AMERICAN FORK CITY COUNCIL
MAY 28, 2019
REGULAR SESSION AGENDA

The American Fork City Council will meet in a regular session on **Tuesday, May 28, 2019, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.** The agenda shall be as follows:

REGULAR SESSION

1. Pledge of Allegiance; prayer by Council Member Taylor; roll call.
2. Twenty-minute public comment period - limited to two minutes per person.
3. City Administrator's Report
4. Council Reports
5. Mayor's Report

COMMON CONSENT AGENDA

(*Common Consent* is that class of Council action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda.)

1. Approval of the April 30, 2019 special session minutes
2. Approval of the May 7, 2019 work session minutes
3. Approval of the May 14, 2019 City Council minutes
4. Approval of the authorization to release the Improvements Durability Retainer of $11,611.80 for Copper Ridge Lot 2, located at 824 South Auto Mall Drive.
5. Approval of the authorization to release the Improvements Durability Retainer of $457.38 for Harper Residence, located at 359 North 200 East.
6. Approval of the authorization to release the Improvements Construction Guarantee in the amount of $42,965.00 and issue a Notice of Acceptance for the Heiner Office Warehouse construction of public improvements located at 493 East Elm Street.
7. Approval of the authorization to release the Improvements Durability Retainer of $48,178.00 for Mitchell Meadows Plat C, located at 900 West 1000 North
8. Approval of the authorization to release the Improvements Durability Retainer of $8,052.31 for Roderick North Pointe Lot 2A, located at 1226 South 630 East.
9. Approval of the issuance of a Notice of Acceptance for the Sunrise Estates Plat B construction of public improvements located at 1051 East 300 North.

ACTION ITEMS

1. Ratification of city payments (May 7, 2019, to May 21, 2019) and approval of purchase requests over $25,000.
2. Review and action on an ordinance removing Section 17.5.134(B)(13) relating to accessory apartments and creating Chapter 17.17 prohibiting short term rentals in American Fork.
3. Review and action on approval of an ordinance approving the disbursement of the fiscal year 2018/2019 PARC Tax funds.
4. Review and action on approval of an ordinance amending Chapter 5.38 and Chapter 10.46 the city code relating to Towing and Parking Enforcement Services.
5. Review and action on ordinance adopting various amendments to Section 17.4 of the American Fork City Municipal Code relating to rear setbacks.
6. Review and action on an ordinance approving a zone map amendment from the I-1 Industrial and M-1 Marina zones to the PI-1 Planned Industrial zone located in the area of 1500 South 100 East.
7. Review and action on subdivisions, commercial projects, condominiums, and PUD's including 1) plat approval; 2) method of satisfaction of water rights requirements; 3) posting of an improvement bond or setting of a time frame for improvement installation; and 4) authorization

to sign the final plat and acceptance of all dedications to the public and to have the plat recorded.

a. Review and action on an ordinance approving an amended site plan for the American Fork City Public Works Complex located at 275 East 200 North in the PF-Public Facilities zone.
b. Review and action on the final plat and ordinance adopting the site plan for AF Medical Properties located in the area of 200 North 1150 East in the PO-1 Professional Office and R-1-15,000 Residential zones.
c. Review and action on the final plat and ordinance adopting the site plan of Dixie Farms Plat G Flexible Lot PUD project located in the area of 800 South 800 West in the PR 3.0 Planned Residential zone.
d. Review and action on the final plat of Mitchell Farms Plat B, located in the area of 860 West 760 North, in the R-1-12,000 Residential zone.
e. Review and action on a Performance-in-Lieu Agreement with Patterson Homes for Mitchell Farms Plat B.
f. Review and action on an ordinance approving the Olive Tree Enterprises District Framework Plan located in the area of 350 South 1000 West.

8. Review and action on a resolution adopting the American Fork City Municipal Wastewater Planning Program for 2018.
9. Review and action on the approval of a Fund Balance Policy for the General Fund.
10. Review and action on the approval of a contract for Janitorial Services.
11. Review and action on approval of an ordinance amending sections of the city code pertaining to Time, Place and Manner Regulation.
12. Review and action on approval of a resolution adopting a Prayer Policy.
13. Review and action on an ordinance amending various sections of the City Code relating to codification authority, meetings, restrictions on appointments and salaries, written minutes, election dates, terms of office and conduct of elections, oath and bond requirements, bond for treasurer, and appointment of city administrator.
14. Review and action on an ordinance approving various amendments to Chapter 15.01 of the city code relating to detailed drawings.
15. Review and action on an ordinance approving amendments to Section 17.8.403 of the city code relating to water mains.
16. Review and action on approval of the 2019 Utah County Recreation Grant submission.
17. Review and action on a Supplemental Agreement with the Utah Department of Transportation.
18. Review and action on approval of contracts for employee benefits with SelectHealth and Dentist Direct.
19. Consideration and action to enter into a closed session to discuss the character or professional competence of individuals, to discuss pending or reasonably imminent litigation, to discuss the purchase, lease or sale of real property, or to discuss other items described in Utah State Code 52-4-204 and 52-4-205.
20. Adjournment.

Dated this 23 day of May, 2019.

Terilyn Lurker

Terilyn Lurker
City Recorder

- In accordance with the Americans with Disabilities Act, the City of American Fork will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-763-3000 at least 48 hours in advance of the meeting.
- The order of agenda items may be changed to accommodate the needs of the City Council, staff, and the public.

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Public Works **Director Approval** *Scott Sensanbaugher*

AGENDA ITEM Consideration regarding authorization to release the Improvements Durability Retainer of $11,611.80 for Copper Ridge Lot 2, located at 824 South Auto Mall Drive.

SUMMARY RECOMMENDATION The City Engineer recommends that the Improvements Durability Retainer be released. The improvements were found in a condition meeting City standards for workmanship and performance after one (1) year of service.

BACKGROUND Pursuant to the terms of Sections 17.9.100 and 17.9.403 of the City Development Code, the City Council may authorize the release of the Improvements Durability Retainer following the one (1) year durability testing period. The release is based on a finding that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards or need for remedial action.

BUDGET IMPACT Following the release of the Improvements Durability Retainer, the City is responsible for all future maintenance and replacement costs for any publicly-owned property or improvement. In developments with Home-Owners or Unit-Owners Associations, all common area maintenance and replacement responsibilities will then fall to the Association. All privately-owned improvements will be the responsibility of the owner of the given parcel.

SUGGESTED MOTION Move to authorize the City Engineer to issue documents and/or payments to release the Improvements Durability Retainer of $11,611.80 for Copper Ridge Lot 2. Find that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards, or need for remedial action.

SUPPORTING DOCUMENTS

Copper Ridge Lot 2 Bond Spreadsheet (PDF)
Durability_Release_Authorization (DOC)
Copper Ridge Lot 2 Bond Release Request (PDF)
Copper Ridge Lot 2 Inspection Request - Durability (PDF)

Name of Development: Copper Ridge Lot 2

	Description of Item	Quantity	Unit	Unit Price	Total
	SEWER				
	8" PVC Sewer Line	601	LF	$28.00	$16,828.00
	5' Sewer Manhole Precast	5	Each	$3,250.00	$16,250.00
	Sanitary Sewer Lateral Connection	10	Each	$900.00	$9,000.00
	CULINARY WATER				
	6" DI Culinary Water	10	LF	$30.00	$300.00
	8" DI Culinary Water	694	LF	$35.00	$24,290.00
	8" Gate Valve	5	Each	$1,100.00	$5,500.00
	Connect to Existing Water	2	Each	$3,200.00	$6,400.00
	Fire Hydrant Assembly	3	Each	$4,200.00	$12,600.00
	Water Service Lateral	10	Each	$1,250.00	$12,500.00
	PRESSURIZED IRRIGATION				
	Irrigation Service	1	Each	$1,100.00	$1,100.00
	STREETS				
	Sidewalk 4" Thick (4"untreated base course included)	1025	SF	$4.00	$4,100.00
	ADA Ramp (6" concrete 6" base course included)	3	Each	$1,500.00	$4,500.00
	CONSTRUCTION MANAGEMENT/MISC.				
	As Builts Mylar & Disks	1	Each	$250.00	$250.00
	Testing, Cleaning, Inspections	1	LS	$2,500.00	$2,500.00

	$116,118.00
10% Durability - retained at ICG release	$11,611.80
ICG Amount	**$127,729.80**

Attachment: Copper Ridge Lot 2 Bond Spreadsheet (Durability Release - Copper Ridge Lot 2)

IMPROVEMENTS DURABILITY RETAINER RELEASE AUTHORIZATION

The City Council of American Fork City, a Municipal Corporation and Body Politic in the State of Utah, hereby authorizes the release of the Improvements Durability Retainer for Copper Ridge Lot 2 pursuant to the terms of Section 17.9.100 and 17.9.403 of the City Development Code. The City Council finds that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance to City standards, or need for remedial action.

The City Council hereby authorizes the City Engineer to issue a letter to the financial guarantee institution authorizing release of the Improvements Durability Retainer or to issue an authorized City check as appropriate for the type of guarantee provided.

Amount Released: $11,611.80

PASSED THIS 28 DAY OF MAY, 2019

_____
City Representative, American Fork City

ATTEST:

_____
Terilyn Lurker, City Recorder

Attachment: Durability_Release_Authorization (Durability Release - Copper Ridge Lot 2)

AMERICAN FORK
— 1853 —

BOND RELEASE REQUEST

Development Name: Copper Ridge Lot 2

Development Address: 824 S. Auto Mall Dr

☐ Partial Release ☐ Release ☑ 10% Warranty Release

Description of Item	Quantity	Units	Unit Price	Total	Inspector Use Only Complete? Yes/No
All Items					Y
			Total	11,611.80	

Bond Type: ☐ Cash Deposit ☐ Escrow Account ☑ Letter of Credit ☐ Surety Bond

Please send check/bank letter to:

Name: Wade Payne

Bank (if applicable): Bank of American Fork

Address: P.O. Box 1539

City: Orem State: UT ZIP: 84059

Phone: 801-205-6444 Email: wade@wadepayneconstruction.com

Signature: Wade Payne Date: 5-16-19

Inspector Use Only

Inspector Signature: [signature] Date: 5/9/19

Form Number xxx-xx-xxx Approved for use by PW Director Date Apr 3 2018

Attachment: Copper Ridge Lot 2 Bond Release Request (Durability Release - Copper Ridge Lot 2)

BOND RELEASE INSPECTION

Project Information

Project Name: Copper Ridge Lot 2

Project Address: 824 South Auto Mall Drive

Type of Project: ☐ Subdivision ☉ Site Plan ☐ Road Project ☐ Underground Utility

Performance Guarantee Bond Information

Date of the Request: 05/14/2019

Requested Amount: $11,611.80

Type of Release: ☐ Partial Release ☐ Final Release ☉ 10% Warranty Release

Type of Bond: ☐ Cash Deposit ☉ Letter of Credit ☐ Escrow Account ☐ Surety Bond

Comments:

Preparer's Signature: Lisa Halvorsen Date: 5/20/19

Field Inspection Information

Inspection Date: 5/9/19 Inspected By: Dee Howard

Comments: All infrastructure is in good working condition

Inspector's Signature: Dee Howard Date: 5/20/19

Performance Guarantee Bond Release Information

Recommended Amount to Release: $11,611.80

Comments:

Engineer's Signature: [signature] Date: 5-20-19

Attachment: Copper Ridge Lot 2 Inspection Request - Durability (Durability Release - Copper Ridge Lot 2)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Public Works **Director Approval** *Scott Sensanbaugher*

AGENDA ITEM Consideration regarding authorization to release the Improvements Durability Retainer of $_457.38_ for Harper Residence, located at 359 North 200 East.

SUMMARY RECOMMENDATION The City Engineer recommends that the Improvements Durability Retainer be released. The improvements were found in a condition meeting City standards for workmanship and performance after one (1) year of service.

BACKGROUND Pursuant to the terms of Sections 17.9.100 and 17.9.403 of the City Development Code, the City Council may authorize the release of the Improvements Durability Retainer following the one (1) year durability testing period. The release is based on a finding that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards or need for remedial action.

BUDGET IMPACT Following the release of the Improvements Durability Retainer, the City is responsible for all future maintenance and replacement costs for any publicly-owned property or improvement. In developments with Home-Owners or Unit-Owners Associations, all common area maintenance and replacement responsibilities will then fall to the Association. All privately-owned improvements will be the responsibility of the owner of the given parcel.

SUGGESTED MOTION Move to authorize the City Engineer to issue documents and/or payments to release the Improvements Durability Retainer of $457.38 for Harper Residence. Find that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards, or need for remedial action.

SUPPORTING DOCUMENTS

Durability_Release_Authorization - Harper Residence (PDF)
Harper Home Bond Release Request - Durability (PDF)
Harper Home Durability Release Inspection Request (PDF)
Harper Home Spreadsheet - Durability Release (PDF)

IMPROVEMENTS DURABILITY RETAINER RELEASE AUTHORIZATION

The City Council of American Fork City, a Municipal Corporation and Body Politic in the State of Utah, hereby authorizes the release of the Improvements Durability Retainer for THE HARPER RESIDENCE pursuant to the terms of Section 17.9.100 and 17.9.403 of the City Development Code. The City Council finds that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance to City standards, or need for remedial action.

The City Council hereby authorizes the City Engineer to issue a letter to the financial guarantee institution authorizing release of the Improvements Durability Retainer or to issue an authorized City check as appropriate for the type of guarantee provided.

Amount Released: $457.38

PASSED THIS 28 DAY OF MAY, 2019.

_____
City Representative, American Fork City

ATTEST:

_____
Terilyn Lurker, City Recorder

Attachment: Durability_Release_Authorization - Harper Residence (Durability Release - Harper Residence)

BOND RELEASE REQUEST

Development Name: Harper Residence

Development Address: 359 North 200 East

☐ Partial Release ☐ Final Release ☒ 10% Warranty Release

Description of Item	Quantity	Units	Unit Price	Total	Inspector Use Only Complete? Yes/No
				457.38	
			Total	457.38	

Bond Type: ☒ Cash Deposit ☐ Escrow Account ☐ Letter of Credit ☐ Surety Bond

Please send check/bank letter to:

Name: Matthew Harper

Bank (if applicable):

Address: 359 North 200 East

City: American Fork State: UT ZIP: 84003

Phone: 801-472-1211 Email: harperandco@gmail.com

Signature: Matthew P. Harper Date: 5-19-2019

Inspector Use Only

Inspector Signature: Date:

Form Number xxx-xx-xxx Approved for use by PW Director Date Apr 3 2018

Attachment: Harper Home Bond Release Request - Durability (Durability Release - Harper Residence)

BOND RELEASE INSPECTION

Project Information

Project Name: Harper Residence

Project Address: 359 North 200 East

Type of Project: ☐ Subdivision ☉ Site Plan ☐ Road Project ☐ Underground Utility

Performance Guarantee Bond Information

Date of the Request: 05/20/2019

Requested Amount: $457.38

Type of Release: ☐ Partial Release ☐ Final Release ☉ 10% Warranty Release

Type of Bond: ☉ Cash Deposit ☐ Letter of Credit ☐ Escrow Account ☐ Surety Bond

Comments:

Preparer's Signature: eSigned via SeamlessDocs.com Lisa Halversen Key: 293de4da64a04ad2992df15475d1b0ba Date: 05/20/2019

Field Inspection Information

Inspection Date: _____ Inspected By: _____

Comments:

Inspector's Signature: _____ Date: _____

Performance Guarantee Bond Release Information

Recommended Amount to Release: _____

Comments:

Engineer's Signature: _____ Date: _____

Attachment: Harper Home Durability Release Inspection Request (Durability Release - Harper Residence)

Attachment: Harper Home Durability Release Inspection Request (Durability Release - Harper Residence)

Name of Development: Harper, Matt

359 North 200 East

	Description of Item	Quantity	Unit	Unit Price	Total
	STREETS				
	Asphalt 3" - Standard Road	792	SF	$1.40	$1,108.80
	24" Curb & Gutter (4" untreated base course included)	99	LF	$15.00	$1,485.00
	Sidewalk 4" Thick (4"untreated base course included)	495	SF	$4.00	$1,980.00

	$4,573.80
10% Durability - retained at ICG release	$457.38
ICG Amount	**$5,031.18**

Attachment: Harper Home Spreadsheet - Durability Release (Durability Release - Harper Residence)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Public Works **Director Approval** *Scott Sensanbaugher*

AGENDA ITEM (Common Consent Agenda) - Consideration regarding authorization to release the Improvements Construction Guarantee in the amount of $42,965.00 and issue a Notice of Acceptance for the Heiner Office Warehouse construction of public improvements located at 493 East Elm Street.

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

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

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

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

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

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

SUGGESTED MOTION Move to accept the improvements and authorize the City to execute the Notice of Acceptance for the Heiner Office Warehouse public improvements located at 493 East Elm Street. To authorize the issuance of documents and/or payments to release the

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

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

SUPPORTING DOCUMENTS

Heiner Office Bldg Final Release Bond Request (PDF)
Heiner Office Bldg Final Inspection Request (PDF)
Heiner Office Bldg Notice of Completion (PDF)
Heiner Office Bldg Bond Spreadsheet (PDF)

BOND RELEASE REQUEST

Development Name: Heiner Office Warehouse

Development Address: 493 E. Elm Street, American Fork, Utah 84003

☐ Partial Release ☑ Final Release ☐ 10% Warranty Release

Description of Item	Quantity	Units	Unit Price	Total	Inspector Use Only Complete? Yes/No
* SEE ATTACHED *					
			Total	47,261.50	

Bond Type: ☑ Cash Deposit ☐ Escrow Account ☐ Letter of Credit ☐ Surety Bond

Please send check/bank letter to:

Name: Heiner Land Co.

