

AMERICAN FORK CITY COUNCIL
DECEMBER 8, 2015
REGULAR SESSION MINUTES

Members Present:

James H. Hadfield	Mayor
Carlton Bowen	Councilman
Brad Frost	Councilman
Rob Shelton	Councilman
Jeff Shorter	Councilman
Clark Taylor	Councilman

Members Absent:

None

Staff Present:

Craig Whitehead	City Administrator
Richard Colborn	City Recorder
Cathy Jensen	Finance Officer
Kriss Garcia	Fire Chief
George Schade	IT Director
Kasey Wright	Legal Counsel
Derric Rykert	Parks and Recreation Director
Lance Call	Police Chief
Audra Sorensen	Public Relations/Economic Development Director
Dale Goodman	Public Works Director
Adam Olsen	Senior Planner
Terilyn Lurker	Deputy Recorder
Wendelin Knobloch	Associate Planner
Kevin Barnes	Councilman-elect

Also Present:

Roger Dudley
John Woffinden
Kevin Barnes
Lynell Smith
21 additional persons

PUBLIC HEARING

The American Fork City Council met in two public hearings on Tuesday, December 8, 2015 in the American Fork City Hall, 31 North Church Street as follows:

7:15 p.m. - Receiving of public comment regarding the declaring of real property at 492 West Pacific Drive to be surplus and to be sold to the Utah County Housing Authority

Mayor Hadfield explained that there was the Egg Farm Economic Development Area in American Fork. A portion of that tax increment that came back to American Fork City had a component to be used for Low and Moderate Income Housing. This property was purchased with that in mind when it was made available to the City a number of years ago. The City was now ready to consummate the sale to the Utah County Housing Authority and declaring the property surplus was one of the steps. With the proceeds from the sale the City will use it for other Low and Moderate Income Housing and continue that process forward. He asked if there were comments.

Lynell Smith Executive Director of the Housing Authority of Utah County expressed appreciation to the Mayor and City Council for recognizing the need for affordable housing in the community and partnering with them.

Councilman Bowen expressed that he did not support public housing. He did not think it was the proper role of government. He wanted that to be clear.

The hearing was closed at 7:18 p.m.

7:20 p.m. - Receiving of public comment regarding the declaring of certain property to be surplus

Mayor Hadfield explained that this was equipment from various departments that had served their useful life and was no longer needed. Included were some lighting, fans, file cabinet, vehicles, mower, exercise equipment, and furniture. He asked for any comments.

There were no comments and the hearing closed at 7:22 p.m.

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, December 8, 2015, in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m.

1. PLEDGE OF ALLEGIANCE; PRAYER BY COUNCILMAN CLARK TAYLOR; ROLL CALL.

Mayor Hadfield stated that he was going to move some agenda items around to meet peoples' schedules. He added that they were having some technical difficulties so he would be doing roll call votes rather than electronic votes. He led the audience in the Pledge of Allegiance and Councilman Clark Taylor offered a prayer.

2. RECOGNITION OF OUTGOING CITY COUNCILMEMBERS

Mayor Hadfield commented that Councilman Taylor chose not to run for reelection and this would be his last City Council meeting of his term. He noted that Councilman Taylor had represented the City with the Fox Hollow Golf Course for a number of years and had done so very well. It was thought that it would be apropos if a bench was put at

the golf course by one of the T-boxes with a plaque that said, “Thanks to Clark Taylor Councilman 2012-2015.” He presented a plaque to Councilman Taylor that had the same information on it. There was general applause.

Mayor Hadfield presented a plaque to Brad Frost for his service the past four years. He has been reelected to a second term. A plaque was also presented to Rob Shelton for his service this past four years. He was also reelected.

There were no scouts present.

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

Keli Dahl expressed concerns regarding residential property on Roosevelt Avenue and the use of the property by Doug Smith. A couple of houses had been torn down. Her research showed that as of June 2015 that property was still zoned residential but they were parking vehicles on parcel 36:015:0052 (36 Roosevelt Avenue) There was a zero buffer between the commercial use and the residential use. The noise was getting louder with their intercoms. With the commercial use butted up against their residential area she felt it would be harder to sell their homes in the future.

Ms. Dahl stated that one solution was to get a sound barrier wall put in. She talked with Adam Olsen and was told that there had not been any paperwork submitted to the City regarding this property. The homes were being torn down slowly.

Councilman Bowen reiterated that if a zone change request came forward they wanted to see a sound barrier installed as part of the zone change approval.

Mr. Olsen reported that they were aware of this. They had the Code Enforcement Officer looking at it. They were going to work with Doug Smith.

Ms. Dahl thanked the City for what they have done.

