was being covered by the funds incoming fees.

Mayor Hadfield pointed out that the \$850,000 in enterprise funds was for the City's pressurized irrigation and upper pond. The filters had worn out from the amount of runoff from the canyon, and therefore needed to be replaced by higher-quality filters. The bid for the \$850,000 closed the following week. The City Engineer said the cost would be much less; however, the money needed to go into that account, so that when PI started in the spring they would be ready to move forward. Mayor Hadfield reminded the Council that the enterprise fund was something they could not transfer to roads, despite roads being a priority.

Councilman Bowen asked how much revenue of the total \$2 million was from the enterprise fund sources. Mr. Coombs then explained the increases, and stated the City was expecting an increase of \$47,000 in the Sewer Department's income. The Storm Drain income was showing an increase in \$62,500 through storm drain impact fees, and the secondary irrigation income increased by \$30,000. The total secondary water impact fees were \$73,000. Secondary irrigation revenues showed an increase of \$12,000. The other amount of \$765,000 would be taken out of the surplus funds acquired in previous years. Mr. Coombs explained they were pulling money out of the funds in their savings account, for which they had to budget. The money sat in enterprise funds and if it continued to do so, they would appropriate the funds through the budget process to enable the spending of that money for the filtration system. In order to tap into that savings account, they had to go through a special process to draw upon those funds.

Councilman Bowen called attention to the salary increases for City staff, which was one of the Council's goals this year. He asked what the amount was, to which the answer was given as around \$120,000. Councilman Bowen recalled that those increases would be about \$100,000 this year and the next, for a grand total of \$200,000. He commented that it was their role to determine expenditures, and was surprised they were talking about a \$2 million budget amendment without previously discussing the matter in a Work Session. He requested these matters be discussed in a Work Session in the future, prior to holding a public hearing. Mr. Coombs explained that the biggest changes were coming from new growth development in the business licenses (\$10,000), building permits (\$140,000), other permits (\$10,000), and various grants. Councilman Bowen commented that construction was at an all-time high, which was appreciated.

Councilman Bowen pointed out that the new fiscal year did not begin until July, and stated they did not have a requirement or need to make this change at the present time. He noted that in the percentages presented by staff, several department budgets were not spent or even half spent in several cases. In some cases, only a quarter or a third of the budget was spent. As such, he opined that it would be wise to not prematurely adjust budgets over a variety of funds. Instead, they should study the matter more thoroughly and decide on better appropriations. Furthermore, as a Council they had decided they would put excess revenues into streets. He asked how much the capital improvement fund for street projects would be increased, to which staff gave an approximation of \$114,000.

Mr. Coombs explained that the streets were getting an additional \$25,000 in capital improvement funds to cover the costs of some equipment. There were street funds in the General Fund that were also covering a portion of the compensation study.

Councilman Bowen opined that this was out of line, and stated the City had additional revenue that was expected from increased taxes and fees. He felt it was premature to spread the funds across City departments rather than the Council's identified priority, which were roads.

Councilman Shelton stated there have been many changes in the City this year, namely the inclusion of the Finance Director position. He explained there was a new process in place. He spent time reviewing the budget amendments with staff, when they were submitted for Council review last month. Approximately \$1 million of the amendments came from an accounting error, which staff was in the process of correcting. The error could be easily corrected, and by law the funds could not be used for any other purpose beyond their original allocation. It was up to them as a Council to decide how they wanted to handle these issues moving forward, and he expressed appreciation for Mr. Coombs's work. Councilman Shelton reviewed the budget and had no problem accepting the proposed resolution.

Councilman Shelton moved to authorize Mayor Hadfield to sign Resolution No. 2016-12-39R approving budget adjustments to the fiscal year ending June 30, 2017, budget. Councilman Barnes seconded the motion.

Councilman Bowen moved to amend the motion, to indicate that the City maintain the \$880,000 scheduled for the utility enterprise fund, as well as allocate \$1 million to the capital improvement fund for streets. There was no second to the motion. The motion died for lack of a second.

Councilman Barnes addressed the Boy Scouts in the room by stating the importance of doing correct mathematical calculations. Furthermore, he explained that while roads were a priority, they were not the City's only priority. All other aspects of the City were just as important to maintain.

Mayor Hadfield stated that Mr. Goodman had come to him weeks ago with a dilemma. He recognized that if they were going to have pressurized irrigation water in their system in late March of the following year, they needed to be bidding for the project at that time to build the filter station. The City had invested money in the filters which had since arrived. They reached the point in which they needed build the facility, which would not happen overnight. The \$880,000 bid opening would take place the following week.