Bank (if applicable):

Address: 533 West State Street Ste. 102

City: Pleasant Grove State: Utah ZIP: 84062

Phone: (801) 787-7906 Email: jcheiner@yahoo.com

Signature: _____ Date: 5/14/19

Inspector Use Only

Inspector Signature: _____ Date: 5/16/19

Form Number xxx-xx-xxx Approved for use by PW Director Date Apr 3 2018

Attachment: Heiner Office Bldg Final Release Bond Request (Final Bond Release - Heiner Office Warehouse)

Name of Development: HEINER OFFICE WAREHOUSE

	Description of Item	Quantity	Unit	Unit Price	Total
	SEWER				
	4" Sewer Later w/ 2 cleanouts	1	Each	$2,500.00	$2,500.00
	CULINARY WATER				
	1" Water Later w/ Metercan	1	Each	$3,800.00	$3,800.00
	Fire hydrant	1	LS	$6,200.00	$6,200.00
	CONCRETE				
	24" Curb and Gutter	316	LF	$20.00	$6,320.00
	5' Sidewalk	308	LF	$15.00	$4,620.00
	Drive Approach	1	Each	$1,200.00	$1,200.00
	ADA Ramp	1	Each	$850.00	$850.00
	ASPHALT				
	Asphalt 3" w/ 8" base	1600	SF	$2.50	$4,000.00
	STORM DRAINAGE				
	2 x 2 Catch basin	1	Each	$850.00	$850.00
	12" pipe	25	LF	$15.00	$375.00
	Pre-treat Catch Basin	1	Each	$1,250.00	$1,250.00
	Storm Drain Sump	1	Each	$4,500.00	$4,500.00
	LANDSCAPE				
	7 - 5 gallon shrubs & 3 - 2" trees	1	LS	$1,550.00	$1,550.00
	Sod and final grade	1	LS	$600.00	$600.00
	Wood mulch and weed fabric	1	LS	$1,150.00	$1,150.00
	Irrigation in planter and park strips	1	LS	$2,200.00	$2,200.00
	POLE				
	Relocation of RMP pole	1	LS	$1,000.00	$1,000.00

	$42,965.00
10% Durability - retained at ICG release	$4,296.50
ICG Amount	**$47,261.50**
Street Lights	**$1,475.00**

Attachment: Heiner Office Bldg Final Release Bond Request (Final Bond Release - Heiner Office Warehouse)

BOND RELEASE INSPECTION

Project Information

Project Name: Heiner Office Warehouse

Project Address: 493 East Elm Street

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

Performance Guarantee Bond Information

Date of the Request: 05/14/2019

Requested Amount: $42,965.00

Type of Release: ☐ Partial Release ☒ Final Release ☐ 10% Warranty Release

Type of Bond: ☒ Cash Deposit ☐ Letter of Credit ☐ Escrow Account ☐ Surety Bond

Comments:

Preparer's Signature: Lisa Halvorsen Date: 5/14/19

Field Inspection Information

Inspection Date: 5/16/19 Inspected By: Dee Howard

Comments: All punch list items are complete

Inspector's Signature: Dee Howard Date: 5/15/19

Performance Guarantee Bond Release Information

Recommended Amount to Release: $42,965.00

Comments:

Engineer's Signature: [signature] Date: 5/15/19

Attachment: Heiner Office Bldg Final Inspection Request (Final Bond Release - Heiner Office Warehouse)

AMERICAN FORK
— 1853 —

NOTICE OF COMPLETION AND REQUEST FOR RELEASE

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

Mayor of American Fork
51 East Main
American Fork, UT 84003

Re: Heiner Office Warehouse

Dear Mayor:

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

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

Project: Heiner Warehouse

Address: 493 East Elm Street, American Fork, UT 84003

Requested ICG Amount: $42,965.00

Owner/Developer

5/16/19
Date

Attachment: Heiner Office Bldg Notice of Completion (Final Bond Release - Heiner Office Warehouse)

Name of Development: HEINER OFFICE WAREHOUSE

	Description of Item	Quantity	Unit	Unit Price	Total
	SEWER				
	4" Sewer Later w/ 2 cleanouts	1	Each	$2,500.00	$2,500.00
	CULINARY WATER				
	1" Water Later w/ Metercan	1	Each	$3,800.00	$3,800.00
	Fire hydrant	1	LS	$6,200.00	$6,200.00
	CONCRETE				
	24" Curb and Gutter	316	LF	$20.00	$6,320.00
	5' Sidewalk	308	LF	$15.00	$4,620.00
	Drive Approach	1	Each	$1,200.00	$1,200.00
	ADA Ramp	1	Each	$850.00	$850.00
	ASPHALT				
	Asphalt 3" w/ 8" base	1600	SF	$2.50	$4,000.00
	STORM DRAINAGE				
	2 x 2 Catch basin	1	Each	$850.00	$850.00
	12" pipe	25	LF	$15.00	$375.00
	Pre-treat Catch Basin	1	Each	$1,250.00	$1,250.00
	Storm Drain Sump	1	Each	$4,500.00	$4,500.00
	LANDSCAPE				
	7 - 5 gallon shrubs & 3 - 2" trees	1	LS	$1,550.00	$1,550.00
	Sod and final grade	1	LS	$600.00	$600.00
	Wood mulch and weed fabric	1	LS	$1,150.00	$1,150.00
	Irrigation in planter and park strips	1	LS	$2,200.00	$2,200.00
	POLE				
	Relocation of RMP pole	1	LS	$1,000.00	$1,000.00

	$42,965.00
10% Durability - retained at ICG release	$4,296.50
ICG Amount	**$47,261.50**
Street Lights	**$1,475.00**

Attachment: Heiner Office Bldg Bond Spreadsheet (Final Bond Release - Heiner Office Warehouse)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Public Works **Director Approval** *Scott Sensanbaugher*

AGENDA ITEM Consideration regarding authorization to release the Improvements Durability Retainer of $48,178.00 for Mitchell Meadows Plat C, located at 900 West 1000 North.

SUMMARY RECOMMENDATION The City Engineer recommends that the Improvements Durability Retainer be released. The improvements were found in a condition meeting City standards for workmanship and performance after one (1) year of service.

BACKGROUND Pursuant to the terms of Sections 17.9.100 and 17.9.403 of the City Development Code, the City Council may authorize the release of the Improvements Durability Retainer following the one (1) year durability testing period. The release is based on a finding that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards or need for remedial action.

BUDGET IMPACT Following the release of the Improvements Durability Retainer, the City is responsible for all future maintenance and replacement costs for any publicly-owned property or improvement. In developments with Home-Owners or Unit-Owners Associations, all common area maintenance and replacement responsibilities will then fall to the Association. All privately-owned improvements will be the responsibility of the owner of the given parcel.

SUGGESTED MOTION Move to authorize the City Engineer to issue documents and/or payments to release the Improvements Durability Retainer of $48,178.00 for Mitchell Meadows Plat C. Find that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards, or need for remedial action.

SUPPORTING DOCUMENTS

Mitchell Meadows Plat C Bond Release Request (PDF)
Mitchell Meadows Plat C Inspection Request (PDF)
Notice of Completion - Mitchell Meadows Plat C (PDF)
Notice of Acceptance - Mitchell Meadows Plat C (PDF)
Mitchell Meadows Plat C Bond Spreadsheet (PDF)

American Fork City | Public Works Department | Engineering Division

BOND RELEASE REQUEST

Please complete and return this form to the Engineering Division:

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

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

Project Information

Subdivision/ Site Plan Name: MITCHELL MEADOWS PLAT C
Subdivision/ Site Plan Address: 900 WEST 1000 NORTH

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

Nro.	Description of Item	Quantity	Unit	Unit Price	Total
	5" Thick concrete sidewalk with base	5284	EA	$ 4.50	$ 23,778.00
	SWPPP	1	EA	$ 10,000.00	$ 10,000.00
	MOBILIZTION	1	EA	$ 10,000.00	$ 10,000.00
	AS BUILT	1	EA	$ 250.00	$ 250.00
	TESTING INSPECTION	1	LS	$ 2,500.00	$ 2,500.00
	STREET SIGN	2	EA	$ 225.00	$ 450.00
	TRAFFIC SIGN	1	EA	$ 300.00	$ 300.00
	MONUMENT	2	EA	$ 450.00	$ 900.00
				Total	$ 48,178.00

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

Name: CENTRAL BANK
Address: 175 EAST MAIN
City: AMERICAN FORK State: UTAH Zip Code: 84003
Phone: 801-756-9900 Email: markvw@cbutah.com

Signature

3-20-2019
Date

Attachment: Mitchell Meadows Plat C Bond Release Request (Final Release - Mitchell Meadows Plat C)

BOND RELEASE INSPECTION

Project Information

Project Name: Mitchell Meadows Plat C

Project Address: 900 West 1000 North

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

Performance Guarantee Bond Information

Date of the Request: 03/20/2019

Requested Amount: $48,178.00

Type of Release: ☐ Partial Release ☒ Final Release ☐ 10% Warranty Release

Type of Bond: ☐ Cash Deposit ☒ Letter of Credit

☐ Escrow Account ☐ Surety Bond

Comments:

Preparer's Signature: eSigned via SeamlessDocs.com Lisa Halversen Key: 293da4da84a04ed2992df18475d1b0ba Date: 03/20/2019

Field Inspection Information

Inspection Date: 5/2/19 Inspected By: Dee Howard

Comments: All punch list items are complete

Inspector's Signature: Dee Howard Date: 5/2/19

Performance Guarantee Bond Release Information

Recommended Amount to Release: ~~$48,178.00~~

Comments:

Engineer's Signature: _____ Date: _____

Attachment: Mitchell Meadows Plat C Inspection Request (Final Release - Mitchell Meadows Plat C)

AMERICAN FORK
— 1853 —

NOTICE OF COMPLETION AND REQUEST FOR RELEASE

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

Mayor of American Fork
51 East Main
American Fork, UT 84003

Re: ~~Partial Bond Release~~ FINAL

Dear Mayor:

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

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

Project: Mitchell Meadows Plat C

Address: Grow. 920 N.

Requested ICG Amount: $48178-

Daniel L. Richards
Owner/Developer

3-20-2019
Date

Attachment: Notice of Completion - Mitchell Meadows Plat C (Final Release - Mitchell Meadows Plat C)

NOTICE OF ACCEPTANCE AND IMPROVEMENTS CONSTRUCTION GUARANTEE RETAINER RELEASE AUTHORIZATION

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

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

Amount Released: $__48,178.00__

PASSED THIS ____28____DAY OF__MAY_____, __2019___.

_____
City Representative, American Fork City

ATTEST:

_____
Terilyn Lurker, City Recorder

Attachment: Notice of Acceptance - Mitchell Meadows Plat C (Final Release - Mitchell Meadows Plat C)

Name of Development: Mitchell Meadows Plat C

					Date		Date		Date		Date		Date		Date		
					4/24/2018	(Requested 4/2/2018)											
	Description of Item	Quantity	Unit	Unit Price	Total	Release #1	Amount Requested	Release #2	Amount Requested	Release #3	Amount Requested	Release #4	Amount Requested	Release #5	Amount Requested	Release #6	Amount Requested	Balance
	SITE PREPARATION																	
	Mobilization	1	LS	$10,000.00	$10,000.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$10,000.00
	SWPPP																	
	SWPPP/Maintenance	1	LS	$10,000.00	$10,000.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$10,000.00
	SEWER																	
	4" Service Lateral	9	Each	$900.00	$8,100.00	9	$8,100.00		$0.00		$0.00		$0.00		$0.00		$0.00	$0.00
	CULINARY WATER																	
	Fire Hydrant Assembly	1	Each	$3,500.00	$3,500.00	1	$3,500.00		$0.00		$0.00		$0.00		$0.00		$0.00	$0.00
	Service Laterals	9	Each	$1,100.00	$9,900.00	9	$9,900.00		$0.00		$0.00		$0.00		$0.00		$0.00	$0.00
	PRESSURIZED IRRIGATION																	
	PI Service Laterals	9	Each	$800.00	$7,200.00	9	$7,200.00		$0.00		$0.00		$0.00		$0.00		$0.00	$0.00
	STREETS																	
	Asphalt 3" - Standard Road	23948	SF	$1.55	$37,119.40		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$37,119.40
	Roadbase 8" Hauled, Placed & Compacted	23948	SF	$0.63	$15,087.24		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$15,087.24
	24" Curb & Gutter (4" untreated base course included)	1040	LF	$16.00	$16,640.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$16,640.00
	Sidewalk 4" Thick (4"untreated base course included)	5284	SF	$4.50	$23,778.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$23,778.00
	Curb Tie In	4	Each	$240.00	$960.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$960.00
	STORM DRAINAGE																	
	15" RCP Storm Drain	64	LF	$36.00	$2,304.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$2,304.00
	Curb Inlet 2' x 3' x 4'	1	Each	$1,800.00	$1,800.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$1,800.00
	Connect to Existing	1	Each	$1,250.00	$1,250.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$1,250.00
	CONSTRUCTION MANAGEMENT/MISC.																	
	As Builts Mylar & Disks	1	Each	$250.00	$250.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$250.00
	Testing, Cleaning, Inspections	1	LS	$2,500.00	$2,500.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$2,500.00
	Street Sign	2	Each	$225.00	$450.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$450.00
	Traffic Sign	1	Each	$300.00	$300.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$300.00
	Subdivision Monument	2	Each	$450.00	$900.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$900.00
					$152,038.64		$28,700.00		$0.00		$0.00		$0.00		$0.00		$0.00	$123,338.64

$123,338.64 Available for Release

10% Durability - retained at ICG release $15,203.86

$15,203.86 Durability Period

ICG Amount $167,242.50

Street Lights $10,000.00

Fees $2,550.00

$75,160.64 - 18

= $48,178 available

Attachment: Mitchell Meadows Plat C Bond Spreadsheet (Final Release - Mitchell Meadows Plat C)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Public Works **Director Approval** *Scott Sensanbaugher*

AGENDA ITEM Consideration regarding authorization to release the Improvements Durability Retainer of $__8,052.31_ for _Roderick North Pointe Lot 2A_, located at 1226 South 630 East.

SUMMARY RECOMMENDATION The City Engineer recommends that the Improvements Durability Retainer be released. The improvements were found in a condition meeting City standards for workmanship and performance after one (1) year of service.

BACKGROUND Pursuant to the terms of Sections 17.9.100 and 17.9.403 of the City Development Code, the City Council may authorize the release of the Improvements Durability Retainer following the one (1) year durability testing period. The release is based on a finding that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards or need for remedial action.

BUDGET IMPACT Following the release of the Improvements Durability Retainer, the City is responsible for all future maintenance and replacement costs for any publicly-owned property or improvement. In developments with Home-Owners or Unit-Owners Associations, all common area maintenance and replacement responsibilities will then fall to the Association. All privately-owned improvements will be the responsibility of the owner of the given parcel.

SUGGESTED MOTION Move to authorize the City Engineer to issue documents and/or payments to release the Improvements Durability Retainer of $8,052.31 for Roderick North Pointe Lot 2A. Find that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards, or need for remedial action.

SUPPORTING DOCUMENTS

Bond Release Request - Durability- Roderick North Pointe Lot 2A (PDF)
Roderick North Pointe Lot 2A Inspection Request - Durability (PDF)
Roderick North Pointe Lot 2A Durability Release Authorization (PDF)
Roderick North Pointe Lot 2A Performance Guarantee (PDF)

BOND RELEASE REQUEST

Development Name: Roderick Enterprises -- North Pointe Lot 2A

Development Address: 1226 South 630 East

☐ Partial Release ☐ Final Release ☒ 10% Warranty Release

Description of Item	Quantity	Units	Unit Price	Total	Inspector Use Only Complete? Yes/No
Final Release of bond	1	1	$8,052.31	$8,052.31	Y
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
			Total	$8,052.31	

Bond Type: ☐ Cash Deposit ☐ Escrow Account ● Letter of Credit ☐ Surety Bond

Please send check/bank letter to:

Name: Darren Nate

Bank (if applicable): Bank of American Fork

Address: 855 East 9400 South

City: Sandy State: Utah ZIP: 84094

Phone: 801-990-0605 Email: darren.nate@bankaf.com

Signature: eSigned via SecureDocs.com Benjamin Wheat Key: 957d1be5b18a6ede2a72c07d68c3854 Date: 05/07/2019

Inspector Use Only

Inspector Signature: Date: 5/9/19

Form Number xxx-xx-xxx Approved for use by PW Director Date Apr 3 2018

Attachment: Bond Release Request - Durability- Roderick North Pointe Lot 2A (Durability Release Roderick North Pointe Lot 2A)

BOND RELEASE INSPECTION

Project Information

Project Name: Roderick North Pointe Lot 2A

Project Address: 1226 South 630 East

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

Performance Guarantee Bond Information

Date of the Request: 05/07/2019

Requested Amount: $8,052.31

Type of Release: ☐ Partial Release ☐ Final Release ☒ 10% Warranty Release

Type of Bond: ☐ Cash Deposit ☒ Letter of Credit

☐ Escrow Account ☐ Surety Bond

Comments:

Preparer's Signature: Lise Halvorsen Date: 05/13/2019

Field Inspection Information

Inspection Date: 5/9/19 Inspected By: Dee Howard

Comments: All infrastructure is in good working condition.

Inspector's Signature: Dee Howard Date: 05/13/2019

Performance Guarantee Bond Release Information

Recommended Amount to Release: $8,052.31

Comments:

Engineer's Signature: Date: 05/13/2019

Attachment: Roderick North Pointe Lot 2A Inspection Request - Durability (Durability Release Roderick North Pointe Lot 2A)

IMPROVEMENTS DURABILITY RETAINER RELEASE AUTHORIZATION

The City Council of American Fork City, a Municipal Corporation and Body Politic in the State of Utah, hereby authorizes the release of the Improvements Durability Retainer for Roderick North Pointe Lot 2A pursuant to the terms of Section 17.9.100 and 17.9.403 of the City Development Code. The City Council finds that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance to City standards, or need for remedial action.