Chris Cogswell was also concerned about the Doug Smith Autoplex. He recently purchased a home in the neighborhood and was concerned about his future property values, his children and about the noise barrier. They picked that area because it was a quiet little residential neighborhood. He had talked with the general manager of the Autoplex who informed him that for the moment it was just going to be parking without any barriers whatsoever. He asked that Doug Smith keep the residents informed.

4. CITY ADMINISTRATOR'S REPORT

Craig Whitehead had nothing to report at this time.

5. COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Bowen expressed his appreciation to the Beautification Committee for all the work they had done this past year including the Yard of the Month Award, Steel Days Garden Tours, and Planter Boxes on Main Street that added to the look of Downtown.

This year they also did a Scarecrow Competition that went very well. Rosemarie Taylor was the Chairman.

Councilman Bowen received two or three contacts from people in the community regarding the Freest Cities Ranking that was put out by the Libertas Institute that showed American Fork down near the bottom. (46th) It showed there was room for improvement particularly in the City's indebtedness, fees, and level of taxation. One of the positives was Transparency. That was one of the Council's goals from the last Strategic Planning Session. It showed that the Administration followed thru on that, which was great.

Councilman Bowen noted that December 15 was Bill of Rights Day commemorating its adoption.

Councilman Frost stated that he was planning to make a speech to Councilman Taylor in January. It made him feel that if he forgot something he had a place to go and sit and talk to Councilman Taylor. He hoped the bench was put at his favorite Par 3 at Fox Hollow.

Councilman Frost was looking forward to serving another four years and making American Fork a better place.

Councilman Frost commented on the survey. He went through the criteria and found similar things from other surveys that were not accurate. A survey about a year and a half ago that showed American Fork the "Most Affordable City" in Utah. American Fork was a great City in which to live and he wished everyone a Merry Christmas. Last night he attended a live nativity scene along with about 3,000 other people and neighbors. The activity was a reflection of American Fork.

Councilman Shelton mentioned that the American Fork Rotary Club did a service project that involved placing boxes for food donations in various locations. They were able to feed more than 100 families over the Thanksgiving Holiday. They would be doing that again for the Christmas Holiday. He appreciated being part of a community that recognized the need to help the less fortunate.

Councilman Shelton also was preparing some things for Councilman Taylor. He noted Councilman Taylor's lovely wife Ann in attendance this evening. He knew of the support that Councilman Taylor has.

Councilman Shorter reported that the Youth City Council met this afternoon. The Youth City Council Day at the Legislature will be January 27, 2016. The Youth City Council was for all Sophomores, Juniors, and Seniors in American Fork that wished to join with them.

Councilman Shorter urged citizens to consult the City newsletter for activities through the holidays.

Councilman Shorter expressed appreciation to Councilman Taylor for his service.

Councilman Taylor appreciated the tribute and plaque. Fox Hollow Golf Course had meant a lot to him as did American Fork City. He had been blessed to be a Councilman

these four additional years and to work with many incredible persons. He thought of something that his dad, long time City employee Preston Taylor, gave him. It was a quote.

IT ISN'T YOUR TOWN - IT'S YOU

If you want to live in the kind of a town
That's the kind of a town you like,
You needn't put your clothes in a grip
And go on a long, long hike.

You'll find elsewhere what you left behind,
For there's nothing that's really new.
It's a knock at yourself when you knock your town;
It isn't your town - it's you.

Real towns aren't made by men lest afraid
That somebody else gets ahead.
When everyone works and nobody shirks
You can raise a town from the dead.

And if while you make your stake
Your neighbor can make one, too,
Your town will be what you want it to be,
It isn't your town - it's you.

Councilman Taylor wholeheartedly believed that. He loved American Fork City. He did not know if he would be gone for good but there was that chance because he absolutely loved where he lived and the great men that he has been able to work with, particularly the Mayor, Rob Shelton, and Brad Frost for the last four years. He had grown to know so much about them. He hadn't known Rob at all.

Councilman Taylor continued that while he hadn't always made the right choice and the right decision, in his heart he intended to. The decisions he made he thought were the best decisions. He felt that the Council felt the same way and it made it an honor for him to associate with them inside and outside the City Council. He was grateful for his wife and family and their support. This was her second go around with this. He felt like with the staff when he needed help they were very cooperative and he had nothing but good experiences that way. He loved American Fork City. It was his home. There was general applause.

6. MAYOR'S REPORT

Mayor Hadfield reported that during this past week there were two ribbon cuttings, one with the Maverik on Thursday and the other with CVS Pharmacy on Saturday. He welcomed them to the City and wished them well.