Councilman Bowen noted that his amendment would have provided for the secondary irrigation need as identified by Mayor Hadfield. He said Councilman Barnes mentioned that this was a priority. Councilman Bowen reiterated his position that the allocation of surplus funds did not recognize a priority within the City to focus on roads. He said he would have liked for their actions to meet their words.

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

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

- 3. Review and action on subdivisions, commercial projects, condominiums, and Planned Unit Developments [PUDs] including 1) Plan 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.
 - 3a. Review and action on an ordinance amending the Vintaro Overall Concept Plan for Phase 1-C, Garden Square, located in the area of 400 South 860 East in the PC Planned Community zone. (Requested by Adam Olsen, Planning)

Mr. Olsen stated this item was an amended concept plat. It used to be a multi-family phase, but the property owners allocated density to another area and have since proposed a single family development.

Councilman Shelton moved to adopt Ordinance No. 2016-12-57 amending the Vintaro Overall Concept Plan for Phase 1-C, Garden Square, located in the area of 400 South 860 East in the Planning Commission Planned Community zone. Councilman Frost seconded the motion. Voting was as follows:

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

3b. Ordinance adopting the site plan and final plan for Lakeside Planned Unit Development (PUD) Plat A Phase 1, consisting of 8 cluster units and 12 single family lots, located in the area of 900 South 100 West in the PR-3.0 and R 1-12,000 Residential zones. (Requested by Adam Olsen, Planning)

This change was on the books for a long period of time and was back again for review. Mr. Olsen explained that this was a request for re-approval of phase one in the final plat for the Lakeside subdivision. The Planning Commission reviewed the application and approved a preliminary plan and subsequently recommended approval of this first phase. The subdivision consisted of cluster units and single family lots. Mayor Hadfield noted this was the property immediately south of the Ivory Homes project on 100 West.

Councilman Shelton moved to approve Ordinance No. 2016-12-58 adopting the site plan and final plat for Lakeside PUD Plat A Phase 1, consisting of 8 cluster units and 12 single family lots, located in the area of 900 South 100 West in the PR-3.0 and R 1-12,000 Residential zones and to authorize Mayor Hadfield and the City Council to sign the plat and accept the dedications with instructions to the City recorder to withhold recording of the plat and publication of the ordinance subject to all conditions identified in the public record associated with the November 16, 2016 planning commission meeting. Councilman Shorter seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rob Shelton, Councilman
SECONDER:	Jeff Shorter, Councilman
AYES:	Barnes, Bowen, Frost, Shelton, Shorter, Councilmen

4. Review and action on the award of a contract for the 2017 Culinary Water Line Replacement Project Phase 5 – CDBG to KK&L Administration LLC. (Requested by Dale Goodman, Public Works)

Mayor Hadfield explained this was the next phase of the water line replacement project. The City was successful in receiving CDBG funds for a project costing around \$300,000 to replace the outdated waterlines in the older parts of the City.

Councilman Shelton moved to accept the Bid submitted by KK&L Administration LLC for the construction of the 2016 CDBG Culinary Water Line Replacement Project – Phase 5 in the amount of \$302,650.00, and authorize staff to proceed with the preparation of contract documents. Councilman Frost seconded the motion.

Councilman Bowen stated that CDBG stood for Community Development Block Grant and was administered through the United States Housing and Urban Development Agency. He opined that this agency was unconstitutional and the Federal Government was not authorized to redistribute money back to local cities in this capacity. He said the Federal Government was organized to handle diplomacy and national defense. Article 1 Section 8 of the United States Constitution laid out the powers granted to the Federal Government, and he stated this was not one of those powers. He said each of them as Councilmen took an oath to uphold and defend the United States Constitution, and by moving to accept these funds they would be going against that oath. He further noted the Federal Government runs a \$2 trillion deficit, and as such these were borrowed funds. He viewed this vote as increasing the national debt, an action to which he was opposed.

Mayor Hadfield stated one of the requirements of the United States Housing and Urban Development Agency was that the City conduct a study of the median income of the residents benefitting from this project, to ensure they fall within a specified threshold as identified by the law. If the City did not accept the funds, there would be 18 other agencies in line who would take those funds. He was happy the City was able to qualify and move forward on this project. He felt the project better served the citizens of the community.

Councilman Frost stated that he would not take offense to the fact that Councilman Bowen continually argued that he had violated his oath of office as a Councilman. Councilman Frost did not agree with Councilman Bowen’s philosophy.

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

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

5. Review and action on a resolution indicating the City's support of the Murdock Connector alignment. (Requested by Terilyn Lurker, Recorder)

Mayor Hadfield read the above stated resolution.