The City Council hereby authorizes the City Engineer to issue a letter to the financial guarantee institution authorizing release of the Improvements Durability Retainer or to issue an authorized City check as appropriate for the type of guarantee provided.

Amount Released: $8,052.31

PASSED THIS 28 DAY OF MAY, 2019

_____
City Representative, American Fork City

ATTEST:

_____
Terilyn Lurker, City Recorder

Attachment: Roderick North Pointe Lot 2A Durability Release Authorization (Durability Release Roderick North Pointe Lot 2A)

Name of Development: Roderick North Point Lot 2A

Date		Date		Date		Date		Date		Date		

	Description of Item	Quantity	Unit	Unit Price	Total	Release #1	Amount Requested	Release #2	Amount Requested	Release #3	Amount Requested	Release #4	Amount Requested	Release #5	Amount Requested	Release #6	Amount Requested	Balance
	SITE PREPARATION																	
	Mobilization	1	LS	$5,000.00	$5,000.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$5,000.00
	SWPPP																	
	Concrete Washout Area	1	Each	$200.00	$200.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$200.00
	Silt Fence	1938	LF	$2.50	$4,845.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$4,845.00
	Dewatering	1	Each	$600.00	$600.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$600.00
	Storm Drain Inlet Protection	9	Each	$150.00	$1,350.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$1,350.00
	Portable Toilet	1	Each	$130.00	$130.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$130.00
	Stabilized Staging Area	1000	SY	$2.00	$2,000.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$2,000.00
	SWPPP Board	1	Each	$150.00	$150.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$150.00
	Vehicle Tracking Control	1	LS	$500.00	$500.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$500.00
	Notice Of Intent	1	Each	$100.00	$100.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$100.00
	Notice Of Termination	1	Each	$100.00	$100.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$100.00
	Storm Drain Maintenance Agreement	1	Each	$100.00	$100.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$100.00
	Storm Drain Easement	1	Each	$100.00	$100.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$100.00
	SEWER																	
	4" PVC Sewer Line	202	LF	$17.00	$3,434.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$3,434.00
	Sanitary Sewer Lateral Connection	1	Each	$900.00	$900.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$900.00
	CULINARY WATER																	
	8" DI Culinary Water	692	LF	$35.00	$24,220.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$24,220.00
	8" Gate Valve	1	Each	$1,100.00	$1,100.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$1,100.00
	8" Water MJ Fittings	5	Each	$413.00	$2,065.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$2,065.00
	Connect to Existing Water	2	Each	$3,200.00	$6,400.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$6,400.00
	Fire Hydrant Assembly	1	Each	$4,200.00	$4,200.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$4,200.00
	2" Water Service Lateral	1	Each	$1,250.00	$1,250.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$1,250.00
	Asphalt Sawcut, Remove & Replace	1	LF	$5.05	$5.05		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$5.05
	PRESSURIZED IRRIGATION																	
	2" Irrigation Service	1	Each	$1,100.00	$1,100.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$1,100.00
	STREETS																	
	Sidewalk 4" Thick (4"untreated base course included)	3360	SF	$4.00	$13,440.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$13,440.00
	ADA Ramp (6" concrete 6" base course included)	3	Each	$1,500.00	$4,500.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$4,500.00
	CONSTRUCTION MANAGEMENT/MISC.																	
	As Builts Mylar & Disks	1	Each	$250.00	$250.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$250.00
	Testing, Cleaning, Inspections	1	LS	$2,500.00	$2,500.00		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$2,500.00
							$0.00		$0.00		$0.00		$0.00		$0.00		$0.00	$80,539.05 Released 8/16/2018

		$80,539.05	
10% Durability - retained at ICG release		$8,053.91	Durability Period = $8,053.91
	ICG Amount	**$88,592.96**	
	Street Lights	**$ -**	
	Fees	**$4,450.00**	

Attachment: Roderick North Pointe Lot 2A Performance Guarantee (Durability Release Roderick North Pointe Lot 2A)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Public Works **Director Approval** *Scott Sensanbaugher*

AGENDA ITEM (Common Consent Agenda) - Consideration regarding authorization to issue a Notice of Acceptance for the Sunrise Estates Plat B construction of public improvements located at 1051 East 300 North, American Fork, Utah.

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

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

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

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

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

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

SUGGESTED MOTION Move to accept the improvements and authorize the City to execute the Notice of Acceptance for the Sunrise Estates Plat B public improvements located at 1051 East 300 North. To authorize the issuance of documents and/or payments to release the Improvement Construction Guarantee (ICG). Commence the Durability Testing Period by

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

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

SUPPORTING DOCUMENTS

Notice of Completion - Sunrise Estates Plat B (PDF)
Bond Release Request(PDF)
Notice of Acceptance - Sunrise Estates Plat B (PDF)

AMERICAN FORK
— 1853 —

NOTICE OF COMPLETION AND REQUEST FOR RELEASE

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

Mayor of American Fork
51 East Main
American Fork, UT 84003

Re: Sunrise Estates Plat B

Dear Mayor:

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

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

Project: Sunrise Estate Plat B

Address: 1051 East 300 North

Requested ICG Amount: $0.00

Owner/Developer

21 May 2019
Date

Attachment: Notice of Completion - Sunrise Estates Plat B (Notice of Acceptance - Sunrise Estates Plat B)

BOND RELEASE REQUEST

Development Name: Sunrise Estates Plat B

Development Address: 1051 East 300 North

☐ Partial Release ● Final Release ☐ 10% Warranty Release

Description of Item	Quantity	Units	Unit Price	Total	Inspector Use Only Complete? Yes/No
3" Asphalt	950	SF	$0.00	$0.00	Y
6" Roadbase	950	SF	$0.00	$0.00	Y
2" Highback curb and gutter	98	LF	$0.00	$0.00	Y
5' Sidewalk	98	LF	$0.00	$0.00	Y
15" RCP	6	LF	$0.00	$0.00	Y
Sump	1	Each	$0.00	$0.00	Y
48" SDMH	1	Each	$0.00	$0.00	Y
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
				$0.00	
			Total	$0.00	

Bond Type: ● Cash Deposit ☐ Escrow Account ☐ Letter of Credit ☐ Surety Bond

Please send check/bank letter to:

Name: Toby Adamson

Bank (if applicable):

Address: 984 East 350 North Circle

City: American Fork State: UT ZIP: 84003

Phone: 801-357-9565 Email: tobya@uvu.edu

Signature: eSigned via SeamlessDocs.com Toby Adamson Key: 057cf1be5b1f8a9ade2e72c07d08c3854 Date: 05/21/2019

Inspector Use Only

Inspector Signature: [signature] Date: 5/21/19

Form Number xxx-xx-xxx Approved for use by PW Director Date Apr 3 2018

Attachment: Bond Release Request (Notice of Acceptance - Sunrise Estates Plat B)

NOTICE OF ACCEPTANCE AND IMPROVEMENTS CONSTRUCTION GUARANTEE RETAINER RELEASE AUTHORIZATION

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

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

Amount Released: $0.00

PASSED THIS 28 DAY OF May, 2019.

_____
City Representative, American Fork City

ATTEST:

_____
Terilyn Lurker, City Recorder

Attachment: Notice of Acceptance - Sunrise Estates Plat B (Notice of Acceptance - Sunrise Estates Plat B)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on an ordinance amending Section 17.5.134(B)(13) relating to accessory apartments and creating Chapter 17.17 prohibiting short term rentals in American Fork.

SUMMARY RECOMMENDATION
Recommend approval.

BACKGROUND
Short Term rentals has been discussed at a work session and at the May 14, 2019, City Council meeting. At the City Council meeting, it was decided to bring this proposed ordinance back for approval.

This ordinance will take out Section 17.5.134(B)(13) which states that short term rentals prohibited in the accessory apartment code. This also creates Chapter 17.17 which prohibits short term rentals in American Fork City.

BUDGET IMPACT
NA

SUGGESTED MOTION
I move to approve the ordinance removing Section 17.5.134(B)(13) relating to accessory apartments and creating Chapter 17.17 prohibiting short term rentals in American Fork.

SUPPORTING DOCUMENTS

05-28-19 - Short Term Rentals (DOCX)

ORDINANCE NO. _____

RESIDENTIAL FACILITIES. AN ORDINANCE REMOVING SECTION 17.5.134(B)(13), ACCESSORY APARTMENTS AND CREATING A NEW CHAPTER, 17.17, PROHIBITING SHORT TERM RENTALS IN AMERICAN FORK CITY.

WHEREAS, the City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork;

WHEREAS, American Fork City has never expressly permitted short term rentals;

WHEREAS, the current Section 17.5.134(B)(13) explicitly states "Short term rental prohibited;" and

WHEREAS, it is in the best interest and general welfare of residents of American Fork to amend the City Code relating to Accessory Apartment and create a new Section prohibiting Short Term Rentals.

NOW THEREFORE, be it ordained by the City Council of American Fork, Utah that:

1. Section 17.5.134 (B)(13) shall hereby be removed from 17.5.134.

2. Chapter 17.17 shall read as follows:

CHAPTER 17.17 SHORT TERM RENTALS

Sections:

17.17.010 Definitions.
17.17.020 Short Term Rental Prohibited
17.17.030 Violations and Penalties

Section 17.17.010 Definitions.

Renumeration means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.

Short term rental means the rental, letting of rooms or subleasing/renting of, for direct or indirect renumeration, any structure, dwelling, or portion thereof for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty consecutive days.

Short term rental property means any real property used, or to be used, for short term rental purposes.

Section 17.17.020 Short Term Rentals Prohibited.

Attachment: 05-28-19 - Short Term Rentals (Prohibition of Short Term Rentals)

All short term rentals are prohibited and unlawful within the City of American Fork.

Section 17.17.030 Violations and Penalties.

A person commits an offense under this chapter if that person owns, rents or operates a short term rental in the City of American Fork.

Each violation of this Chapter shall be puniushable by a civil penalty of $500 per day. In addition to civil penalties, any person who violates this Chapter shall be guilty of an Infraction.

Each day of violation under this Chapter shall constitute a separate offense and shall be separately punishable, but may be joined in a single prosecution.

3. Effective Date.

This Ordinance shall become effective upon adoption by the City Council.

PASSED AND ADOPTED BY THE AMERICAN FORK CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2019.

AMERICAN FORK CITY:

_____

MAYOR BRADLEY J. FROST

ATTEST:

_____

TERILYN LURKER, CITY RECORDER

Attachment: 05-28-19 - Short Term Rentals (Prohibition of Short Term Rentals)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Administration **Director Approval** *David Bunker*

AGENDA ITEM PARC Tax Funds Disbursement FYE 2019<Enter the Agenda Title Here>

SUMMARY RECOMMENDATION
The PARC Tax Advisory Board recommends the disbursement of funds as proposed.

BACKGROUND
The PARC Tax Advisory Board has received many PARC funds applications and has held discussions on the requests. A mandatory workshop was held on Thursday, January 17, 2019, for all applicants. The advisory board had presentations from the applicants and reviewed the applications and made their recommendation to the City Council at the April 16, 2019 work session. The proposed allotments, totaling, $1,205,477, are as follows:

Alpine Community Theater (ACT)	$	38,500.00
Harrington Center for the Arts	$	26,422.00
New Friends Quilt Circle	$	13,840.00
Friends of the Library	$	14,396.00
AFC Recreation & Community Services	$	740,918.00
Timpanogos Arts Foundation (TAF)	$	335,000.00
Timpanogos Symphony Orchestra	$	6,400.00
Fox Hollow Golf Course	$	33,109.00

Following the proposed ordinance, there is a memo on the PARC Tax proposed allocations from the PARC Tax Advisory Board.

BUDGET IMPACT
Dependent upon PARC Tax funds received.

SUGGESTED MOTION
I move to adopt the ordinance approving the disbursement of the fiscal year 20178/2019 PARC Tax funds as presented and allow the City Administrator to enter into disbursement contracts, with terms substantially similar to those presented, under the direction of the Mayor.

OR

I move to adopt the ordinance approving the disbursement of the fiscal year 2018/2019 PARC Tax funds as follows: (list approved disbursements), and allow the City Administrator to enter into disbursement contracts, with terms substantially similar to those presented, under the direction of the Mayor.

SUPPORTING DOCUMENTS

2018-2019 Recommendation to City Council (PDF)
Sample Agreement (PDF)
PARC Tax Distribution Ordinance 2018-2019 (DOCX)

memo

To: American Fork City Council

From: PARC Tax Advisory Board

Date: 4/10/2019

Re: PARC Funding Recommendation
2018-2019 Fiscal Year

In accordance with applicable Utah code and city ordinance, the PARC Tax Advisory Board ("Board") has reviewed all submitted applications as of April 10, 2019, to determine the recommended recipients of the PARC funds accumulated during the current fiscal year.

Pending final approval by the City Council and prior to receiving funding, all groups receiving funding will be required to comply with sections 8 and 9 of the *Policies and Procedures for PARC Tax Funding*.

Our recommendations below provide funding for projects that will enhance the American Fork community in multiple ways and appeal to a broad spectrum of people and interests associated with parks, arts, recreation, and culture in the American Fork Community.

Although Board members have differing opinions regarding some of the requests, the Board has discussed each of them thoroughly, and all are in agreement regarding these final recommendations.

Therefore, the Board recommends the following breakdown of tax funding awards for the current fiscal year:

ACT: Digital Sound Board	$3,500.00
ACT: Summer Program	$17,500.00
ACT: Winter Program	$17,500.00
Friends of American Fork Library: Early Education Kits	$4,200.00
Friends of American Fork Library: Book Fairy Project	$7,204.00
Friends of American Fork Library: Dictionaries for 3rd Grade	$2,992.00

Attachment: 2018-2019 Recommendation to City Council (PARC Tax Funds Disbursement FYE 2019)

memo

Friends Quilting Circle: Quilting Projects	$6,355.00
Friends Quilting Circle: Quilt/Sewing Equipment	$7,485.00
Harrington Center for the Arts: Chalk Fest	$4,070.00
Harrington Center for the Arts: Musical Festival	$15,020.00
Timpanogos Arts Foundation: Programming	$335,000.00
Timpanogos Symphony: Concert at AFJH	$6,400.00
AF Library: Children's Room Expansion	$68,791.00
AF Park and Recreation: Art Dye Park	$350,000.00
Parks and Recreation: Pave Hindley Park	$105,750.00
Parks and Recreation: Picnic Tables, Trash Cans, and Trees	$20,000.00
Parks and Recreation: Playground Equipment—Robinson Park	$86,208.00
Parks and Recreation: Pool Shade Structures	$24,800.00
Parks and Recreation: Quail Cove Entrance	$18,869.00
Parks and Recreation: Rotary Park Small Pavilion Replacement	$66,500.00
Fox Hollow: Pavilion/Concert Stage	$30,000.00
TOTAL	**$1,205,477.00**

The Board bases our recommendation upon an estimate of tax revenue for the current fiscal year. If the final revenue is less than the estimation, the Board recommends each award drop according to the percentage of the short fall. The Board will offer a separate recommendation for excess revenue received.

The following statements explain the reasoning for these recommendations:

Attachment: 2018-2019 Recommendation to City Council (PARC Tax Funds Disbursement FYE 2019)

memo

ACT: Digital Sound Board **$3,500.00**

This soundboard will enhance the sound quality for theatrical productions in our community. The current analog soundboard has poor sound quality, broken buttons, and channels and only allows for 20 wireless microphones. This digital soundboard will provide better sound quality, allow for more microphones, and offer many additional possibilities for sound enhancements within the performance. Because this sound board is portable, it will not become a permanent fixture in the theater.

ACT: Summer Program **$17,500.00**

Based in American Fork, ACT is a well-organized company, provides excellent productions for our community, and has been a good steward of PARC money in the past. They plan to present a production of *Newsies*. This production will be a great presentation for our community.

ACT: Winter Program **$17,500.00**

ACT also plans to produce Charles Dicken's *A Christmas Carol*. This production will be a great addition to Christmas-time celebration in our community.

Friends of American Fork Library: Early Education Kits **$4,200.00**

These kits will promote the five key areas of early literacy: reading, singing, talking, writing, and playing. Children should have at least 1,000 hours of lap time in reading in this way before they reach kindergarten. These kits will provide families the resources needed to prepare children and increase literacy in our community.

Friends of American Fork Library: Book Fairy Project **$7,204.00**

Literacy enhances arts, culture, and community. The Book Fairy Project has proven to encourage students to enjoy reading and learning and to pursue an understanding of literary arts. This project provides a book each month of the school year for every first grade student.

Friends of American Fork Library: Dictionaries for 3rd Grades **$2.992.00**

Once again, literacy enhances arts, culture, and community. The Dictionary Project encourages students to enjoy reading and learning and to gain an excitement for learning. This project provides a dictionary for every third grade student.

Attachment: 2018-2019 Recommendation to City Council (PARC Tax Funds Disbursement FYE 2019)

memo

New Friends Quilt Circle: Quilting Projects **$6,355.00**

This request will provide materials for the Quilts of Valor project to honor veterans, service in conjunction with National Quilt Day, and a celebration of the 30th Anniversary of this group. Through honoring these veterans for their service with quilts, the group who makes them will learn new skills and preserve the skill, culture, and value of this pioneer art. The countless hours of service this group donates is extensive and worthwhile, and recognizing the 30th Anniversary of this group will provide them the opportunity to encourage more people to join, learn, and gain skills through quilting.