COMMON CONSENT AGENDA

1. Approval of the November 4, 2015 Joint City Council Planning Commission minutes
Move items 5 to action agenda
2. Approval of the November 10, 2015 City Council minutes
3. Approval of the November 17, 2015 City Council Special Session minutes
4. Approval of the November 19, 2015 City Council Work Session minutes
5. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$25,000
6. Approval of the Weldon Commercial Center Durability Release *(Requested by Dale Goodman, Public Works)*
7. Approval of the Walnut Court Release ICG and Enter Durability *(Requested by Dale Goodman, Public Works)*
8. Approval of the Bethers Release ICG and Enter Durability *(Requested by Dale Goodman, Public Works)*

Mayor Hadfield asked if there were changes to any of the minutes.

Richard Colborn reported a spelling correction on the November 4, 2015 Joint Work Session minutes.

Councilman Bowen asked that Common Consent Agenda Item No. 5 be moved to the regular action item agenda.

Mayor Hadfield moved Common Consent Agenda Item No. 5 to the regular action item agenda.

Mayor Hadfield call for a motion to approve the Common Consent Agenda Items No. 1, 2, 3, 4, 6, 7, and 8.

Councilman Taylor moved approval of Common Consent Agenda Items No. 1, 2, 3, 4, 6, 7, and 8. Councilman Shorter seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Councilman
SECONDER:	Jeff Shorter, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

ACTION ITEMS

(From Common Consent Agenda No. 5) APPROVAL OF THE CITY BILLS FOR PAYMENT, MANUALLY PREPARED CHECKS, AND PURCHASE REQUESTS OVER \$25,000

Councilman Bowen noted that one of the payments was \$51,000 to Black and McDonald for street lights in a subdivision. He asked if this was a pass through.

Mayor Hadfield answered that it was. He believed the subdivision was Anderson Cove and the developer was Dan Richards.

Councilman Bowen was not totally comfortable with the agreement in that the bid was non-competitive. Black and McDonald had an exclusive agreement in that all of the developers had to go through them.

Councilman Bowen noticed that some of the payments were to the Utah Unclaimed Property Division and asked what that was for.

Cathy Jensen explained that by State Law on an annual basis the City reviews outstanding checks and they were sent to the State.

Councilman Bowen was not 100 percent comfortable with all of the City expenditures. This had been an ongoing thing and he hoped they were making progress and he believed they were. He wanted to explain why he would not be voting to approve the City expenditures. There were still items he would like to see improved.

Councilman Frost moved approval of the City bills for payment, manually prepared checks, and purchase requests over \$25,000. Councilman Taylor seconded the motion.

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

1. APPOINTMENT OF MELISSA HENDERSHOT TO THE PARKS AND RECREATION COMMITTEE

Mayor Hadfield explained that he received a resume from Mrs. Hendershot. The City was fortunate to have people of this caliber in the community who had a desire to serve. He recommended the appointment for a period of four years.

On behalf of the Parks and Recreation Committee Councilman Taylor expressed that they were happy to have Mrs. Hendershot serve on the Parks and Recreation Committee. She was a well-qualified individual.

Councilman Taylor moved approval of the appointment of Mrs. Hendershot to the Parks and Recreation Committee. Councilman Shorter seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Councilman
SECONDER:	Jeff Shorter, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

2. REVIEW AND ACTION REGARDING A CONTRACT WITH CENTRACOM (CTS) TO PROVIDE HOSTED VOICE OVER IP (VOIP) TELEPHONE SERVICES TO ALL CITY BUILDINGS AND OFFICES (Requested by George Schade, Technology)

Mayor Hadfield moved Action Item No. 10, Review and Action regarding a contract with CentraCom (CTS) to provide hosted Voice Over IP (VOIP) Telephone services to all city buildings and offices, to this point on the agenda to accommodate one of the presenters. He would then be excused.

George Schade introduced the City's consultant Jeremy Roos.

Mr. Roos explained that this was the subject of a previous work session. About two months ago Mr. Whitehead asked him to look into potential phone systems. One that he was asked to look at was Ooma. He contacted Ooma and after explaining what the needs of the City were they informed him that they did not handle systems that large.

Bids were then solicited from five different vendors that already had single-mode fiber into the City's data center. Then George Schade and Jeremy Roos narrowed it down to the one who had the best product for the best price. He asked if there were questions.

Councilman Bowen was glad to see the City moving forward on this. He thought it was great. He asked the cost.

Mr. Roos reported that the cost would be \$4,100 per month which was \$6,000 more annually.

Mayor Hadfield asked about long distance charges.

Mr. Roos responded that when they looked at that, the City used less than 100 minutes a month. With this contract the cost would go from 8¢ a minute to about 3.5¢ a minute. It only amounted to a savings of a couple of dollars a month.

Councilman Bowen asked about the equipment.