Councilman Shelton stated they had been working on this resolution for over a year. Last year, he and Councilman Frost went to the Governor's Office. This was a project funded by a non-association of governments six years ago. There was some political contention from a few of the State Senators on completing the road. Their only east to west connectors was the Canyon Road/Timpanogos Highway or 700 North in American Fork. These roads were a big loop for emergency personnel. It was a road that was on the approved plans of the developmental center, but there was a minor adjustment made in order to meet all the requirements of local agencies. It would be a Highland City road, and as such no American Fork City funds would be spent; however, the City did have a great interest in the project in order to alleviate congestions on 700 North in American Fork.

Councilman Bowen stated that this was the Murdock Connector which was up north of the Timpanogos Temple and Developmental Center. The area was currently a collection of fields owned by the Developmental Center, and the road would go through that area. He had been supportive of this connector and agreed it was necessary. In voting for this resolution, Councilman Bowen said he was open to changing the alignment and understood the presence of some nice homes in Highland. They didn't want to have a road going by them, but it was important they get the east to west connectivity in that area. He was supportive of the idea in concept.

Councilman Shelton stated there were a couple of homes that Highland City condemned almost six years ago, but since that road hadn't gone through the area they hadn't been able to tear those homes down. Therefore, in order to keep a steady revenue Highland City became landlords and began renting those homes. There would be some property that needed to be obtained from the homeowners association. They were hoping for additional support from other cities and State Legislature in order to get that road pushed forward.

Councilman Barnes stated his hope for alleviating congestion on 100 East and the numerous potential positive benefits of so doing.

Councilman Shelton moved to approve Resolution No. 2016-12-40R indicating the City's support of the Murdock Connector alignment. Councilman Frost seconded the motion.

Councilman Shelton was grateful to work with Highland City. Councilman Frost expressed his gratitude to Councilman Shelton for being the heavy lifter of this issue.

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

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

6. Review and action of a System Improvement and Impact Fee Credit Agreement for Rivulet Apartments LLC (Requested by Dale Goodman, Public Works)

Mayor Hadfield commented that the City was asking them to do a number of improvements, including oversizing, water, sewer, pressurized irrigation, and road improvements. As such, an agreement for these services was requested.

Councilman Bowen stated that the developer paid impact fees, but this agreement would allow them credit for the value of the work done they were doing for the City. Mayor Hadfield said this was correct.

Councilman Shorter moved to approve the Impact Fee Credit Agreement for Rivulet Apartments, LLC. Councilman Shelton seconded the motion. Voting was as follows:

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

7. Review and action on a resolution amending the land use element of the American Fork City General Plan in the vicinity of the American Fork UTA FrontRunner Station (also referred to as the “Station Area Plan”, “Transit Oriented Development Plan”) located within an approximate radius of 1/2 mile from 782 West 200 South. (Requested by Adam Olsen, Planning)

Mr. Olsen presented the staff report. He explained that in 2014, the City adopted a plan for the area in anticipation of future higher density and mixed used developments. In the original plan, there were three main districts; a core district, a supportive district, and a community transition district. The high density was to be in the core area. Slightly lower densities were in the transition district, along with an area for office development located west of the station. The community transition district was purposed to help blend in with the existing fabric of the community.

One of the key elements in the first plan was the potential alignment of the Vineyard connector on the east side of the station, which acted as a physical buffer between the lower density uses to the east and the higher density uses to the west. There was also a realignment of 200 South to connect to 300 South. Since that time of adoption, there was a development group that was in the process of acquiring certain properties in order to create more of a cohesive master planned development, which would focus on

walkability and mixed use. That group had looked at the original plan as a guide and built upon concepts found in that plan. They have proposed a revised concept area plan and presented it as the Station Area Plan.

The proposed amendment went into greater detail than the original plan. There were five districts: core, garden, business, west neighborhood, and east neighborhood. The core district was centered around the station itself, which had been expanded out of the original, narrower, smaller core area, and was where they would find higher densities and mixed uses. The business district stayed the same from the previous plan. The west neighborhood would consist of moderate densities and mixed uses. The garden district located south of the main core area also had an area of moderate densities. The east neighborhood had been left alone as was requested two years ago. The range of densities in that area would be four to eight units per acre.

One key element in the revised plan was keeping the grid pattern, and maintaining 200 South as a main corridor running east and west. The original plan would entail moving the road down to 300 South and funneling traffic through an existing residential neighborhood to the east.