New Friends Quilt Circle: Sewing Equipment **$7,485.00**

The equipment currently used is worn out and unsafe for the number of people participating in this group. This grant will provide quilting tables, a white board, a multi-use table, cutting tools, batting, and miscellaneous supplies (threads, rulers, needles, etc.) needed to comfortably involve all who wish to participate. The new quilting tables will provide for better access to the electrical outlets and will improve the safety of the usable space.

Harrington Center for the Arts: Chalk Fest **$4,070.00**

This week-long festival will bring an exciting art experience to our city in a new way through professional chalk artists, chalk art competition, community participation, and live voting by the community. Having it happen in conjunction with Steel Days will enhance our celebration and encourage art in the community.

Harrington Center for the Arts: Musical Festival **$15,020.00**

An annual music festival in town will provide an opportunity for our community to kick off summer by experiencing local talent as well as talent from outside of our community. The whole concept of this musical festival encourages participation and enjoyment in art, culture, and music.

Timpanogos Arts Foundation: Programming **$335,000.00**

The Timpanogos Arts Foundation has many worthwhile and educational programs currently in place, and they have a vision of growth and improvement. To achieve this, they need funding. American Fork is known for many of its arts programs, and community members want to see these programs continue to grow. The increase to the amount given for funding this year will make it possible for TAF to fund a full-time director. In the future the Board would like to see a greater degree of financial independence demonstrated through grants, fundraising, etc.

Attachment: 2018-2019 Recommendation to City Council (PARC Tax Funds Disbursement FYE 2019)

memo

Timpanogos Symphony: Educational Concert at AF Jr. High **$6,400.00**

This concert will feature selections from Gustav Holst's *The Planets* performed live with NASA solar system images and animations as a backdrop. With coordinating curriculum materials provided for use in the science and music classrooms, this will be a great opportunity for students to find synthesis in the sciences and the arts—a great educational opportunity.

AF Library Children's Room **$68,791.00**

The money allocated here should be enough to pay for architecture and engineering plans. This children's room will be a great benefit to our library and our community.

The Board is very supportive of this project and believes this should be a city priority. The Board suggests that AF City pay for the remainder of this project from capital budget funds in the immediate future. If not, the Board recommends PARC funds remaining after completion of the architectural and engineering services be returned to the PARC fund to be reallocated during the next fiscal year and applied to this specific project.

AF Parks and Recreation: Art Dye Park **$350,000.00**

American Fork has been working to complete Art Dye Park for many years, and the vision for the park is excellent. The current plan, when completed, will make this an acclaimed gathering place for athletics, entertainment, and recreation. Ongoing funding for this multi-use park is a worthy use of PARC tax funds.

AF Parks and Recreation: Pave Parking Lot at Hindley Park **105,750.00**

Paving this parking lot will make the park better, safer, and more accessible to many people. Finishing this park will improve the service and utilization of Hindley Park as well as improve the experience of park users.

Parks and Recreation: Park Benches, Trash Cans, and Trees **$20,000.00**

Park benches, trash cans, and trees will provide comfortable places for people to sit, rest, watch children play, and enjoy the beauty of nature in a variety of places throughout the community. The cost is minimal to provide a significant benefit.

Attachment: 2018-2019 Recommendation to City Council (PARC Tax Funds Disbursement FYE 2019)

memo

Parks and Recreation: Robinson Park Playground **$86,208.00**

The playground equipment at Robinson Park is very much in need of replacement. With its location on Main Street next to the library, this equipment is heavily used, and a new playground will enhance the experience of park goers as well as the beauty of our city.

Parks and Recreation: Pool Shade Structures **$24,800.00**

With the heavy use of our community swimming pool and the continual health concern of skin cancer, shade structures will be a welcome addition to our recreation center. The Board highly recommends these structures be capable of withstanding strong wind storms.

Parks and Recreation: Quail Cove Entrance **$18,869.00**

This project will enhance the beauty of this park as well as create better accessibility and protect the grass. It will provide an aesthetic finish to this facility.

Parks and Recreation: Rotary Park Small Pavilion Replacement **$66,500.00**

Because of the replacement of the large pavilion last year, the current small pavilion at Rotary Park seems even more tired and worn. The replacement of this pavilion will provide a revitalized place for family and community gathering and will be a beautiful enhancement to the park.

Fox Hollow: Pavilion/Concert Stage **$30,000.00**

This project will make the community's experience at Fox Hollow better by providing a central outdoor staging area, picnic area, and place to gather for tournaments and golf training. It can also be used for larger gatherings, concerts, etc.

Requests Not Recommended for Funding This Year

Harrington Center for the Arts: Ice Fest

The Board sees this as an exciting idea for future winter activities in American Fork. Nonetheless, supporting the chalk fest first and watching for its success seems like a good idea before we fund this project also.

Attachment: 2018-2019 Recommendation to City Council (PARC Tax Funds Disbursement FYE 2019)

memo

Harrington Center for the Arts: Summer Concert Series

The Board is very supportive of the Summer Concert series, but because American Fork Chamber of Commerce has agreed to take responsibility for this series, the Board sees it as their responsibility to fund it.

Harrington Center for the Arts: Walls

Although the walls are a good idea and have brought art and interest to American Fork, other requests have higher priority at this time.

Utah Metropolitan Ballet--Special Needs Ballet

Though this is a worthy project and will benefit some American Fork citizens, the ballet will occur outside of American Fork boundaries, and the majority who benefit from it will not likely be American Fork citizens.

Parks and Recreation: Playground Replacement Rotary Park

Though this is a worthwhile project, there is not enough funding for everything. Therefore, this can be applied for during another year if the city is unable to pay for it this year.

Parks and Recreation: Outdoor Fitness Equipment

Though the Board is very supportive of this project, the amount of PARC money already going into ART Dye is significant, and other requests must be recognized as well.

Disc Golf: Course Design

Because this is a request for facility improvement, it does not qualify.

Disc Golf: Signage

Because this is a request for facility improvement, it does not qualify.

Attachment: 2018-2019 Recommendation to City Council (PARC Tax Funds Disbursement FYE 2019)

PARC TAX RECIPIENT AGREEMENT
Cultural Organization

This Agreement is executed this _____ day of _____, 2018, by and between the City of American Fork, a municipal corporation and political subdivision of the State of Utah, with its principal offices located at 51 East Main Street, American Fork, Utah 84003, (the "City"), and _____ a Utah corporation, with its principal offices located at _____, American Fork, Utah 84003 (the "Recipient").

RECITALS

WHEREAS, Section 59-12-1401(et.seq.) of the Utah Code allows cities to impose a 0.1% sales tax to finance (1) the ongoing operational expenses of specified types of cultural arts organizations, and (2) specified types of publicly owned recreational and cultural facilities; and

WHEREAS, in November, 2014, American Fork City voters voted in favor of imposing the 0.1% sales tax to support cultural arts and recreation in American Fork (the "Parks, Arts, Recreation Culture Tax" or "PARC Tax"); and

WHEREAS, on December 9, 2014, the American Fork City Council enacted the PARC Tax by ordinance, for a term of eight years; and

WHEREAS, the American Fork City Council adopted policies and procedures governing the distribution of PARC Tax revenues, including eligibility requirements, application procedures and award procedures; and

WHEREAS, the Recipient applied for PARC Tax revenues from the City and went through a thorough application review process by the City; and

WHEREAS, on _____ ____, 2018, the American Fork City Council enacted an ordinance authorizing the distribution of Fiscal Year 2017/2018 ("FY 17/18") PARC Tax revenues to various entities, contingent on the entities entering into a contract with the City governing the distribution and use of the PARC Tax revenues; and

WHEREAS, the American Fork City Council authorized the distribution of some of the FY 17/18 PARC Tax revenues to Recipient; and

WHEREAS, the purpose of this Agreement is to establish the terms for Recipient's receipt and use of FY 17/18 PARC Tax revenues.

NOW, THEREFORE, in consideration of the mutual covenants of the parties as hereinafter set forth, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the City and Recipient mutually agree as follows:

SAMPLE

Attachment: Sample Agreement (PARC Tax Funds Disbursement FYE 2019)

1. **Term.** The term of this Agreement shall extend through June 30, 2019 (the "Term"). Either party may enforce its rights under this Agreement after the expiration of the Term and/or after termination of the Agreement.

2. **PARC Tax Revenues.** The City agrees to pay Recipient $_____ of the FY 17/18 PARC Tax revenues (the "Funds").

   2.1. **Payment Time.** The City shall pay the Funds to Recipient within fifteen (15) days of the date that both parties sign this Agreement.

   2.2. **Interest on Funds.** Recipient agrees that any interest or dividends earned on the Funds will be treated as part of Recipient's grant, and will be used in the same manner that Funds may be used pursuant to this Agreement.

   2.3. **No Transfer or Assignment.** Recipient acknowledges that it shall not transfer or assign the Funds to another entity, but shall use them for the purposes set forth in this Agreement.

   2.4. **Future Years.** Recipient acknowledges that future years' PARC Tax revenues will be awarded based on merit and availability of funds. Receipt of PARC Tax Funds for FY 17/18 does not guarantee PARC Tax funding for Recipient in future years.

   2.5. **Compliance with Agreement.** Recipient agrees to comply with all requirements of this Agreement.

3. **Use of PARC Tax Revenues.** Recipient acknowledges that the use of PARC Tax revenues is regulated by State law, City ordinance, and the City's policies and procedures. Recipient agrees to the following regarding Recipient's status and the use of the Funds:

   3.1. **Recipient Status.** Recipient makes the following certifications regarding its status and agrees to maintain such status for the entire Term.

      3.1.1. **Status as Cultural Organization.** Recipient certifies that it is a private nonprofit organization having as its primary purpose the advancement and preservation of (i) natural history, (ii) art, (iii) music, (iv) theater, (v) dance, or (vi) cultural arts, including literature, a motion picture, or storytelling, and that it will maintain such status for the entire Term. Recipient certifies that it is *not* (a) an agency of the state, (b) a political subdivision of the state, (c) an educational institution whose annual revenues are derived more than 50% from state funds, or (d) a radio or television broadcasting network or station, cable communications system, newspaper or magazine.

      3.1.2. **Status as an American Fork Entity.** Recipient certifies that it has a significant presence in the City of American Fork, that it manages and presents in the City of American Fork, and that it will maintain such status for the entire Term.

SAMPLE

Attachment: Sample Agreement (PARC Tax Funds Disbursement FYE 2019)

3.1.3. **Status as Non-profit.** Recipient certifies that it is a private non-profit entity, and that it will retain such status for the entire Term. For purposes of this Agreement, "non-profit" shall mean an organization or corporation that is not organized, created, operated or maintained to generate a profit or distribute income to its members, directors, or officers.

3.2. **Use of Funds.** Recipient agrees to the following regarding its use of the Funds:

3.2.1. **Allowed Use of Funds.** Recipient agrees to use the Funds for the specific purposes, programs and activities set forth on Exhibit "A", which is attached hereto and incorporated herein by reference. No other uses of the Funds are allowed, unless the Recipient receives prior written approval from the City. Recipient shall use the Funds during the Term.

3.2.2. **General Legal Requirements for Use of Funds.** Recipient acknowledges that State law, City ordinance, and City policies govern the use of PARC Tax revenues. Without expanding Recipient's allowed uses of the Funds set forth in Section 3.2.1, Recipient agrees that it will comply with the following general requirements regarding the use of the Funds:

3.2.2.1. **Qualifying Expenditures.** Recipient agrees that the Funds will be used to help defray Recipient's operating expenses during the Term.

3.2.2.2. **Non-qualifying Expenditures.** Recipient agrees that none of the Funds shall be used for any of the following purposes:

3.2.2.2.1. **Capital Construction Costs.** Capital construction expenses, including capital acquisition, improvements to real property or depreciation of real property;

3.2.2.2.2. **Endowment.** Payments into an endowment corpus;

3.2.2.2.3. **Non-American Fork.** Expenditures for programs conducted outside of the City of American Fork;

3.2.2.2.4. **Non-Public.** Activities not available to the general public;

3.2.2.2.5. **Fundraising.** Fundraising expenses related to capital or endowment campaigns;

3.2.2.2.6. **Loan Payments.** Repayments of loans and/or interest thereon;

3.2.2.2.7. **Lobbying.** Expenditures for direct political lobbying on any level;

3.2.2.2.8. **Grants.** Grants, meaning the distribution of funds to outside groups, institutions, organizations or other units;

SAMPLE

Attachment: Sample Agreement (PARC Tax Funds Disbursement FYE 2019)

3.2.2.2.9. **Bad Debt.** Bad debt expense;

3.2.2.2.10 **Tax Penalties.** Any type of tax penalty;

3.2.2.2.11 **Unrelated Business Income Tax.** Any activities that would be subject to the federal unrelated business income tax;

3.2.2.2.12 **Other Expenses.** Other expenses not related to Recipient's primary cultural purpose and any expenses not listed on Exhibit "A" unless approved by the City in writing.

3.2.3. **Ethics Act.** Recipient agrees that no Funds or proceeds from the Funds shall be made available to any employee, elected official or appointed officer of the City, and that the Funds will not be used in violation of the Municipal Officers' and Employees' Ethics Act (U.C.A. §10-3-1301, et. seq.).

4. **Credit to PARC Program.** To help American Fork residents recognize how PARC Tax revenues are being spent, Recipient agrees to provide credit to the PARC Program as follows:

4.1. **PARC Logo.** Recipient shall use its best efforts to utilize the PARC logo in a size and manner that is easily identified on all brochures, Playbills, or other public relations materials.

4.2. **Size of PARC Logo.** Recipient will use its best efforts to utilize the PARC logo in a size and manner that is easily identified. The PARC logo should not be smaller than 1" x 1.25" in size.

4.3. **Copy of Programs to City.** The Recipient shall provide the City with a copy of all programs and other printed materials in which the Recipient acknowledges the use of PARC Tax funding. Recipient shall provide the programs and other printed materials to the City with the written reports described in Section 5.1.

4.4. **Copy of Press Releases to City.** The Recipient shall provide the City with a copy of all press releases and other public relations materials in which Recipient acknowledges the use of PARC Tax funding. Recipient shall provide the press releases and other public relations materials to the City with the written reports described in Section 5.1.

5. **Reporting/Audit Requirements.**

5.1. **Written Reports.** Recipient shall report to City Council quarterly to keep it apprised of how the funds are being spent and the progress of each project/program utilizing PARC funds. Additionally, Recipient shall submit to the City a written report (the "Written Report") detailing how it has expended or, if all monies have not been spent prior to March 31, 2018, how it intends to expend the Funds during the Term. The Recipient shall submit the Written Report on or before March 31, 2019. Recipient

SAMPLE

Attachment: Sample Agreement (PARC Tax Funds Disbursement FYE 2019)

agrees to completely and accurately provide all information requested by the applicable report form.

5.2. **Effect on Future Funding.** Recipient acknowledges that future PARC funding may be withheld from Recipient due to inadequate, incomplete, or non-submitted reports.

5.3. **Presentation to City Council.** If requested by the City Council, Recipient agrees to make a presentation to the City Council regarding how Recipient used the Funds and how American Fork residents benefitted from Recipient's use of the Funds.

5.4. **Records.** The Recipient agrees to keep and maintain detailed and accurate records of its use of all Funds that it receives pursuant to this Agreement and its compliance with the requirements of this Agreement. Recipient further agrees to retain such records and to make them available for review by the City or the City's representatives as the City may request. Recipient shall provide the City with copies of any records regarding Recipient's use of the Funds and Recipient's compliance with this Agreement, if requested by the City. Recipient shall maintain all records related to its use of the Funds and its compliance with this Agreement for at least five (5) years from the end of the Term. To the extent that any of the records become records of the City, Recipient acknowledges that the records will be subject to the requirements of the Utah Government Records Access and Management Act (GRAMA). If the records reveal that Recipient is in violation of this Agreement, the City may make such use and disclosure of the records as necessary to protect its rights under this Agreement and to protect the public's interest in the proper expenditure of public funds.

5.5. **Record Inspections/Audits.** The City reserves the right to inspect the Recipient's financial records and/or audit Recipient's use of the Funds to ensure that Recipient has used the Funds as required by this Agreement and applicable law. Recipient agrees to cooperate with the City and the City's representatives in the performance of the inspection and/or audit.

6. **Termination of Agreement.** Either party may terminate this Agreement based on the other party's failure to perform the terms of the Agreement. (Recipient may terminate for non-payment by the City and the City may terminate for Recipient's failure to comply with any of the requirements of this Agreement.) Termination shall occur as follows:

6.1. **Written Notice.** The terminating party shall give the other party written notice of its intent to terminate and of the grounds for the termination (the "Notice of Default"). The terminating party shall deliver the Notice of Default by United States mail, postage prepaid and registered or certified with return receipt requested, or by delivery by a nationally recognized over-night delivery service.

6.2. **Cure.** Following receipt of the Notice of Default, the noticed party shall have thirty (30) days to cure the default described in the Notice of Default. If the noticed party cures the default to the satisfaction of the terminating party, then the parties shall continue performing under this Agreement.

SAMPLE

Attachment: Sample Agreement (PARC Tax Funds Disbursement FYE 2019)

6.3. **Termination.** If the noticed party fails to cure the default as described in paragraph 6.2, then the terminating party may, without prejudice to any other rights or remedies of that party, terminate this Agreement.

6.4. **Unspent Funds.** If the City terminates this Agreement based on Recipient's failure to comply with any of the terms of the Agreement, Recipient shall immediately deliver to the City any unused or unspent Funds, including interest or dividends earned on the Funds. Recipient shall also, if applicable, return expended funds to the City pursuant to Section 7 of this Agreement.