Mr. Roos answered that the equipment would be leased. With CentraCom if the City was unhappy after one year, it could get out of the contract. The City did a lot of business with CentraCom.

George Schade pointed out a couple of changes that our legal counsel has requested. In 3.6 it should be 60 days. An interest rate was not shown and they were working on that.

Kasey Wright asked if the confidentiality provision was taken care of.

Mr. Schade responded that they had talked about that and Section 7.8 would be removed.

Mayor Hadfield asked if there were any further questions.

Councilman Bowen moved to approve the contract with CentraCom to provide hosted Voice Over IP Phone Services to American Fork City and authorize the Mayor to sign the Master Services Agreement with changes to 7.8, 3.6 and the interest rate. Councilman Taylor seconded the motion.

Mayor Hadfield asked if there were questions on the motion.

Councilman Shelton asked that Section 7.9 be changed with regard to disclosure.

Councilman Bowen amended his motion to include that Section 7.9 be changed as

well as it dealt with disclosure. Councilman Taylor agreed with his second.

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

3. REVIEW AND ACTION ON A RESOLUTION DECLARING CERTAIN PROPERTY TO BE SURPLUS *(Requested by Richard Colborn, Recorder)*

Mayor Hadfield noted that these were the items that were the topic of a public hearing earlier in the meeting. He asked if there was any discussion.

Councilman Taylor moved to adopt Resolution No. 2015-12-30R declaring certain items to be surplus. Councilman Shorter seconded the motion.

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

Councilman Bowen noted that the 1996 trucks were nearing 100,000 miles and in the other case just over 100,000 miles. He was glad that they got those miles out of the vehicles. He thought that was good. The City did not always have to have the newest equipment. We do the citizens a favor when they get the most out of the City's investment.

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

4. REVIEW AND ACTION ON A RESOLUTION DECLARING REAL PROPERTY AT 492 WEST PACIFIC DRIVE TO BE SURPLUS AND TO BE SOLD TO THE UTAH COUNTY HOUSING AUTHORITY *(Requested by Richard Colborn, Recorder)*

Mayor Hadfield reported that this was the matter of a public hearing earlier in the meeting. American Fork City has an Economic Development Area. Money generated from certain of those property taxes went to Low and Moderate Income Housing. This property was made available to the City during the downturn in the economy. The City used that earmarked money to purchase that property for low and moderate income housing. It was now time to move it on to the Utah County Housing Authority. He asked if there were questions of the Council.

Councilman Bowen asked for clarification that the one of the things the money from the EDA could be used was for Low and Moderate Income Housing but it was not required.

Mayor Hadfield responded that it was one of several items on the list.

Councilman Bowen asked how much the City paid for the property. He knew they were selling it for \$195,000.

Mayor Hadfield answered \$195,000 in about 2009.

Councilman Bowen did not believe that government provided housing was the proper role of government at any level, local, state, or federal, unless at the federal level it had to do with providing housing for the military. For that reason he would be voting against this.

Councilman Shorter moved to adopt Resolution No. 2015-12-31R declaring real property at 492 West Pacific Drive to be surplus and to be sold to the Utah County Housing Authority. Councilman Frost seconded the motion.

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

5. REVIEW AND ACTION ON THE APPROVAL OF THE SALE OF REAL PROPERTY TO THE HOUSING AUTHORITY OF UTAH COUNTY AT APPROXIMATELY 492 WEST PACIFIC DRIVE *(Requested by Dale Goodman, Public Works)*

Mayor Hadfield stated that this was the act of the sale of the property.

Councilman Frost moved to approve the sale of real property located at approximately 492 West Pacific Drive and collectively totaling 2.4029 acres, for the sum of \$195,000 to the Housing Authority of Utah County, and authorize the Mayor to sign the Real Estate Purchase Agreement document and the Warranty Deed and Quit Claim Deed documents. Councilman Taylor seconded the motion.

Mayor Hadfield asked if there was discussion on this motion.

Councilman Bowen stated that he was in the military when the cold war ended and they recognized the so-called Peace Dividend. The competing ideologies of communism and socialism, which were basically the same thing, and a free-enterprise system made him thankful that we enjoy the benefits of a free-enterprise system. It was discouraging to him that governments at all levels have become so socialistic in nature. It was basically redistribution of wealth and was a burden to the taxpayer. That was why he would be voting against this motion.

Mayor Hadfield invited Councilman Bowen, when the project was completed, whether he was in office or not, to come have a look at it and see the quality and how well it was managed by the Utah County Housing Authority and talk to the recipients who receive that housing. He believed the City was doing nothing wrong by encouraging this type of project. There were some slumlords in the community that did not put this good of a product out there.