At the Planning Commission's meeting held on November 16, 2016, several questions were raised. An adjacent property owner requested that his property be included. The Commission felt this was a reasonable request. The property in question was located the farthest west and was identified as W10—the Jess Green property. This property was then added into the area plan. With regards to agricultural protection, the City could approach landowners for right-of-way purchases. However, if they did not agree to a purchase, the City could not use condemnation.

Councilman Frost requested that these amendments be added to the agenda and he was of the opinion this item needed to be advanced. This item has been negotiated for six to eight months. They were working to secure funding to bring some well-needed safety paths through 200 South. They had a \$4.9 million grant, and he wanted MAG and other parties to recognize how serious the City was about this project. Another issue to consider was the Vineyard Connector. This item did not address that particular issue, but they could still plan accordingly for it to be resolved. Councilman Frost said that they were at a crossroads and were representing American Fork as well as several other entities within the County. He stated that the American Fork City Council was comprised of people who were good listeners, inclusive, transparent, and had no hidden agenda with this issue.

Councilman Frost then apologized to Mrs. Allred. The City did not intend to do anything that they felt wasn't within their family's power and wisdom to utilize. He understood that their property would be in their family for generations to come; however, they needed a pattern and template for moving forward with construction.

Councilman Bowen asked Mr. Green if he was pleased with how the change would impact his property. Mr. Green stated his land at the end of the road south of Pioneer Crossing was an essential piece for everyone's consideration and for further development. The Federal land reserve that the Allreds and Lamphs had on their properties had been in place for years. They could get four lanes with a small sidewalk without a lot of difficulty. Mr. Green then stated that Mr. Frandsen and he were on both sides of that agricultural protection area and it didn't make sense to have part of the lands within the parcel in the zone. He asked that the road be placed on the property lines, as this would satisfy the City's needs. Furthermore, the City needed to be aware of the water rights that served both properties. He was pleased they decided to include Mr. Green's properties in that zone, because he felt it would benefit the City. Lastly, he asked the Council to consider the agricultural protection zone as being an asset to the City, rather than a detriment.

Councilman Barnes asked if the W10 was Mr. Green's parcel. Mr. Green answered affirmatively, and asked that it be included to the property lines all the way around. Mr. Green stated that his property and Frandsen's property sandwiched the agricultural protection zone.

Mr. Frandsen stated his understanding was that W10 did not include all of his property. In talking with the applicant, it was noted the map did not get adjusted for the Council meeting and was therefore not changed. Reason being, the architectural firm that usually prepared the map was not available that week. Otherwise, it would have shown his property. Also, W5B was supposed to be included in the transit core area; however, it was inadvertently included in the west neighborhood. Mr. Frandsen also asked they consider removing Mrs. Allred's property. It was located in the extreme northwest portion of the master plan, so removing it would have no effect. He opined that this action would be a good show of faith on the Council's part.

Mr. Wells stated the Planning Commission and Work Session meetings were incredibly valuable in assessing the community's concerns. They discussed working with landowners on issues, particularly regarding water. One issue Mr. Wells raised was in order to apply for federal funds for the train station, Transit Oriented Developments (TOD) had a greater likelihood of receiving funding if they had a certain parameter. It also helped with future utility planning. They were okay with the other changes as proposed for the W10 and W5B properties. Mr. Frandsen said he was supportive of the suggested changes.

Councilman Bowen asked the Allred family if they were supportive of being removed from the zone. Mrs. Allred said she wanted all of their property removed because they did not want anything to do with the project; she asked that they be left alone.

Councilman Shelton suggested W9 be moved to a lighter density.

Councilman Frost stated it was important for the Allreds to understand the Council had a big decision before them. He respected that they wanted to live there and he would not want to infringe upon their rights, nor would he have such ability. However, if someone changed their mind, there could be an immense amount of infrastructure that could be needed and planned for the future. Removing it would completely change the complexity of the project, and by keeping it as is the Allreds would not be committed to the project in any way. Mrs. Allred said it would be 50 or 60 years down the road before anyone would want to do anything with their property.

Councilman Barnes said the City couldn't do anything with the property even if they wanted to, because it fell within the agricultural protection area.

Mr. Lamph stated that his property was adjacent to his sister, Mrs. Allred. He said there were dozens of miles of drains and underground pipelines that were strictly for agricultural use. The Federal Government put a lot of money into the area to maintain farmland. Furthermore, his daughter had a large amount of property there as well. Mr. Lamph wanted them to understand how large of an area they owned, and said no one was going to sell.