7. **Return of Funds.** Recipient shall return to the City (1) the dollar amount of any Funds not used as required by this Agreement, (2) the dollar amount of any Funds used contrary to the requirements of this Agreement, and (3) the dollar amount of any Funds expended after Recipient failed to meet any of the Recipient Status requirements listed in Section 3 of this Agreement. If Recipient is required to return Funds to the City, the Recipient shall also return to the City any interest or dividends earned on the Funds. The City may request a return of Funds at any time, including after expiration of the Term or termination of the Agreement. The City's right to a return of Funds is in addition to other rights and remedies that may be available to the City under law, equity, or this Agreement.

8. **Indemnification**. The Recipient shall indemnify and hold the City and its officers, officials, employees, agents and volunteers harmless from and against all claims, damages, losses and expenses (including attorney's fees), arising out of or resulting from the Recipient's acts or failures to act in performing this Agreement. The Recipient shall not be liable for the City's own negligent acts.

9. **General Provisions**.

9.1. **Lawful Agreement.** The parties represent that they have lawfully entered into this Agreement, having complied with all relevant statutes, ordinances, resolutions, by-laws and other legal requirements applicable to their operation.

9.2. **Entire Agreement.** This Agreement represents the entire agreement of the parties and supersedes and replaces all prior understandings and agreements of the parties, whether written or oral, related to the use of City funds or PARC tax revenues to support Recipient's operations or activities.

9.3. **Utah Law.** This Agreement shall be interpreted pursuant to Utah law.

9.4. **Time of Essence.** Time shall be of the essence of this Agreement.

9.5. **Attorney's Fees.** If any party retains, uses or consults an attorney because of the default, breach or failure to perform of any other party to the Agreement, or to enforce or defend its rights under this Agreement, then the non-breaching or non-defaulting party shall be entitled to a reasonable attorney's fee, whether or not the matter is actually litigated.

SAMPLE

Attachment: Sample Agreement (PARC Tax Funds Disbursement FYE 2019)

9.6. **Interpretation of Agreement.** Whenever the context of any provision shall require it, the singular number shall be held to include the plural number, and vice versa, and the use of any gender shall include any other and all genders. The paragraph and section headings in this Agreement are for convenience only and do not constitute a part of the provisions hereof.

9.7. **No Presumption.** All parties have participated in preparing this Agreement. Therefore, the parties stipulate that any Court interpreting or construing the Agreement shall not apply the rule of construction that the Agreement should be more strictly construed against the drafting party.

9.8. **Amendments.** This Agreement may be modified or amended by written agreement only. No oral modifications or amendments shall be effective.

9.9. **No Assignment.** No party shall pledge or assign this Agreement without the prior written consent of the other party.

9.10. **Binding Agreement.** This Agreement shall be binding on the heirs, successors, administrators and assigns of each of the parties.

9.11. **Separate Entities.** The parties acknowledge that the City and Recipient are independent entities. Recipient does not represent the City or have authority to act on behalf of the City. Neither party shall hold itself out as a representative or agent of the other.

SAMPLE

SIGNED and ENTERED INTO this _____ day of _____, 2018.

CITY OF AMERICAN FORK

_____
By: David Bunker, City Administrator

ATTEST:

_____
Terilyn Lurker, City Recorder

Attachment: Sample Agreement (PARC Tax Funds Disbursement FYE 2019)

RECIPIENT

_____
By:
Its:

STATE OF UTAH)
:ss
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by _____.

_____
NOTARY PUBLIC

(Seal)
My commission expires:_____
Residing at:_____

SAMPLE

Attachment: Sample Agreement (PARC Tax Funds Disbursement FYE 2019)

Ordinance No. _____

AN ORDINANCE PROVIDING FOR THE DISTRIBUTION OF FISCAL YEAR 2018/2019 PARC TAX REVENUES

WHEREAS, on December 9, 2014 American Fork City Council approved Ordinance No. 2014-12-46, the Parks, Arts, Recreation and Culture Sales and Use Tax (PARC Tax);

WHEREAS, the PARC Tax became effective April 1, 2015;

WHEREAS, the City Council recognizes that parks, arts, recreation and culture enrich the quality of life in a community;

WHEREAS, the City Council desires to encourage and support the advancement or recreational and cultural facilities and cultural arts organization in American Fork; and

WHEREAS, the purpose of this ordinance is to provide for the distribution of the Fiscal Year 2019 PARC Tax revenues.

NOW THEREFORE, be it ordained by the American Fork City Council as follows:

1. The American Fork City Council hereby authorizes the distribution of Fiscal Year 2018/2019 PARC Tax revenues to **Alpine Community Theater (ACT)** in the amount of $38,500.00 for the following Projects:
   - Digital Sound Board $ 3,500.00
   - Summer Program $ 17,500.00
   - Winter Program $ 17,500.00

2. The American Fork City Council hereby authorizes the distribution of Fiscal Year 2018/2019 PARC Tax Revenues to **Harrington Center for the Arts** in the amount of $26,422.00 for the following projects:
   - Chalk Fest $ 4,050.00
   - Musical Festival $ 15,020.00
   - Summer Concert Series $ 7,332.00

3. The American Fork City Council hereby authorizes the distribution of Fiscal Year 2018/2019 PARC Tax Revenues to the **New Friends Quilt Circle** in the amount of $13,840.00 for the following projects:
   - Quilting Projects $ 6,355.00
   - Quilting/Sewing Equipment $ 7,485.00

4. The American Fork City Council hereby authorizes the distribution of Fiscal Year 2018/2019 PARC Tax Revenues to the **Friends of American Fork Library** in the amount of $14,396.00 for the following projects:
   - Book Fairy Project $ 7,204.00
   - Dictionaries for 3rd Grade $ 2,992.00

Attachment: PARC Tax Distribution Ordinance 2018-2019 (PARC Tax Funds Disbursement FYE 2019)

- Early Education Kits $ 4,200.00

5. The American Fork City Council hereby authorizes the distribution of Fiscal Year 2018/2019 PARC Tax Revenues to the **American Fork City Recreation and Community Services** in the amount of $740,918.00 for the following projects:
   - Pave Hindley Parking Lot $ 105,750.00
   - Art Dye Complex $ 350,000.00
   - Picnic tables, trash cans, trees $ 20,000.00
   - Playground for Robinson Park $ 86,208.00
   - Quail Cove Entrance Repairs $ 18,869.00
   - Rotary Park Small Pavilion $ 66,500.00
   - Pool Shade Structures $ 24,800.00
   - Children's Room Expansion Design $ 68,791.00

6. The American Fork City Council hereby authorizes the distribution of Fiscal Year 2018/2019 PARC Tax Revenues to the **Timpanogos Arts Foundation** in the amount of $335,000.00 for programming.

7. The American Fork City Council hereby authorizes the distribution of Fiscal Year 2018/2019 PARC Tax Revenues to the **Fox Hollow Golf Course** in the amount of $30,000.00 for a pavilion/performance stage.

8. The American Fork City Council hereby authorizes the distribution of Fiscal Year 2018/2019 PARC Tax Revenues to the **Timpanogos Symphony Orchestra** in the amount of $6,400.00 for an educational concert at the AFJH.

9. No PARC Tax revenues shall be distributed to an entity for operation expenses until the entity has signed a contract with the City meeting the requirements of Resolution No. 2017-01-06R, A Resolution Creating the Parks, Arts, Recreation and Culture Tax Advisory Board.

10. PARC Tax revenues in future fiscal years will also be awarded after a competitive application process based on merit and availability of funds. Receipt of PARC Tax funding in this round of applications does not guarantee PARC Tax funding in future years.

11. The City Administrator is hereby authorized to sign any documents required to proceed with the distribution of PARC Tax revenues as set forth in this ordinance.

12. All acts, orders, resolutions, ordinances, and parts thereof, in conflict with this ordinance are hereby rescinded.

This ordinance shall take effect immediately upon its passage and publication as prescribed by law.

Passed by the American Fork City Council on this 28 day of May, 2019.

Attachment: PARC Tax Distribution Ordinance 2018-2019 (PARC Tax Funds Disbursement FYE 2019)

MAYOR

_____

BRADLEY J. FROST
Mayor of American Fork

ATTEST:

_____

TERILYN LURKER
City Recorder

Attachment: PARC Tax Distribution Ordinance 2018-2019 (PARC Tax Funds Disbursement FYE 2019)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on approval of an ordinance amending Chapter 5.38 and Chapter 10.46 the city code relating to Towing and Parking Enforcement Services.

SUMMARY RECOMMENDATION
Staff would recommend approval.

BACKGROUND
The proposed amendment to Chapter 5.38 creates a criminal penalty for any violation of that chapter, thereby enabling the practical enforcement of the ordinance.

The proposed amendments to Chapter 10.46:

- Requires a tow operator to give dispatch, and thereby law enforcement, advance notice 15 minutes prior to commencing a towing operation that is occurring without the vehicle owner's knowledge
- Corrects an improper ordinance reference found in 10.46.020(E)(c)(v)(5)(a)
- Allows the city administrator discretion in granting a towing request exemption
- Creates a criminal penalty for violation of certain provisions of that chapter, thereby enabling the practical enforcement of the ordinance
- Clarifies ordinance references found in the civil penalties section

BUDGET IMPACT
NA

SUGGESTED MOTION
I move to adopt the ordinance amending Chapter 5.38 and Chapter 10.46 of the city code relating to Towing and Parking Enforcement Services.

SUPPORTING DOCUMENTS

05-28-19 Towing Ordinance Amendments (DOCX)
05-28-19 Towing Ordinance Amendments Exhibit A (DOCX)
05-28-19 Towing Ordinance Amendments Exhibit B (DOCX)

ORDINANCE NO._____

REGULATIONS FOR TOWING AND PARKING ENFORCEMENT SERVICES. AN ORDINANCE AMENDING CHAPTERS 5.38 AND 10.46 IN THE AMERICAN FORK CITY CODE REGULATING TOWING AND PARKING ENFORCEMENT SERVICES, PROVIDING A SAVINGS CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

PREAMBLE

WHEREAS, the regulation of towing and parking enforcement services will give clear guidelines for both these services and the citizens of American Fork City;

WHEREAS, the American Fork Municipal Code presently contains criteria and procedures for regulating towing and parking enforcement services in the City; and

WHEREAS, the American Fork City Council finds that amending said ordinances would promote the public health, safety and welfare of the City.

NOW THEREFORE, be it ordained by the city council of American Fork, Utah, that:

PART ONE

I. Chapter 5.38 be amended as set forth in Exhibit "A".

II. Chapter 10.46 be amended as set forth in Exhibit "B".

III. Effective Date. This ordinance shall take effect immediately upon its passage and adoption as prescribed by law.

Passed by the American Fork City Council this ____ day of May, 2019.

_____
Bradley J. Frost, Mayor

ATTEST:

_____
Terilyn Lurker, Recorder

Attachment: 05-28-19 Towing Ordinance Amendments (Towing and Parking Enforcement Services Code amendments)

Exhibit "A"

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CHAPTER 5.38 - TOWING AND PARKING ENFORCEMENT SERVICES

Sec. 5.38.010. - Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

Authorized vehicle. A vehicle parked on private property for which permission has been granted to park such vehicle.

Boot. A device used by a towing or perking enforcement company to temporarily immobilize or disable a motor vehicle for purposes of enforcing parking restrictions.

Motor carrier. A person engaged in or transacting the business of transporting passengers, freight, merchandise, or other property by a commercial vehicle on a highway within the state and includes a tow truck service business.

Parking enforcement operation. Providing parking enforcement services for compensation within the corporate limits of the city.

Parking enforcement service. The practice of immobilizing (booting) or otherwise disabling vehicles without the owner's consent for the purpose of enforcing parking restrictions on public streets, private property, or public parking lots restricted as to use.

Person. An individual, firm, partnership, corporation, company, association, or a joint stock association or venture.

Removal fee. A fee charged by a parking enforcer to remove an immobilization device.

Rotation list. A list of certified and licensed towing companies maintained by the American Fork police department. Such list is provided to motorists who request the names of towing companies from public safety officers.

Tow truck. A motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow bar, tow line, dolly, tilt bed, or other means.

Tow truck service. The functions and any ancillary operations associated with recovering, removing, and towing a vehicle and its load from a highway or other place by means of a tow truck.

Towing operations. Providing tow truck services for compensation within the corporate limits of the city whether or not the towing extends beyond the city limits. Towing operations also include the storage of a towed vehicle pending its return to the owner thereof by the person or agent who towed the vehicle.

Sec. 5.38.020. - Certification and license/registration required.

1. It shall be unlawful for any person to engage in towing operations within the corporate limits of the city unless the person has been certified by the Utah Department of Transportation as a towing company. The city may revoke or suspend the business license of any towing company that fails to obtain or maintain a valid state certification, or if licensed elsewhere, may suspend or revoke the right to conduct towing services in the city.
2. Except as otherwise provided, it is unlawful for any person, tow truck motor carrier, or person with a place of business located in the city to conduct a towing or parking enforcement operation within the corporate limits of the city, unless the person performing such operation has a valid city business license to do so.
3. A tow truck motor carrier or parking enforcement service that has a county or municipal business license located within a county or municipality other than the city but within the state of Utah is not required to obtain a city business license to conduct towing operations within the city.
    a. Notwithstanding the foregoing, a business which conducts towing operations within the city shall first provide the following information to the city business license office:
        i. Business name, address, and telephone number;
        ii. Evidence of a current business license issued by another municipality or a county;

Attachment: 05-28-19 Towing Ordinance Amendments Exhibit A (Towing and Parking Enforcement Services Code amendments)

Exhibit "A"

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iii. Current fee schedule;

iv. Identification of vehicle operators employed by the business;

v. Description, vehicle identification number, and license number of each tow truck used in the business; and

vi. Evidence of a surety bond of one thousand dollars from good and sufficient sureties.

b. If any of the information set forth in subsection 3a. of this section changes, the business shall deliver current information to the city business license officer within ten business days following the change.

4. No city business license or registration is required to conduct a towing or parking enforcement operation authorized by the city police department.

5. Failure to comply with any provision of this section shall constitute grounds for suspension or revocation of the business license of any company licensed in the city, or if licensed elsewhere, shall be grounds to suspend or revoke the right to conduct parking enforcement or towing services in the city.

Sec. 5.38.030. - Business license/registration application.

1. An application for a business license or registration form shall be filed in writing with the city business office and shall include:

a. The name and address of the applicant;

b. The business name, which cannot be substantially similar to the names of any city department responsible for parking enforcement or tow truck services, telephone number and principle place of business;

c. Identification, including name and birth date, of vehicle operators employed by the business;

d. A statement disclosing whether any person listed in the application or any driver employed by the business has ever been convicted of a felony or misdemeanor, and if so, the nature of the offense and where and when it was committed;

e. A valid driver's license and certification card issued by the state department of transportation for each tow truck driver;

f. Current department of transportation certificates for each tow truck motor carrier, tow truck, and driver;

g. A description, vehicle identification number, and license plate number of each tow truck and parking enforcement vehicle used in the business.

h. Competent evidence of a surety bond of one thousand dollars from good and sufficient sureties to ensure continued compliance with this chapter;

i. Competent evidence that the tow truck service business stores vehicles in a secure towing and impound yard within the city corporate limits that complies with state law and city development code; and

j. A list of current fees for all services performed by the business.

2. If any of the above information changes, the business shall deliver the current information to the city business office within ten business days following the change.

3. Failure to comply with or violation of the provisions of this chapter shall be grounds for denial, suspension, or revocation of any certification issued under this chapter.

Sec. 5.38.040. - Business license issuance and renewal.

Upon receipt of a complete application, a business license may be issued to a business which conducts towing or parking enforcement operations and which has a principal place of business within the corporate limits of the city.

Attachment: 05-28-19 Towing Ordinance Amendments Exhibit A (Towing and Parking Enforcement Services Code amendments)

Exhibit "A"

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A business license issued under this chapter may be renewed by showing conformity with the provisions of this chapter.

Sec. 5.38.050. - Investigation by police department.

1. Each application for a license shall be referred to the police department which may investigate to determine compliance with the requirements of this section.
2. Background checks may be conducted on all employees of a business desiring to obtain a license under this chapter.
3. A business license may be denied if a background check discloses any of the following:
   a. Conviction of a crime or any pending criminal citation or information not yet adjudicated involving moral turpitude, theft, narcotics, illegal drugs, DUI or property damage unless a period of not less than five years has elapsed from the date of the conviction or the date of release from confinement for such offense, whichever is later; or
   b. Conviction of a felony for any reason unless a period of not less than ten years has elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later.
4. Any person denied a business license may appeal such decision to the city council.

Sec. 5.38.060. - License fees.

A person desiring to provide towing services and/or parking enforcement services within the city shall have a valid business license; no additional fee shall be required. Applicants and registrants shall be responsible to provide a BCI background check to the police department.

Sec. 5.38.070. - Duty to possess and/or display license.

1. Every employee of a towing or parking enforcement business shall personally carry:
   a. A valid Utah driver's license which allows for operation of a tow truck or parking enforcement vehicle;
   b. In the case of tow truck operators only, evidence of a personal certification card issued by the Utah department of transportation;
   c. Evidence of a valid business license or certificate issued by the city, if a license or certificate is required pursuant to this chapter; and]
   d. A business identification card giving the name, address and phone number of the business and identifying the operator as an employee thereof.

Sec. 5.38.070. – Penalties

1. Failure to have a valid business license shall be punishable as provided in Section 5.04.320. Violation of any other provision of this chapter by any person, business, firm, partnership, association, joint venture, or corporation shall constitute an infraction.

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Attachment: 05-28-19 Towing Ordinance Amendments Exhibit A (Towing and Parking Enforcement Services Code amendments)

Exhibit "B"

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CHAPTER 10.46 - TOWING AND PARKING ENFORCEMENT OPERATIONS

Sec. 10.46.010 - Definitions.

The definitions set forth in 5.38.010 of this Code shall apply to this section.

Sec. 10.46.020. - Operations.