Councilman Frost commented that he lived a half a block from the last Utah County Housing Project on 300 East. He will be voting for this. He felt it was reflective of the

value of the community. It was probably the best kept property in his entire neighborhood next to his property that his wife took care of.

Councilman Bowen did not doubt that a nice project would be put forth. He was familiar with people who participated in public housing and how it worked. He rejected the basis of it. He thought it was flawed and that was why our nation was \$18 trillion in debt.

Councilman Taylor called for the question on the motion.

Mayor Hadfield called for the vote.

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

6. REVIEW AND ACTION ON THE HUMBLE ANNEXATION CONSISTING OF 1.16 ACRES AT 1191 EAST 700 NORTH, INCLUDING THE ORDINANCE OF ANNEXATION, ANNEXATION AGREEMENT, AND PLACEMENT OF THE PROPERTY IN THE RA-1 RESIDENTIAL AGRICULTURAL ZONE *(Requested by Richard Colborn, Recorder)*

Mayor Hadfield stated that this was the final act by the City Council on this annexation.

Councilman Taylor moved to approve the Humble Annexation consisting of 1.16 Acres at 1191 East 700 North including Ordinance No. 2015-12-74, the annexation agreement, and placement of the property in the RA-1 Residential Agricultural zone. Councilman Shelton seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Councilman
SECONDER:	Rob Shelton, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

7. REVIEW AND ACTION ON THE HARBOR ENTERPRISES PLAT A ANNEXATION CONSISTING OF 15.76 ACRES AT 600 WEST 500 SOUTH INCLUDING THE ORDINANCE OF ANNEXATION, ANNEXATION AGREEMENT, AND PLACEMENT OF THE PROPERTY IN THE RA-5 RESIDENTIAL AGRICULTURAL ZONE *(Requested by Richard Colborn, Recorder)*

Councilman Frost moved to approve the Harbor Enterprises Plat A Annexation consisting of 15.76 acres at 600 West 500 South including Ordinance No. 2015-12-75, the annexation agreement, and placement of the property in the RA-5 Residential Agricultural zone. Councilman Taylor seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brad Frost, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

8. REVIEW AND ACTION ON THE CATALYST BUSINESS PARK ANNEXATION CONSISTING OF 111.26 ACRES AT 150 EAST 1500 SOUTH INCLUDING THE ORDINANCE OF ANNEXATION, ANNEXATION AGREEMENT, AND PLACEMENT OF THE PROPERTY IN THE PI-1 PLANNED INDUSTRIAL ZONE, I-1 INDUSTRIAL ZONE, AND THE M-1 MARINA ZONE *(Requested by Richard Colborn, Recorder)*

Councilman Taylor moved to approve the Catalyst Business Park Annexation consisting of 111.26 acres between 100 East and 500 East, 1500 South including Ordinance No. 2015-12-76, the Annexation Agreement, and placement of the property in the PI-1 Planned Industrial zone, I-1 Industrial zone, and the M-1 Marina zone. Councilman Shorter seconded the motion.

Mayor Hadfield asked if there were questions on the motion.

Councilman Bowen commented that the marine use was a good thing. He wished David Adams well in his project.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Councilman
SECONDER:	Jeff Shorter, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

9. REVIEW AND ACTION ON SUBDIVISIONS, COMMERCIAL PROJECTS, CONDOMINIUMS, AND PUD'S INCLUDING 1) PLAT APPROVAL; 2) METHOD OF SATISFACTION OF WATER RIGHTS REQUIREMENTS; 3) POSTING OF AN IMPROVEMENT BOND OR SETTING OF A TIME FRAME FOR IMPROVEMENT INSTALLATION; AND 4) AUTHORIZATION TO SIGN THE FINAL PLAT AND ACCEPTANCE OF ALL DEDICATIONS TO THE PUBLIC AND TO HAVE THE PLAT RECORDED

- a. Review and action on the Final plat of Alpine Valley Center Lot 4 Amended, located at 623 West Main Street, in the SC-1 Planned Shopping Center zone *(Requested by Adam Olsen, Planning)*

Mayor Hadfield explained that this was part of the Alpine Valley Center. Lot 4 was impacted by the rebuild of I-15 in that some frontage was taken. When the onramp was finished certain property was given back. This was really a housecleaning item.

Councilman Shorter moved to approve the final plat of Alpine Valley Center Lot 4 Amended, located at 623 West Main Street, in the SC-1 Planned Shopping Center zone and to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record associated with the

November 18, 2015 Planning Commission meeting. Councilman Taylor seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

- b. Review and action on an Ordinance 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 (Requested by Adam Olsen, Planning)

This property was immediately south of the Ivory Homes Project on Boat Harbor Road. It was the First Phase of many phases.