Councilman Bowen moved to approve the TOD changes with the following updates: WB5 be zoned as core transit, that all land owned by Blue Spring Properties, LLC, including properties owned by the Lamph, Allred, and Huntington families, be withdrawn from the Transit Oriented Development (TOD), and that the boundary for the Transit Oriented Development (TOD) follow Mr. Green's property line.

Mr. Green suggested that in order to maintain continuity, they include the 200 South roadway.

There was no second to the motion. The motion died for lack of a second.

Councilman Frost stated they needed to consider the total aspect and how they could accommodate some of the mechanisms that would be required to make a nice Fronrunner Station. He inquired as to how removing the blue section on the map would affect the overall project.

Mr. Wells stated he understood why the City would like the aforementioned properties to be removed. However, he thought that legally, there was no difference or risk to the property owners by leaving the properties in the TOD. They still had the ability to maintain farmland for as long as they wanted. Circumstances would not change and he suggested the City keep their options open. He opined that in terms of a win-win situation, they could keep the overlay as it was in case the property owners ever changed

their minds in the future.

Councilman Shelton moved to adopt Resolution No. 2016-12-41R amending the land use element of the American Fork City General Plan in the vicinity of the American Fork UTA FrontRunner Station by replacing the “Recommended Development Scenario” with a page entitled “Development Summary Land-use Plan,” with instructions to the City recorder to withhold publication of the ordinance subject to all conditions identified in the public record associated with the December 7, 2016 Planning Commission meeting, with the corrections as follows: The area labeled W9 should follow the property line and be placed in the single family density designation, W10 should also follow the property line, and W5B should be placed in the Transit Core.

He commented that he respected the Allred family’s intentions, and he did not feel this action would affect them legally. If this action allowed the City and taxpayers to obtain grant money, they had an obligation to make a decision that would benefit more citizens. They were still protected by the agricultural protection zone, which was iron clad. He said the position of the property owners did not fall on deaf ears.

Councilman Frost seconded the motion.

Councilman Bowen stated his previous motion was about protecting property rights. One of the key fundamental rights in the United States was to own and control property. He was supportive of the development, but subject to property rights. Mr. Wells was seeking funds. The Council needed to consider whether or not they were protecting the rights of property owners or the person seeking federal funding. Conceptually, it was a good thing to remove properties in question from the TOD. The property owners could always change their minds in the future. However, they stated a clear position to the contrary.

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

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

8. Review and action on an agreement for legal services with T. Mickell Jimenez of Clyde Snow, Attorneys at law. (Requested by Terilyn Lurker, Recorder)

Councilman Frost moved to approve the contract with J. Mickell Jimenez of Clyde Snow, Attorneys at Law. 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, Councilmen

9. Consideration and action on entering into a closed session to discuss the professional character and competence of individuals. (Requested by Mayor Hadfield)
Councilman Bowen moved to enter into a closed session at 9:18 p.m. Councilman Frost seconded the motion. Voting was as follows:

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

The American Fork City Council entered into a closed session in the downstairs work room of City Hall at 9:27 p.m. to discuss the professional character and competence of individuals. Those present included Mayor Hadfield, Councilman Barnes, Councilman Bowen, Councilman Frost, Councilman Shelton, Councilman Shorter, Legal Counsel Kasey Wright, and Human Resource Director/Interim City Administrator Judy Thimakis.

See Attachment #1.

Councilman Shorter moved to return to regular session at 10:50 p.m. Councilman Shelton seconded the motion. All were in favor.

10. Adjournment
Councilman Frost moved to adjourn the meeting. Councilman Shorter seconded the motion. All were in favor.

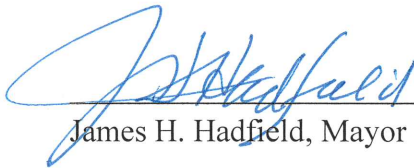
The meeting adjourned at 10:51 p.m.



Terilyn Lurker

**AMERICAN FORK CITY
MAYOR'S AFFIDAVIT
James H. Hadfield, Mayor**

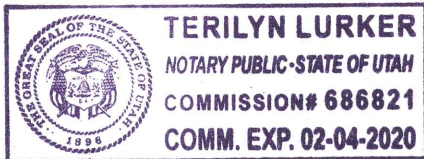
I, Mayor James H. Hadfield, do solemnly swear and affirm that the sole purpose of the closed session of the American Fork City Council on Tuesday, December 13, 2016, was to discuss the professional character and competence of individuals.


James H. Hadfield, Mayor

State of Utah
County of Utah

Subscribed and sworn to before me this 14 day of December, 2016.


Signature of Notary Public



My Commission Expires: 2/4/2020