A. *Towing generally* . An owner or person in lawful possession or control of real property may, to the extent authorized by this section, tow away or immobilize any unauthorized vehicle located on the property, an unauthorized vehicle is any vehicle parked or stopped in violation of private property parking regulations which govern parking for authorized tenants and visitors or which restrict parking in a loading zone, handicapped zone, fire lane, or a no parking zone.

B. *Towing request* . No towing or parking enforcement business or its agent may conduct a towing or parking enforcement operation unless:

a. Authorized by the owner of the private property on which the vehicle is located, or the owner's agent; or

b. Requested by a peace officer or by an order of a person acting on behalf of a law enforcement agency.

C. *Report towing to law enforcement* . Except as otherwise ordered by a peace officer or a person acting on behalf of a law enforcement agency, at least 15 (fifteen) minutes prior to commencing a towing operation without the vehicle owner's knowledge, the tow operator shall report their intent to tow the vehicle to the American Fork Police dispatcher. This report shall include the vehicle's description, including its vehicle identification number and license number or other identification number issued by a state agency, and the name of the person, firm, or corporation impounding or towing the vehicle, After performing a towing operation without the vehicle owner's knowledge, the tow operator shall report the towing of the vehicle to the American Fork City police dispatcher within the soonest of one hour or immediately upon arriving at the place of storage or impound of the vehicle. The report shall include:

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a. The vehicle's description, including its vehicle identification number and license number or other identification number issued by a state agency;

b. The name of the person, firm, or corporation impounding or towing the vehicle;

c. The name of the person who requested removal of the vehicle;

d. The date, time, and location of the vehicle's removal;

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e. Reason(s) for removal of the vehicle;

f. The location where the subject vehicle will be kept; and

g. A telephone number, staffed twenty-four hours a day, which an owner can call to arrange for release of the vehicle.

D. *Towing criteria* . No towing or parking enforcement business or its agent may conduct a towing or parking enforcement operation other than on a vehicle which has been continuously parked for more than seventy-two hours, unless:

a. "No parking" areas, restricted parking spaces, and visitor parking spaces, if any, are clearly marked with signage installed in such a manner as to provide adequate notice to those utilizing the parked area, including marking of the boundaries between the subject parking lot and any adjoining parking lot owned by another person; and

b. A conspicuous sign posted at, or immediately adjacent to, each entrance to the property provides notice that unauthorized vehicles may be towed from the parking lot or immobilized. Each such sign shall:

i. Be at least eighteen inches by twenty-four inches in size;

ii. Give warning, in large reflective lettering, that unauthorized vehicles may be towed or immobilized;

Attachment: 05-28-19 Towing Ordinance Amendments Exhibit B (Towing and Parking Enforcement Services Code amendments)

Exhibit "B"

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iii. Give the name and telephone number of business(es) authorized to conduct a towing or parking enforcement operation on the property;

iv. State the fees charged for towing and parking enforcement operations; and

v. Be posted within approximately five feet of each entrance to a parking lot.

1. For purposes of this subsection, a "parking lot entrance" shall mean any access allowing the entrance or exit of a vehicle between a private parking lot and a city street unless such access is not the property of the parking lot owner. In such case, parking lot entrance shall mean:

a. The intersection of the parking lot property line and the property line of the access point; or

b. Any privately owned road connected to a public right of way leading to the entrance of a parking lot located on private property;

2. A sign posted directly over a driveway leading to an underground lot shall be deemed to meet the location requirements of this subsection;

3. If signs cannot be posted within five feet from the entrance to a parking lot for reasons of practical difficulty (such as the necessity of drilling a hole through concrete, removing a tree or shrubs, or because of an immediately adjacent private driveway not owned by the owner of the parking lot), a sign may be placed as close as reasonably practicable to the parking lot entrance. However, no sign shall be further than thirty feet from the edge of the curb that borders the private property.

E. *Towing and parking enforcement on private property* . No towing or parking enforcement business or its agent may conduct a towing or parking enforcement operation regarding a vehicle located on private property, unless:

a. The owner of the subject real property or the owner's agent:

i. Conforms to the requirements of subsection E(b) and F of this section;

ii. Discloses, in writing, to each tenant of the property when the tenant first occupies the property:

1. The rules which govern the use of parking areas:

2. That parking a vehicle in violation of such rules may subject the vehicle to a towing or parking enforcement operation; and

3. That the tenant may contest a towing or parking enforcement operation as provided in this chapter;

b. The towing or parking enforcement business or its agent conducting the operation:

i. Except as otherwise provided in subsection F of this section, receives from the property owner or the owner's agent, who shall not be affiliated in any way within the towing or parking enforcement business, a written or telephonic request for each towing or parking enforcement of a particular vehicle;

ii. Posts a copy of the towing or parking enforcement business's fee schedule in a prominent place at the location where vehicles are released from storage; and

iii. Maintains personnel authorized to release any vehicle to its owner twenty-four hours each day and who can respond within one hour of a request for release of a vehicle;

c. The towing or parking enforcement business employee who conducts, or attempts to conduct, a towing or parking enforcement operation:

i. Wears either:

Attachment: 05-28-19 Towing Ordinance Amendments Exhibit B (Towing and Parking Enforcement Services Code amendments)

Exhibit "B"

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1. A readily identifiable shirt, blouse, or other top article of clothing with the name of the business and the first name of the employee contained thereon and readable from a distance of six feet; or
2. A prominently visible identification badge on the front of employee's clothing with the name of the business and the first name of the employee contained thereon and readable from a distance of six feet;

ii. Possess evidence of:

1. Either a written or telephonic towing or parking enforcement request form the property owner or the owner's agent, or the contract required by subsection F of this section and a license or certification as a American Fork City towing or parking enforcement business, and;
2. The fee schedule required by subsection E(b)(ii) of this section;

iii. Upon request, provides the name and telephone number of the property owner or owner's agent, and shows the evidence required by subsection E(c)(ii) of this section to:

1. A person whose vehicle is subject to the towing or parking enforcement operation; and
2. Any law enforcement officer;

iv. Prior to mechanically connecting a vehicle to a tow truck or booting a vehicle, documents, through the use of date and time stamped digital photography or digital video, the precise nature of the violation of the private property parking regulations; and

v. Upon booting a vehicle, places a notice on the driver's door window which indicates:

1. In large letters (twenty-four to thirty-six font size), "This vehicle has been booted";
2. The name and telephone number of the towing or parking enforcement business and the name of the person that immobilized the vehicle;
3. A telephone number, staffed twenty-four hours a day, which the vehicle owner may call to arrange for release of the vehicle;
4. Applicable fees; and
5. The following statement:
   a. A towing or parking enforcement business that tows or boots a vehicle unlawfully may be subject to criminal and civil penalties as provided in American Fork City Code, Chapter 10.46. A person whose vehicle is towed or booted shall be entitled, upon request, to the name and telephone number of the owner of the property or owner's agent where the tow or boot occurred.

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vi. Upon towing a vehicle, takes the vehicle directly to a storage lot within American Fork City that complies with the requirements of state law, this section, and American Fork City development code;

vii. Once the vehicle is mechanically connected to the tow truck, the tow operator may only disconnect the vehicle:

1. Upon arrival at the storage lot;
2. To release the vehicle to the driver, owner, or owner's agent; or
3. To abandon the tow and leave the vehicle where the tow operator originally found it.

viii. Any towing or parking enforcement business or its agent conducting a towing or parking enforcement operation of a vehicle located on private property shall:

Attachment: 05-28-19 Towing Ordinance Amendments Exhibit B (Towing and Parking Enforcement Services Code amendments)

Exhibit "B"

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1. Maintain the documentation required under subsection E(c)(iv) of this section for no less than one year;
2. Make available, prior to taking payment for the towing or parking enforcement operation, a copy of the documentation required under subsection E(c)(iv) of this section, upon request by any of the following:
   a. The driver or owner of the vehicle that was subject to the towing or parking enforcement operation, or the owner's agent; and
   b. Any law enforcement officer; and

ix. Prior to taking any payment related to a towing or parking enforcement operation, provide the driver or owner of the towed or booted vehicle, or the owner's authorized agent, with a statement of the owner's rights regarding towing and parking enforcement operations that has been approved by American Fork City administration.

F. *Towing request exemption* . The written or telephonic request required under subsection E of this section prior to initiating a towing or parking enforcement operation is not required if all of the following requirements are met:

a. The towing or parking enforcement business or its agent conducting the towing or parking enforcement operation has been designated as a American Fork City qualified towing or parking enforcement business by the city administrator, or the city administrator's designee;

i. A licensed towing or parking enforcement business may seek this qualification by completing and signing a written application on a form provided by the city.

ii. The licensed applicant business may be granted this qualification upon satisfying the city administrator, or the city administrator's designee, that the applicant's business operations comply with all of the contractual obligations required under subsection F(c) of this section.

Deleted: shall

b. The owner of the property where the towing or parking enforcement operation takes place complies with all the contractual obligations required under subsection F(c) of this section; and

c. The towing and parking enforcement business and the private property owner must have, and comply with, a contract that contains provisions documenting and requiring all of the following:

i. A right of appeal to the property owner by the owner or operator of the vehicle booted or towed;

ii. The right of the property owner to grant the appeal and waive part or all of the fees and charges incurred by the appellant;

1. A documented plan for providing adequate visitor parking;
2. Reasonable, as determined by the city administrator or the city administrator's designee, temporary permit parking on a 24/7 availability basis for any property where the owner requires permit parking;
3. Signage that, in the city administrator or city administrator's designee's reasonable opinion, provides fair notice to all persons of all limitations on parking on the property; and
4. A limitation of the towing or parking enforcement operator's total maximum fees and charges for booting or otherwise immobilizing a vehicle to sixty dollars and the total maximum fees and charges for towing a vehicle to one hundred seventy-five dollars, including the first day of storage (subsequent days of storage may be charged in accordance with the rules and rates set forth in rule R909-19-13, Utah administrative code).

d. It is a violation of this section to conduct a towing or parking enforcement operation without a written or telephonic request pursuant to this subsection F if either party to a contract described

Attachment: 05-28-19 Towing Ordinance Amendments Exhibit B (Towing and Parking Enforcement Services Code amendments)

Exhibit "B"

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in subsection F(c) of this section fails to comply with a contract provision required under subsection F(c) of this section.

e. Appeals by towing or parking enforcement operators or property owners of decisions by the city administrator, or the city administrator's designee, made under this subsection F(c) may be appealed to the city council.

G. *Towing a booted vehicle* . A booted vehicle may not be removed from the site sooner than two hours after the time of booting.

H. *Payment for towed vehicle* . Except as otherwise provided in this section, a towing or parking enforcement business conducting a towing or parking enforcement operation pursuant to this section shall release the subject vehicle to its owner or agent immediately upon payment of applicable fees authorized by this section or by rule R909-19, Utah administrative code, as amended.

a. The towing or parking enforcement business shall accept payment offered in cash or by major credit card, but shall not be obligated to accept checks or payment in coins and shall maintain sufficient cash on hand to make change of up to forty dollars.

b. Every towing or parking enforcement business providing services pursuant to this subsection shall post in a conspicuous place upon its business premises a true copy of this section.

c. A parking enforcement business shall be limited to a maximum Immobilization/booting fee, per vehicle, of fifty percent of the maximum towing rate for non-consent tows as provided in rule R909-19-12, Utah administrative code, and may not charge any other fee for a parking enforcement operation. If an immobilized vehicle is towed, no fee of any kind relating to booting may be charged in addition to towing, storage, or other applicable fees. If a vehicle is towed or booted unlawfully, no fee shall be payable.

d. If the vehicle owner or agent arrives at the vehicle before the towing or parking enforcement operator has mechanically connected the vehicle to a tow truck or booting device, the towing or parking enforcement operator shall:

i. Not continue to tow or boot the vehicle; and

ii. Not be entitled to tow or boot the vehicle or to charge any fee whatsoever if the vehicle is promptly removed from the premises.

e. If a tow truck is mechanically connected to a vehicle, the tow truck shall be in possession of the vehicle. If the vehicle owner or agent attempts to retrieve the vehicle before the vehicle is removed from the property, the maximum towing or parking enforcement fee shall not exceed fifty percent of the posted rate schedule.

f. No parking enforcement fee, other than fees authorized by this subsection, shall be charged as a condition of releasing a booted vehicle.

g. A vehicle shall be released immediately upon payment of any required fees authorized by this section.

I. *No consideration for towing agreements* . Property owners, managers, or their agents shall not receive any consideration whatsoever from any towing or parking enforcement business in exchange for utilizing such business's services to tow or boot unauthorized vehicles from the owner's property or for entering into a services agreement with a towing or parking enforcement business.

J. *Towing damages* . Any person acting to remove or otherwise disturb any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling such private property, or either of them, shall be liable to the owner, owner's agent, or driver of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of such vehicle which does not comply with the requirements of this section.

K. *Boot removal* . Upon receiving a request by the vehicle owner or owner's agent to remove a boot the towing or parking enforcement business shall respond and remove the boot within thirty minutes.

Exhibit "B"

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Sec. 10.46.030. - Rotation list.

A. *Creation* . The chief of police or his designee shall create and administer a rotation list comprised of those towing companies who comply with all the terms of this chapter and Chapter 5.38 of the American Fork City Code and are authorized to respond to calls for service by the police department. One slot on the rotation list shall be given to each compliant company. To ensure a fair distribution of calls for service, however, companies with different names but which utilize the same employees, trucks, business offices or impound yards shall be treated as one company for purposes of the rotation list, and shall only have one slot on the list.

B. *Duties of companies on the list* . In addition to any other requirements set forth in the American Fork City Code or required by federal or state law, a towing company, which has been placed on the rotation list, shall:

a. Respond to a call for service from the police department and arrive on scene within fifteen minutes of receiving the call. In the event that the company fails to arrive within fifteen minutes from receipt of the call, the police department shall be permitted to secure the services of an alternate company from the rotation list. The late-responding company shall not be entitled to any fee for a late response or costs and expenses incurred as a result thereof. Any company that fails to respond within the required fifteen minutes will be placed at the bottom of the rotation list. Only those tow truck companies that have been called from the rotation list may respond to a public safety request. Towing companies that have not been specifically called may not respond on behalf of another tow truck company, regardless of the circumstances. Responding tow truck companies that have not been called, shall be placed on the bottom of the rotation list.

b. Have a vehicle storage facility within the city corporate limits that has a fenced area, enclosed yard, or building. No vehicle may be moved to a location which is not within the city limits without the prior consent of the owner or operator of the vehicle. Such vehicle storage facility must comply with all state requirements.

c. Have the capability of transporting abandoned or inoperable vehicles.

d. Clean up any mess, debris, rubble or any other items that may be located on the roadway or in the immediate vicinity of the location from which an abandoned or inoperable vehicle is to be towed. To achieve this requirement, and in addition to any other state or administrative requirements, the tow truck must be equipped with adequate equipment and materials to clean up the area. Failure to clean up the area is a violation of this section and can result in being removed from the rotation list.

e. Ensure that all its authorized agents agree to follow the instructions or orders of a public safety officer at the towing scene.

f. Comply with all federal, state, and local requirements governing parking enforcement and towing companies.

C. *A towing company may voluntarily request in writing to be removed from the rotation list* . A towing company may lose the privilege of being on the rotation list and subject to removal from the rotation list for up to a twelve month period for any of the following reasons:

a. Failure to comply with any of the requirements of this chapter or Chapter 5.38 of the American Fork City Code;

b. A conviction of any of the towing company's employees of a crime involving moral turpitude, theft, narcotics, illegal drugs, DUI or property damage. A conviction includes the entry of a plea in abeyance; or

c. Being the subject of three or more complaints received within a ninety-day period that are later substantiated. A complaint is substantiated when the following occurs:

i. The complaint has been lodged against a towing company by the owner or the owner's agent of a motor vehicle that was towed or by a police officer;

Attachment: 05-28-19 Towing Ordinance Amendments Exhibit B (Towing and Parking Enforcement Services Code amendments)

Exhibit "B"

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ii. The police department has, within ten days of receiving the complaint, given the towing company written notice of the complaint that contains information about the vehicle that was towed, the date, time and place of the tow, and a statement of the complaint including the federal, state or local law or regulation that the towing company is alleged to have violated;

iii. The complaint has been investigated by the chief of police or his designee after having given the towing company ten days to respond in writing to the complaint; and

iv. The chief of police or his designee has determined the towing company violated any federal, state, or local law or rule regulating towing companies and has given the towing company written notice of his decision.

D. *Notice of removal* . Prior to removing a towing company from the rotation list for any of the reasons listed above, the chief of police or his designee shall give the towing company written notice of his decision to remove the company from the rotation list. The notice shall contain the basis for the decision; notice that the towing company will be removed from the rotation list, if applicable; and the conditions under which the towing company will be reinstated on the rotation list, if applicable.

E. *Appeal* . Any towing company that has been removed from the rotation list pursuant to this article may appeal to the city administrator or his designee the decision of the police chief or his designee's decision to remove the towing company from the rotation list. Any appeal must be in writing and filed with the city administrator or his designee within ten days of receiving notice of the removal. Within ten days of receiving a notice of appeal the city administrator or his designee shall render a decision upholding the removal or reinstating the towing company on the rotation list.

F. *Removal period and reinstatement* . Removal from the rotation list shall be for a ninety day period for the first removal within a three-year period. Removal from the towing rotation list shall be for one year for the second removal from the rotation list within three years of any prior removal. The date of removal shall be the later of ten days after the chief of police or his designee sends a notice of removal or the date the city administrator or his designee renders a decision in response to an appeal. Any towing company that has been removed from the rotation list may file a written request with the chief of police or his designee to be placed back on the list no sooner than ten days prior to the expiration of the removal period. The chief of police shall place the company back on the towing rotation list upon a showing that all previous problems for which the company has been removed have been corrected, and the company certifies it is willing and able to comply with all the requirements for being on the rotation list.