Councilman Taylor moved to adopt Ordinance No. 2015-12-77 approving 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 R1-12,000 Residential zones and to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat and publication of the Ordinance subject to all conditions identified in the public record associated with the November 18, 2015 Planning Commission meeting. Councilman Frost seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

- c. Review and action on an Ordinance approving a commercial site plan for an office/warehouse development (“All Star”) located at 100 West West Frontage Road, in the PI-1 Planned Industrial zone. (Requested by Adam Olsen, Planning)

This was previously Roberts Manufacturing. The property has now been sold and the developer desires to construct office/warehouses.

Councilman Taylor moved to adopt Ordinance No. 2015-12-78 approving a commercial site plan for an office/warehouse development (“All Star”) located at 100 West South Frontage Road, in the PI-1 Planned Industrial zone, with instructions to the City Recorder to withhold publication of the Ordinance subject to all conditions identified in the public record associated with the November 18, 2015 Planning Commission meeting. Councilman Bowen seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Councilman
SECONDER:	Carlton Bowen, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

- d. Review and action on an Ordinance approving a commercial site plan for the Meadows Apartments located at 697 West Pacific Drive in the SC-1 Planned Shopping Center zone. (Requested by Adam Olsen, Planning)

Mayor Hadfield noted that this previously came before the Council without a positive recommendation because it showed some offsite parking where residents would have to cross Pacific Drive. Woodbury has now struck a deal with the property owner to the east, Cal Ranch and others.

Adam Olsen clarified that the Planning Commission did recommend approval the first time it came forward. The issue was the remote parking across the street. The applicants have now reworked the plan and kept their parking adjacent to the units. There was some overflow still at the previous location. The numbers have not increased; it was still the same ratio. It had a positive recommendation from the Planning Commission.

Councilman Frost asked if the parking met City Code.

Adam Olsen answered that it did not and it did not meet it the first time either.

Councilman Shelton asked about the agreement with Cal Ranch.

Adam Olsen noted that Woodbury struck that agreement. The City was not given that agreement.

Councilman Shelton asked what happened if the agreement fell short.

Adam Olsen would like to think it would be in perpetuity.

Councilman Shelton wanted to see the written agreement.

Richard Welch with Garbett Homes explained that he was Woodbury's partner in this project. He added that he was here last March when it was discussed. He was not a party to the negotiations between Woodbury and Cal Ranch. He thought the written agreement could be made a condition of approval. The agreement was to make certain parking commitments for 50 years.

Councilman Shelton wanted to see it in writing.

Mr. Welch reported that when they met with the Mayor, Woodbury needed to know that this solution would satisfy the Council in order to finalize that agreement.

Councilman Bowen noted that it was a Catch 22. Who was going to act first?

Mayor Hadfield suggested that the motion in the packet could be made adding the fact that the parking agreement would be recorded prior to the plat being recorded.

Councilman Shelton wanted to see the terms of the agreement before he approved it to make sure they did not have people crossing that busy road.

Councilman Taylor thought the motion could be made contingent upon the approval of the parking agreement.

Mayor Hadfield commented that it came down to who was going to take the first step.

Councilman Shelton was okay with it if it went in perpetuity. He wanted to know what the out-clauses were.

Councilman Shorter moved to adopt Ordinance No. 2015-12-79 approving a commercial site plan for the Meadows Apartments located at 697 West Pacific Drive in the SC-1 Planned Shopping Center zone with instructions to the City Recorder to withhold publication of the Ordinance subject to all conditions identified in the public record associated with the November 18, 2015 Planning Commission meeting and in addition to that, approval of the City Council of any parking agreements prior to the plat being recorded.

Councilman Frost asked if the agreement would then come back to the City Council for action.

Councilman Shorter responded that was correct.

Councilman Bowen suggested to amend the motion to have the approval conditional upon receipt of the written agreement between Cal Ranch and Woodbury Corporation.

Councilman Taylor did not think that would solve the problem.

Councilman Shorter added that the Council wanted it to say certain things.

Councilman Shelton seconded the motion of Councilman Shorter.

Councilman Bowen commented that the agreement was not purported to change the parking ratio but to make the parking adjacent rather than parking across the street.

Mayor Hadfield stated that was correct.

Mr. Welch explained that 78 parking spaces that were going to be across the street to the north were now going to be adjacent on the Cal Ranch property.

Councilman Bowen asked about the time period.

Councilman Shelton wanted to see it in perpetuity. Parking was a huge issue in American Fork. There was increasing traffic on that street with access to Dick's Sporting Goods.

Councilman Frost agreed.

Mayor Hadfield called for a vote on the motion.

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

10. REVIEW AND ACTION ON A CONTRACT WITH SUMMIT ENERGY *(Requested by Derric Rykert, Parks and Recreation)*

Derric Rykert explained that this was an option presented to the Fitness Center by Summit Energy because of the amount of natural gas consumed. It was projected to save the City quite a bit of money.

Mayor Hadfield asked if there were any questions.

Councilman Bowen thought it was a great idea to buy the natural gas wholesale. He did not see any downside to it. It was a great move.

Councilman Frost moved to approve the base contract for sale and purchase of natural gas with Summit Energy and authorize the Mayor to sign the base contract. Councilman Bowen seconded the motion.

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

11. REVIEW AND ACTION ON A RESOLUTION APPROVING AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN CONSISTING OF 19.72 ACRES LOCATED AT 57-79 NORTH 1020 WEST FROM THE DESIGN COMMERCIAL TO THE RESIDENTIAL HIGH DENSITY DESIGNATION *(Requested by Richard Colborn, Recorder)*

Mayor Hadfield noted that this was property owned by the Walters Family. It was first brought to the Planning Commission for office structures and got a positive recommendation. It was then decided the property could be better utilized for high density residential. He asked what the Planning Commission’s recommendation was.

Adam Olsen explained that it was tabled by a split vote the first time and when it came back the next time it was a split vote for denial for both the Land Use and Zone Map amendments. The Planning Commission felt that the Land Use designation of Design Commercial for the area was still valid and should remain.

Mayor Hadfield asked who was making this presentation.

Bruce Baird introduced himself as counsel for the project. He was sort of serving as the “Quarterback of the Dream Team” today. He was going to give a presentation that the Planning Commission did not see because they decided to up the game a little bit. They would be brief. The one thing they were sure of was that the current zoning did not work.

Mr. Baird commented that he had been in hundreds of these meetings and had never seen any Mayor run a meeting as efficiently as Mayor Hadfield. He had thought they would be here until midnight. He introduced the “Dream Team.”

Brandon Fugal who was probably the single most experienced real estate broker on commercial projects. He represented 12 buildings in American Fork and had an office in American Fork. He had 500,000 square feet of commercial space. He was the undisputed expert about where commercial worked and where it didn't work.

Jeff Neece was probably the preeminent expert in the State of Utah on apartments. He has worked on probably 90 percent of the multi-family units. He had 30 years of experience as a consultant/appraiser.

Jory Walker from Beecher Walker Architects currently had 2500 apartment units in 8 out of the 10 TOD sites in the State under construction which represented \$360 million.

Mr. Baird provided a very brief history of this property. The Walters Family owned this property back when there was a railroad line to the sugar factory in Lehi. I-15 was not built until 20 years after the Walters bought this property. In 1998 they tried to start selling the property. For the last 17 years they had been trying to market and sell the property. Now they knew what was going in the surrounding property.

Brandon Fugal stated that the developer that was working with the family brought them in a number of months ago to consult on this site and sum up the challenges relative to this being an office site. Most notably it was necessary to build a four or five story building in order to get the visibility and prominence that would make it a viable project. In meeting with the architect and development team that would not be possible due to the soils and what not. There were probably other locations in the City that would be more suited for offices. With the mass transit and the surrounding retail it would be well served by adding more residential.

Mr. Fugal noted that he was an office broker and not really an advocate traditionally for multi-family or residential. But, he happened to agree with the development team that the highest and best use seemed to be what they were proposing for the site. If they tried to take it to market for an office development there seemed to be enough obstacles that it would probably postpone development of this site for any number of years to come. He asked if there were any questions.

Councilman Frost asked that other than soils and the nearness to wetlands what were some of the other reasons that someone would not want to build there on a commercial basis.

Mr. Fugal stated that historically it had been looked at as an industrial-plex. They had a lot of office headquarter tenants look at this area. He showed property around the Mill Pond 20+ years ago when he was a young agent. They could not overcome some of the biases and perceptions of what was going in and the topography. The site was also access challenged to a degree. The right quality would enhance the existing commercial.

Councilman Frost thought that the same access challenge existed whether it was office or residential.

Mr. Fugal answered that it would be worse for office than for residents. Residents knew where they were going and the office users were more transient.

Councilman Frost commented unless you were just a visitor.

Mr. Neece explained that he specialized in apartment projects for over 30 years. Most recently he has concentrated on the transit corridor from Pleasant View on the North to Provo on the South. He showed some projects on similar sites in Springville, Centerville, West Haven, and near the South Towne Mall. He asked if there were any questions.

Mayor Hadfield asked if geotechnical studies had been done on the property.

Mr. Neece did not do those. Jory Walker would address that question.