Sec. 10.46.040. - Penalties.

A. *Criminal penalties* . It shall be unlawful to:

a. Tamper with or remove from a vehicle a lawfully installed boot without the authorization of the towing or parking enforcement operator who applied the boot, which authorization shall not be withheld in violation of state or local law; and

b. To disconnect a vehicle mechanically connected to a tow truck without the authorization of the towing or parking enforcement operator lawfully in possession of the vehicle, which authorization shall not be withheld in violation of state or local law.

c. Violation of this subsection or any subsection or provision of this section by any person, business, firm, partnership, association, joint venture, or corporation is a class B misdemeanor.

Deleted: subsection or

Deleted: section

d. Violation of any provision of Section 10.46.020 or Section 10.46.030(B) by any person, business, firm, partnership, association, joint venture, or corporation is an infraction.

B. *Civil penalties* . In addition to any other penalty, a civil action for damages or to abate a violation of this chapter may be brought by any aggrieved person.

a. A person who authorizes, tows, or immobilizes a vehicle from private property in violation of the provisions of this chapter is liable in a civil action for a penalty of up to five hundred dollars as the court may determine. A civil action under this subsection may not be commenced later than one hundred eighty days after occurrence of the violation.

Deleted: section

Attachment: 05-28-19 Towing Ordinance Amendments Exhibit B (Towing and Parking Enforcement Services Code amendments)

Exhibit "B"

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b. Lack of compliance with the requirements of subsections D, E, and F of Section 10.46.020 shall be prima facie evidence of a violation of this section.

Deleted: this section

c. The remedies provided for in this subsection shall be cumulative and not exclusive.

C. Nothing in this section shall preclude prosecution of any crime, including, but not limited to, criminal mischief, fraud, and theft.

D. Pursuant to Utah Code Ann. §77-32-301, American Fork City is required to provide for indigent legal defense if the violation includes any possibility of imprisonment.

Attachment: 05-28-19 Towing Ordinance Amendments Exhibit B (Towing and Parking Enforcement Services Code amendments)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on ordinance adopting various amendments to Section 17.4 of the American Fork City Municipal Code relating to rear setbacks.

SUMMARY RECOMMENDATION The planning commission recommended approval of various amendments to Section 17.4 of the American Fork City Municipal Code relating to rear setbacks as stated in the attached minutes of the May 8, 2019 planning commission meeting.

BACKGROUND This development code text amendment reduces the rear setback in all residential zones from 30' to 25' and has been motivated by requests from homeowners seeking increased design flexibility for new homes or additions to existing structures. For further analysis, please refer to the attached development code text amendment, staff report and planning commission minutes.

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

SUGGESTED MOTION I move to approve the ordinance adopting various amendments to Section 17.4 of the American Fork City Municipal Code relating to rear setbacks.

SUPPORTING DOCUMENTS

1. Ord (PDF)
2. Staff Report (PDF)
3. Minutes (PDF)

ORDINANCE NO _____

AN ORDINANCE AMENDING SECTIONS 17.4.101.E.1(d, e), 17.4.102.E.1(d, e), 17.4.201.E.1(d, e), 17.4.202.E.1(d, e), 17.4.203.E.1(d, e), 17.4.204.E.1(d, e), 17.4.205.E.1(d, e), 17.4.206.E.1(d, e), 17.4.301.E.1.e, and 17.4.302.E.1(d, e) OF THE DEVELOPMENT CODE RELATING TO REAR SETBACKS ON CORNER LOTS, AND PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENTS.

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

PART I

TEXT OF ORDINANCE

SECTION 1. Sections 17.4.101.E.1(d, e), 17.4.102.E.1(d, e), 17.4.201.E.1(d, e), 17.4.202.E.1(d, e), 17.4.203.E.1(d, e), 17.4.204.E.1(d, e), 17.4.205.E.1(d, e), 17.4.206.E.1(d, e), 17.4.301.E.1.e, and 17.4.302.E.1(d, e) of the Development Code of American Fork, Utah, are hereby amended to read as follows:

> d. Rear setback—Interior lots. All dwellings and other main buildings and structures shall be set back not less than ~~thirty~~ twenty-five feet from the rear lot line, except that a portion of a dwelling may project up to five feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling.
>
> e. Rear setback—Corner lots. All dwellings and other main buildings shall be set back not less than ~~thirty~~ twenty-five feet from the rear lot line, except as follows: (i) a portion of a dwelling may project up to five feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling, or (ii) where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet, as measured from the rear lot line to the closest part of the garage, or (iii) a portion of a dwelling may project up to fifteen feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling and the rear area of the corner lot abuts a side setback of an adjacent lot.

Attachment: 1. Ord (Code Changes - Rear setbacks)

PART II

PENALTY AND ADOPTION

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

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

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

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

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

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH, THIS ____ DAY OF _____ 2019.

_____

Mayor

ATTEST:

_____

City Recorder

Attachment: 1. Ord (Code Changes - Rear setbacks)

Hearing, review and action on various amendments to Section 17.4 of the American Fork City Municipal Code relating to rear setbacks

The proposed ordinance modifies rear setbacks in all residential zones, from 30' to 25'. The amendments allow for greater variety of homes to be constructed city-wide; and, provide greater flexibility in siting of homes on individual lots. Allowance of encroachments into rear setback areas will remain as allowed; the only change is moving of the standard rear setback from 30' to 25'.

Potential Motions:

APPROVAL

Mr. Chairman, I move that we recommend approval of the various amendments relating to rear setbacks.

DENIAL

Mr. Chairman, I move that we recommend denial of the various amendments relating to rear setbacks.

TABLE

Mr. Chairman, I move that we table action on the various amendments to rear setbacks.

Attachment: 2. Staff Report (Code Changes - Rear setbacks)

AMERICAN FORK CITY ENGINEERING DIVISION
STAFF REPORT

Planning Commission Meeting Date: 5/8/2019

This report is a summary of the American Fork City Engineering Division plan review comments regarding the subject plan as submitted by the applicant for American Fork City Land Use Authority approval:

Project Name: Amendment to Section 17.4

Project Address: American Fork City

Developer / Applicant's Name: American Fork City

Type of Application:

- ☐ Subdivision Final Plat
- ☐ Subdivision Preliminary Plan
- ☐ Annexation
- ☒ Code Text Amendment
- ☐ General Plan Amendment
- ☐ Zone Change
- ☐ Commercial Site Plan
- ☐ Residential Accessory Structure Site Plan

Engineering Division Recommendation: The Engineering Division recommends APPROVAL of the proposed code text amendment.

Attachment: 2. Staff Report (Code Changes - Rear setbacks)

The motion carried.

11. Hearing, review and action on various amendments to Section 17.4 of the American Fork City Municipal Code relating to rear setbacks

Mr. Olsen stated that there have been a number of requests to the Board of Adjustment related to rear setbacks. The proposed ordinance modifies rear setbacks in all residential zones, from 30' to 25'. The amendments allow for greater variety of homes to be constructed city-wide and provide greater flexibility in siting of homes on individual lots. Allowance of encroachments into rear setback areas will remain as allowed; the only change is moving of the standard rear setback from 30' to 25'. This change allows people to expand their older homes.

Public Hearing Opened

Public Hearing Closed

Mr. Brocious moved to recommend approval of the various amendments relating to rear setbacks.

Ms. Anderson seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**
Christine Anderson	**Aye**
Eric Franson	**Aye**
Harold Dudley	**Aye**
Rebecca Staten	**Aye**
Rod Brocious	**Aye**

The motion carried.

12. Hearing, review and action on amendments to Section 17.8.403 – Water Mains of the American Fork City Municipal Code

Mr. Sensanbaugher stated that the Engineering Division is routinely looking at city code and would regularly bring forward suggested changes. This change was discussed at length with the city administrator. This code change would change the minimum size of the pressurized irrigation line from 6 inches to 8 inches.

Chairman Woffinden asked if the city has enough water supply to maintain pressure if the size of the line is increased. His irrigation pressure is always low.

Mr. Sensanbaugher replied that the increased size of line will actually increase pressure a little bit during times of heavy use and help the system work better.

Mr. Franson clarified that this will only affect new development.

Attachment: 3. Minutes (Code Changes - Rear setbacks)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on an ordinance approving a zone map amendment from the I-1 Industrial and M-1 Marina zones to the PI-1 Planned Industrial zone located in the area of 1500 South 100 East.

SUMMARY RECOMMENDATION The planning commission recommended approval of the zone map amendment from the I-1 Industrial and M-1 Marina zones to the PI-1 Planned Industrial zone as stated in the attached minutes of the May 8, 2019 planning commission meeting.

BACKGROUND The applicant proposes to harmonize the zoning on several parcels of land to all be designated PI-1 Planned Industrial for future development of a planned industrial park. For further analysis, please refer to the attached application, staff report and planning commission minutes.

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

SUGGESTED MOTION I move to adopt the ordinance approving a zone map amendment from the I-1 Industrial and M-1 Marina zones to the PI-1 Planned Industrial zone located in the area of 1500 South 100 East.

SUPPORTING DOCUMENTS

1. Ord (DOCX)
2. Application (PDF)
3. Staff report (PDF)
4. Minutes (PDF)

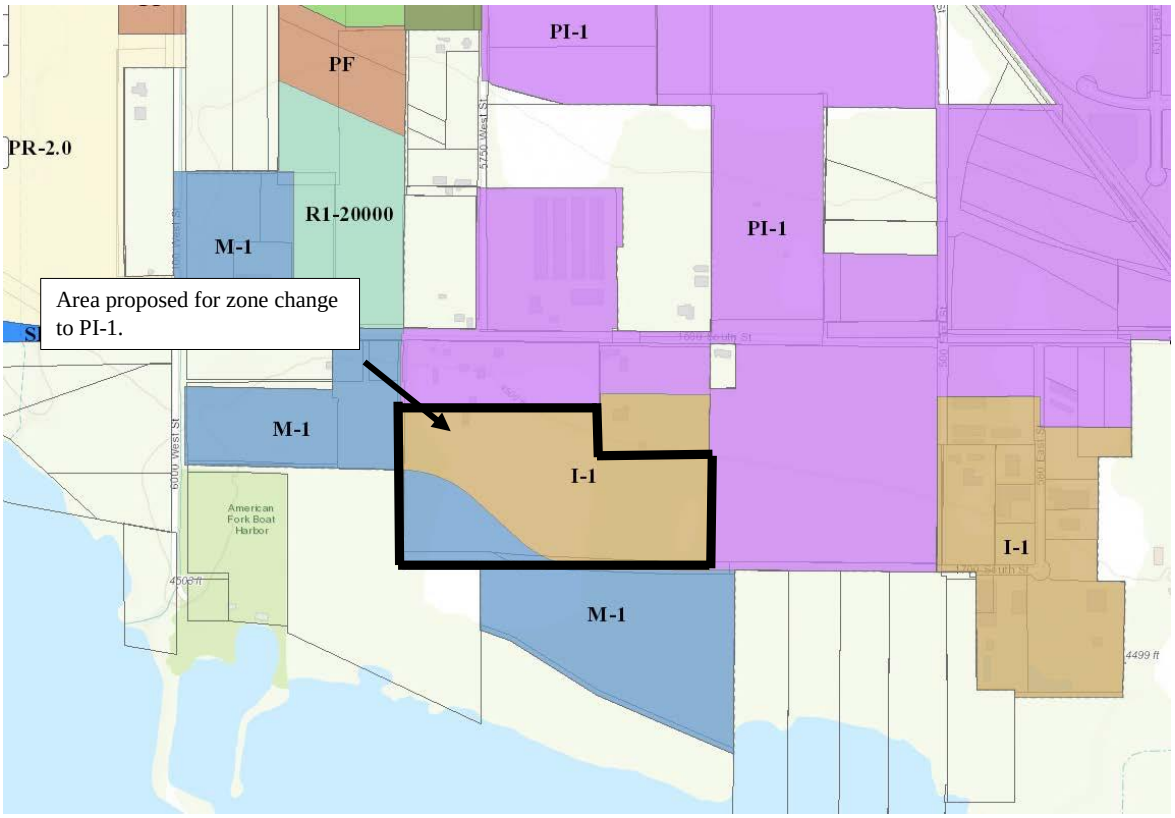
ORDINANCE NO.

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF AMERICAN FORK, UTAH. BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH:

PART I

That the Official Zone Map of American Fork, Utah, is hereby amended from the I-1 Industrial and M-1 Marina zones to the PI-1 Planned Industrial zone located in the vicinity of 1500 South 100 East as shown on the map below.

Zone Map Amendment



PART II

That said territory shall hereafter be subject to all requirements and conditions applicable with said zone.

Attachment: 1. Ord (Roderick Zoning 1500 S)

PART III

That this Ordinance shall be in force and effect upon its passage and first publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH, THIS 28TH DAY OF MAY, 2019.

Brad Frost, Mayor

ATTEST:

Terilyn Lurker, Recorder

Attachment: 1. Ord (Roderick Zoning 1500 S)

AMERICAN FORK CITY – Public Works Department
275 EAST 200 NORTH, AMERICAN FORK UT 84003
Phone: 801-763-3060 Fax: 801-763-3005 www.afcity.org

ZONE CHANGE (blue)

Technical Review Committee Submittal Form

Project Name: Catalyst Business Park

Location: Approximately 100 East 1500 South

Reason/Description: The parcel is currently zoned partially PI, I & M1. We are requesting it to be all zoned PI

Utah County Parcel No(s): 13:076:0046

Property Owner Name: Roderick Enterprises

Property Owner Signature:

Property Owner or Authorized Representative Contact Information: (By indicating an authorized representative, all communication from the City regarding the project will be directed to your authorized representative.)

Name: Roderick Enterprises

Address: P.O. Box 186 Midvale, Ut 84047

Telephone: 801-506-5005 Fax:

Email: miker@roderickrealty.com & benw@roderickrealty.

Submit the following to Lisa Halversen, Public Works Dept, 275 East 200 North.

1. **Five paper** submittals including plans (sized 11" x 17") and all reports (sized 8.5" x 11")
2. **Electronic** submittal on **DISC**:
   a. a full plan set in one (1) single pdf
   b. an electronic design file AutoCAD 2009 format (N.A.D. 83 Coordinates)
   c. reports (drainage, geotechnical, title) each in a separate pdf
3. Fee as determined at time of Site Plan Review Fee: $250.00

PAID $ 250
PLAN REVIEW DEPOSIT
4/9/19

Applications will not be accepted without ALL the required submittal materials. The City will not hold partial submittals.

Acceptance of this submittal to the Technical Review Committee (TRC) for review is not an acknowledgement by the City of a complete application. This determination will be made by the TRC in accordance with UCA 10-9a-509.5

By submitting an application, owner/authorized representative hereby authorizes American Fork City Representatives to enter the property for purposes of evaluating this application.

SUBMITTAL CHECKLIST (applicant – check the box to indicate items are included in this submittal)

☒	Property Size (acres): 41.67 Current Zone Classification: PI, I and M
☒	What changed or changing conditions make the proposed amendment reasonably necessary to promote the purposes of the American Fork City Development Code? (typewritten)
☒	Does the proposed zone change conform to the Land Use Plan? ☒ Yes ☐ No If no, please submit a request for General Plan Amendment with this application.

Attachment: 2. Application (Roderick Zoning 1500 S)

Roderick Enterprises

1214 East Vine Street
Salt Lake City, Utah 84121

EST. 1967

(801) 506-5005
Fax (801 506-0755

March 28, 2019

Ben Hunter
Project Engineer
275 East 200 North
American Fork City, Utah

RE: Highland Place II, Cottonwood Heights, Utah

Dear Mr. Hunter:

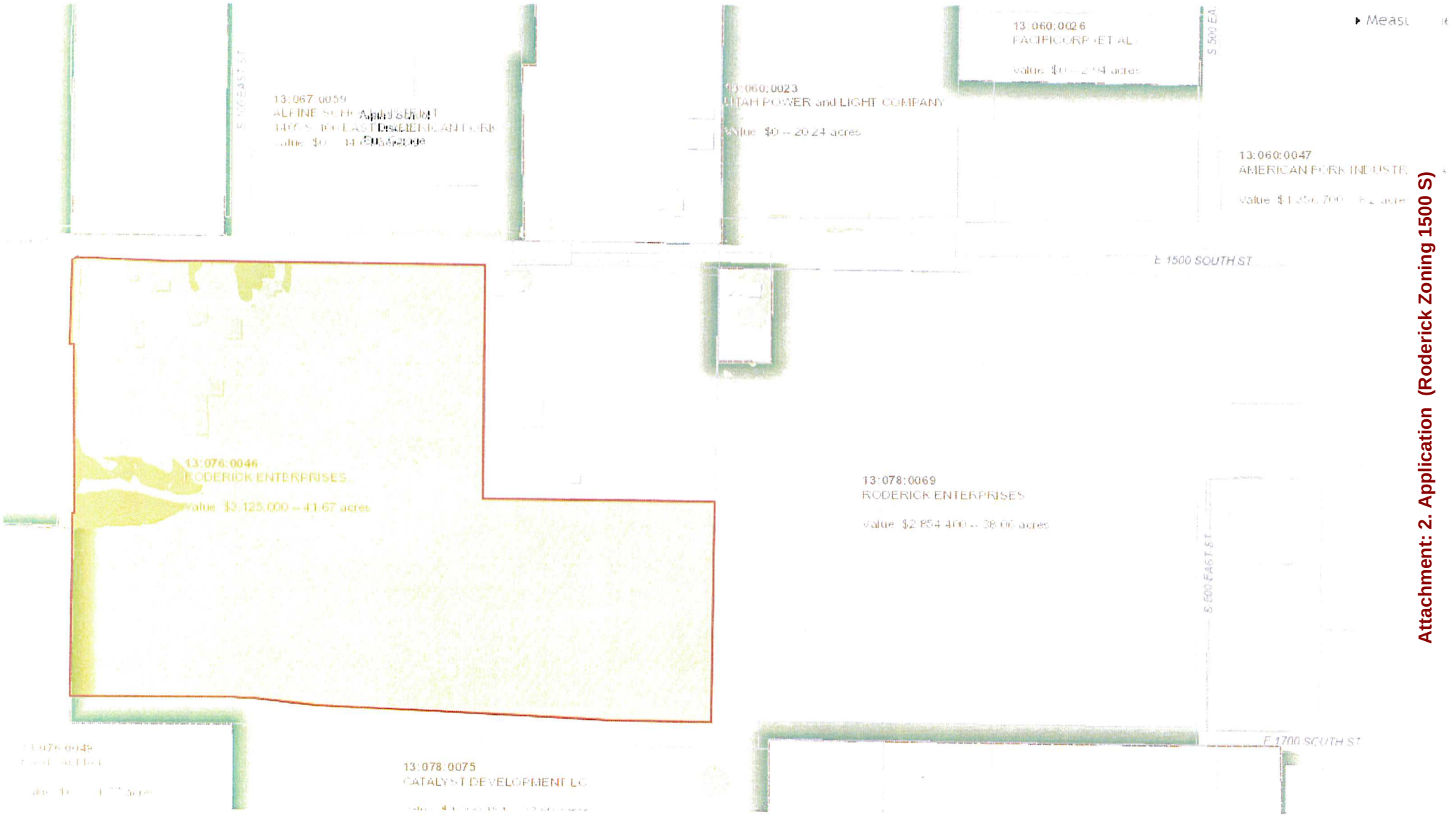
This request is for a zone change for the parcel 13:076: 0046 located at approximately 100 East 1500 South in American Fork. We are currently submitted to the city for master plan approvals to build a Class A Business Park on this 41.67 acres along with the adjacent 38.06 acres to the east. We have also included a proposed site plan for the business park to illustrate our intentions for the property. When this parcel was originally annexed into American Fork the current zoning was a result of the previous owners desire to subdivide and sell off the lots to less than desirable uses. Roderick ended up purchasing the parcel to protect our initial investment of the adjacent parcel to the East.