Jory Walker stated that he currently had over 1 million square feet of office under construction. He built and designed office. He had a number of projects in Utah County. In the analysis of the site, because of the water table, pilings would be required for anything taller than three stories. The high-end residential project would have garages or covered parking. It was felt that the pond and wetlands became a pretty cool amenity if it was done right. This site was as close as many of the other residential TOD locations. This was a real quick-brush of the site. It was what could be here.

Councilman Taylor asked why the Planning Commission was not given this presentation.

Mr. Baird answered that no one thought they would not get approval. They needed to up their game.

Councilman Shelton asked if 80 North was supposed to continue to Lehi. Now was the time to negotiate for that and for land for the flyover.

Mr. Baird understood that the City did not want to create extra value and then have to pay for it. His clients were sensitive to wanting the flyover. Somewhere there was deal here that worked for everybody. Everything could be conditioned upon a development agreement.

Mayor Hadfield asked if the west side of this property was in Lehi City.

Adam Olsen answered that it was.

Mayor Hadfield stated that there needed to be some coordination with Lehi City and there were some options that they did not know the answers to.

Mr. Baird continued that somebody had to jump first and they were here and his clients had been here since 1939 and had been trying to get approval since 1998.

Mayor Hadfield asked if the Walters Family had sold the south end of their property to Harts.

Mr. Baird believed that to be the case.

Councilman Shelton asked if the issues the Mayor brought up would be addressed in the development agreement.

Mr. Baird answered that they could be.

Councilman Taylor thought this made by far the most sense. In looking at Thanksgiving Point, if this property could not go more than three stories high there was no way it could compete. He would be in favor of approving it with a development agreement.

Mr. Baird expressed that by building this project it would force the issue with the flyover.

Mayor Hadfield asked if this should go back to the Planning Commission based on the information provided at tonight's meeting.

Adam Olsen responded that there was no new information.

Councilman Shorter agreed with Councilman Taylor and would like to move forward with it with the conditions in place.

Councilman Shelton moved to adopt Resolution No. 2015-12-32R approving an amendment to the Land Use Element of the General Plan consisting of 19.72 acres located at 57-79 North 1020 West from the Design Commercial to the Residential High Density designation contingent upon a development agreement mutually agreed upon by the City and the developer. Councilman Shorter seconded the motion.

Councilman Frost asked that in the development agreement if it would be appropriate to consider the strategic location that it was; a gateway and work with the developer on aesthetics. It was important that the atmosphere of City be protected. The trail ought to be included in the development agreement.

Councilman Shelton asked if the development agreement went to the Planning Commission or straight to the City Council.

Kasey Wright answered that it would go to the City Council. He added that essentially what they were agreeing to tonight, if they agreed to it, was that the Council was agreeing to say that they agree that under certain circumstances set forth in the development agreement that this property could be used for residential.

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

Councilman Bowen expressed that his primary concern was the rights of owners of the property. He thought it was unfortunate if they had tried to develop this property in the past and had not been able to. He felt this would be a great residential development. The

location was really good. There was access to Pioneer Crossing and commercial locations. He was supportive of this.

Mayor Hadfield call for a vote on the motion.

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

12. REVIEW AND ACTION ON AN ORDINANCE APPROVING A ZONE MAP AMENDMENT FOR 19.72 ACRES, LOCATED AT 57-79 NORTH 1020 WEST, FROM THE RA-1 RESIDENTIAL AGRICULTURAL TO THE R4-7,500 RESIDENTIAL ZONE *(Requested by Richard Colborn, Recorder)*

Mayor Hadfield asked if this was appropriate to consider at this time or did the Planning Commission need to do some work.

Kasey Wright noted that it was still contingent upon a development agreement.

Mayor Hadfield asked that the developers pull this back off the agenda until there was a development agreement.

Mr. Baird asked that the Council approve the zone change subject to the development agreement so they could move forward. He thought it was the more normal way to do it. They could move forward and not have to come back.

Mayor Hadfield was very concerned about the geotechnical report. There used to be a fishing pond there. Old tires were used to stabilize the ground around the fishing pond.

Jory Walker reported that they were currently doing the Ogden River Project and was familiar with what used to be done.

Councilman Bowen moved to adopt Ordinance No. 2015-12-80 approving a zone map amendment for 19.72 acres, located at 57-79 North 1020 West, from the RA-1 Residential Agricultural to the R4-7,500 Residential zone contingent upon approval of a development agreement between the City and the developer. Councilman Taylor seconded the motion.

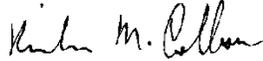
Mayor Hadfield asked if there were questions on the motion.

Councilman Frost stated that he was going to vote against this portion. He felt they needed a littler firmer position.

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

13. ADJOURNMENT

Councilman Taylor moved adjournment at 9:25 p.m. Councilman Shorter seconded the motion. All were in favor.



Richard M. Colborn
City Recorder