We are requesting that the parcel be zoned entirely PI. The planned industrial zone requires higher design standards and eliminated the opportunity for more obnoxious uses then the current partial zoning. We feel that this zone change promotes the current vision of American Fork City and the surrounding areas.

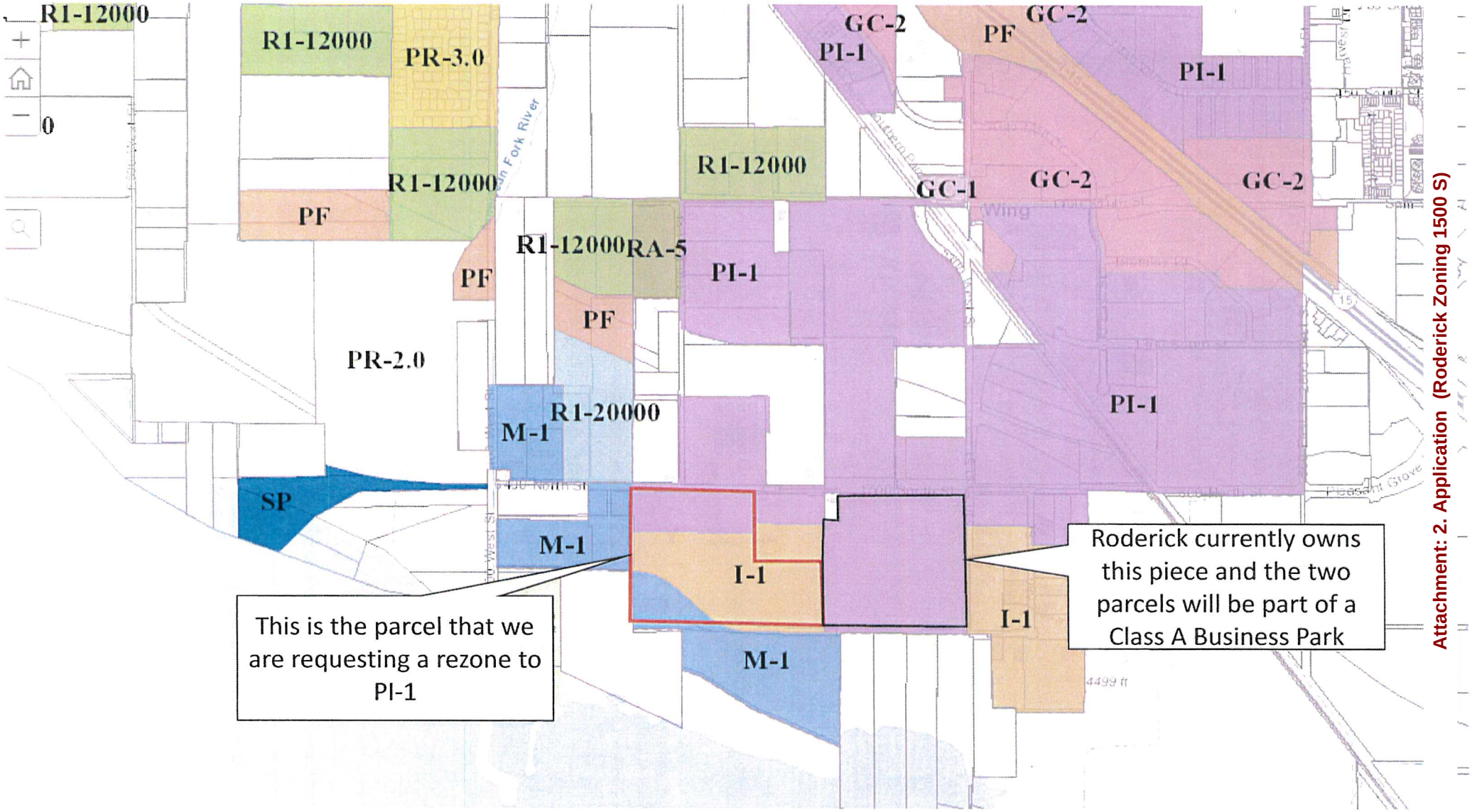
Sincerely,

Ben Wheat
VP Leasing and Development
Roderick Enterprises

Attachment: 2. Application (Roderick Zoning 1500 S)



Attachment: 2. Application (Roderick Zoning 1500 S)



Attachment: 2. Application (Roderick Zoning 1500 S)



Attachment: 2. Application (Roderick Zoning 1500 S)

AMERICAN FORK CITY
PLANNING COMMISSION

MEETING DATE: May 8, 2019
STAFF PRESENTATION: Adam Olsen

AGENDA TOPICS: Hearing, review and action on a land use map amendment from the Residential Medium Density to the General Commercial designation, located at 55 E. 400 N.

Hearing, review and action on a zone map amendment from the R1-7,500 Residential zone to the GC-1 (General Commercial) zone, located at 55 E. 400 N.

ACTION REQUESTED: Recommendations of approval for land use and zone map amendments.

BACKGROUND INFORMATION					
Location:		55 E. 400 N.			
Applicants:		International Foursquare Gospel Church, FurryTail Transfurmations			
Existing Land Use:		Church			
Proposed Land Use:		Commercial			
Surrounding Land Use:	North	Public (Fitness Center)			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		R1-7,500			
Proposed Zoning:		GC-1 (General Commercial)			
Surrounding Zoning:	North	PF (Public Facilities)			
	South	R1-7,500			
	East	R1-7,500			
	West	R1-7,500			
Land Use Plan Designation:		Residential Medium Density			
Zoning within Land Use Plan?		x	Yes (current zone)		No

Background

The International Foursquare Gospel Church is looking to sell its building and adjacent property. The building was originally used as a seminary building for the former American Fork High school, located where the Fitness Center now stands. It has served as a church for a number of years. A potential buyer wishes to convert the building and adjacent yard area into a pet grooming/pet day care business.

Attachment: 3. Staff report (Roderick Zoning 1500 S)

While the property is zoned residential, the Development Code allows certain types of businesses to operate in a residential zone, through a historic building conservation project (17.7.801). Some of the uses allowed within a historic building conservation project are as follows: professional office, art gallery, reception center, restaurant, bed and breakfast, craft shop, pre-school, and child care. A provision allows the Planning Commission to allow "other uses…determined…to be similar in character to those identified in this section, subject to such conditions as may be attached to ensure that the conduct of the use will be in harmony with the intent of the historic building conservation projects…" (17.7.801.C.11).

Planning staff cautions against land use and zone map amendment; as—if approved—will allow any use within the GC-1 zone. The GC-1 zone allows such uses as: manufacturing, retail yards, office-warehouse, and other semi-industrial uses. The Development Code allows for commercial uses within historic structures, not located in commercial zones, through the historic building conservation provisions. Should the Planning Commission find that a pet grooming/day care business is an acceptable use of an historic structure, and conditions have been set to adequately assure the use will not negatively impact surrounding neighbors, the use may be approved.

FINDING OF FACT

A finding of fact for denial of the land use and zone map amendments has been provided for consideration. This finding of fact is found under the "Denial" motion for both the land use and zone map amendments.

POTENTIAL MOTIONS:

LAND USE MAP AMENDMENT

APPROVAL

Mr. Chairman, I move that we recommend approval of a land use map amendment, at 55 E. 400 N. from the Residential Medium Density designation to the General Commercial designation.

DENIAL

Mr. Chairman, I move that we recommend denial of a land use map amendment, at 55 E. 400 N. from the Residential Medium Density designation to the General Commercial designation, with the following finding:

1. The Development Code, through Section 17.7.801, allows for commercial uses within historic structures located outside of commercial zones. The Planning Commission may recommend approval of uses, through 17.7.801.C.11 of the Code.

Attachment: 3. Staff report (Roderick Zoning 1500 S)

TABLE

Mr. Chairman, I move that we table action on the land use map amendment.

ZONE MAP AMENDMENT

APPROVAL

Mr. Chairman, I move that we recommend approval of a zone map amendment in the at 55 E. 400 N. from the R1-7,500 Residential zone to the GC-1 (General Commercial) zone.

DENIAL

Mr. Chairman, I move that we recommend denial of a zone map amendment at 55 E. 400 N. from the R1-7,500 Residential zone to the GC-1 (General Commercial) zone with the following finding:

1. The Development Code, through Section 17.7.801, allows for commercial uses within historic structures located outside of commercial zones. The Planning Commission may recommend approval of uses, through 17.7.801.C.11 of the Code.

TABLE

Mr. Chairman, I move that we table action on the zone map amendment.

Attachment: 3. Staff report (Roderick Zoning 1500 S)

AMERICAN FORK CITY ENGINEERING DIVISION
STAFF REPORT

Planning Commission Meeting Date: 5/8/2019

This report is a summary of the American Fork City Engineering Division plan review comments regarding the subject plan as submitted by the applicant for American Fork City Land Use Authority approval:

Project Name: Zone Map Amendment

Project Address: 1500 South 100 East

Developer / Applicant's Name: Mike Roderick

Type of Application:

- ☐ Subdivision Final Plat
- ☐ Subdivision Preliminary Plan
- ☐ Annexation
- ☐ Code Text Amendment
- ☐ General Plan Amendment
- ☒ Zone Change
- ☐ Commercial Site Plan
- ☐ Residential Accessory Structure Site Plan

Engineering Division Recommendation: The Engineering Division recommends APPROVAL of the proposed zone map amendment.

Attachment: 3. Staff report (Roderick Zoning 1500 S)

Ms. Staten asked where the church parking had been? Mr.Olsen said that since the church met on Sundays, they had an agreement with the city to use the fitness center parking on that day. Mr. Green said that there was not a parking lot that was attached to the church.

Ms. Anderson asked what the days of operation would be, Ms. Vosika stated that it would be open Monday through Friday.

Mr. Brocious expressed his concern that if there was no zone change, then every time that a business turned over they would need to have a new site plan approved.

Mr. Olsen stated that the turnover has been minimal in these type of historic agreements.

Mr. Franson moved to recommend denial of a land use map amendment, at 55 E. 400 N. from the Residential Medium Density designation to the General Commercial designation.

Mr. Dudley seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**
Rod Brocious	**Aye**
Christine Anderson	**Aye**
Eric Franson	**Aye**
Harold Dudley	**Aye**
Rebecca Staten	**Aye**

The motion carried.

Mr. Franson moved to recommend denial of a zone map amendment at 55 E. 400 N. from the R1-7,500 Residential zone to the GC-1 (General Commercial) zone.

Ms. Anderson seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**
Rod Brocious	**Aye**
Christine Anderson	**Aye**
Eric Franson	**Aye**
Harold Dudley	**Aye**
Rebecca Staten	**Aye**

The motion carried.

4. Hearing, review and action on a zone map amendment from the I-1 Industrial and M-1 Marina zones to the PI-1 Planned Industrial zone located in the area of 1500 South 100 East

Mr. Olsen stated that the property was annexed into the City in 2015 and given various zone designations: PI-1, I-1 and M-1. PI-1 was designated along the 1500 South corridor, and a large area adjacent to both 1500 South and 500 East. The I-1 zone was placed in the interior of the annexation area, and the M-1 zone was placed south of a future 1700 South.

Subsequent to the annexation and initial zone classifications, the City, at the request of the property owner, vacated a curved portion of the 1700 South alignment; opting to continue it directly west.

Attachment: 4. Minutes (Roderick Zoning 1500 S)

The applicant requests that the interior of the area be a consistent PI-1 zone. This complies with the underlying Land Use Plan designation of "Design Industrial". The applicant intends to develop the area as an office/warehouse development. Office/warehouse developments are allowed pursuant to the PI-1 zone.

Mr. Hunter said that the Engineering Division has no concerns regarding the proposed zone change.

Mr. Franson asked about the small island of I-1 zoned property that would remain. Mr. Olsen stated that it is owned by another property owner who uses it for storage.

Public Hearing Opened

Public Hearing Closed

Ben Week, representing Roderick Enterprises, is planning to build a high-end industrial park, this is the last phase.

Ms. Staten moved to recommend approval of the zone map amendment to the PI-1 zone, in the area of 1500 South 100 East.

Ms. Anderson seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**
Rod Brocious	**Aye**
Christine Anderson	**Aye**
Eric Franson	**Aye**
Harold Dudley	**Aye**
Rebecca Staten	**Aye**

The motion carried.

5. Hearing, review and action on Dixie Farms Plat G Flexible Lot PUD project located in the area of 800 South 800 West in the PR 3.0 Planned Residential zone

Mr. Olsen stated the property consisting of "Plat G" was recently annexed in order to close a gap in the larger Dixie Farms development. The area was zoned PR-3.0, to match surrounding zoning of annexed areas.

Plat G consists of 6 lots. The Development Code outlines provisions for developing under a Flexible Lot scenario. Throughout the entire development, the applicant has provided a range of lot sizes between 7,500 sq. ft. and 16,000 sq. ft. Trail corridors meander through the subdivision, providing access from the linear park to the north to the Utah Lake Shoreline Trail/open space shoreline area to the south.

The applicants received Planning Commission approval for modification of lot sizes within the Flexible Lot PUD in order to harmonize development within the project. The proposal increased

Attachment: 4. Minutes (Roderick Zoning 1500 S)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on an ordinance approving an amended site plan for the American Fork City Public Works Complex located at 275 East 200 North in the PF-Public Facilities zone.

AGENDA ITEM Review and action on an ordinance approving an amended site plan for the American Fork City Public Works Complex located at 275 East 200 North in the PF-Public Facilities zone.

SUMMARY RECOMMENDATION The planning commission will act on this item at its May 22nd, 2019 regular session.

BACKGROUND The American Fork City Police Department proposes to locate a second evidence warehouse in the immediate vicinity of the existing evidence warehouse straight west of the public works administration building. The project was expedited to the May 28th, 2019 city council agenda to accommodate a tight construction timeline, therefore a verbal report will be given regarding the planning commission's recommendation on this item. For further analysis, please refer to the attached site plan and staff report.

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

SUGGESTED MOTION I move to adopt the ordinance approving an amended site plan for the American Fork City Public Works Complex located at 275 East 200 North in the PF-Public Facilities 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 May 22, 2019 planning commission meeting.

SUPPORTING DOCUMENTS

1. Ord (PDF)
2. Site Plan (PDF)
3. Staff Report (PDF)

ORDINANCE NO.

AN ORDINANCE APPROVING THE AMENDED SITE PLAN FOR THE AMERICAN FORK CITY PUBLIC WORKS COMPLEX LOCATED AT 275 EAST 200 NORTH.

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

PART I

DEVELOPMENT APPROVED - ZONE MAP AMENDED

A. The amended site plan for the American Fork City Public Works Complex as set forth in the attachment, is hereby approved.

B. Said Plans are hereby adopted as an amendment to the Official Zone Map and territory included in the Plans is hereby designated as Large-Scale Development Overlay Zone _____.

C. Said Plans shall hereafter constitute the zone requirements applicable within the property so described.

PART II

ENFORCEMENT, PENALTY, SEVERABILITY, EFFECTIVE DATE

A. Hereafter, these amendments shall be construed as a part of the Zoning Ordinance of American Fork, Utah, to the same effect as if originally a part thereof, and all provisions of said Ordinance shall be applicable thereto including, but not limited to, the enforcement, violation, and penalty provision thereof.

B. All ordinances, or resolutions, or parts thereof, in conflict with the provisions of this ordinance, are hereby repealed.

C. This ordinance shall take effect upon its passage and first publication following completion of all terms and conditions of approval, as set forth under the motion to approve, passed and adopted by the American Fork City Council.

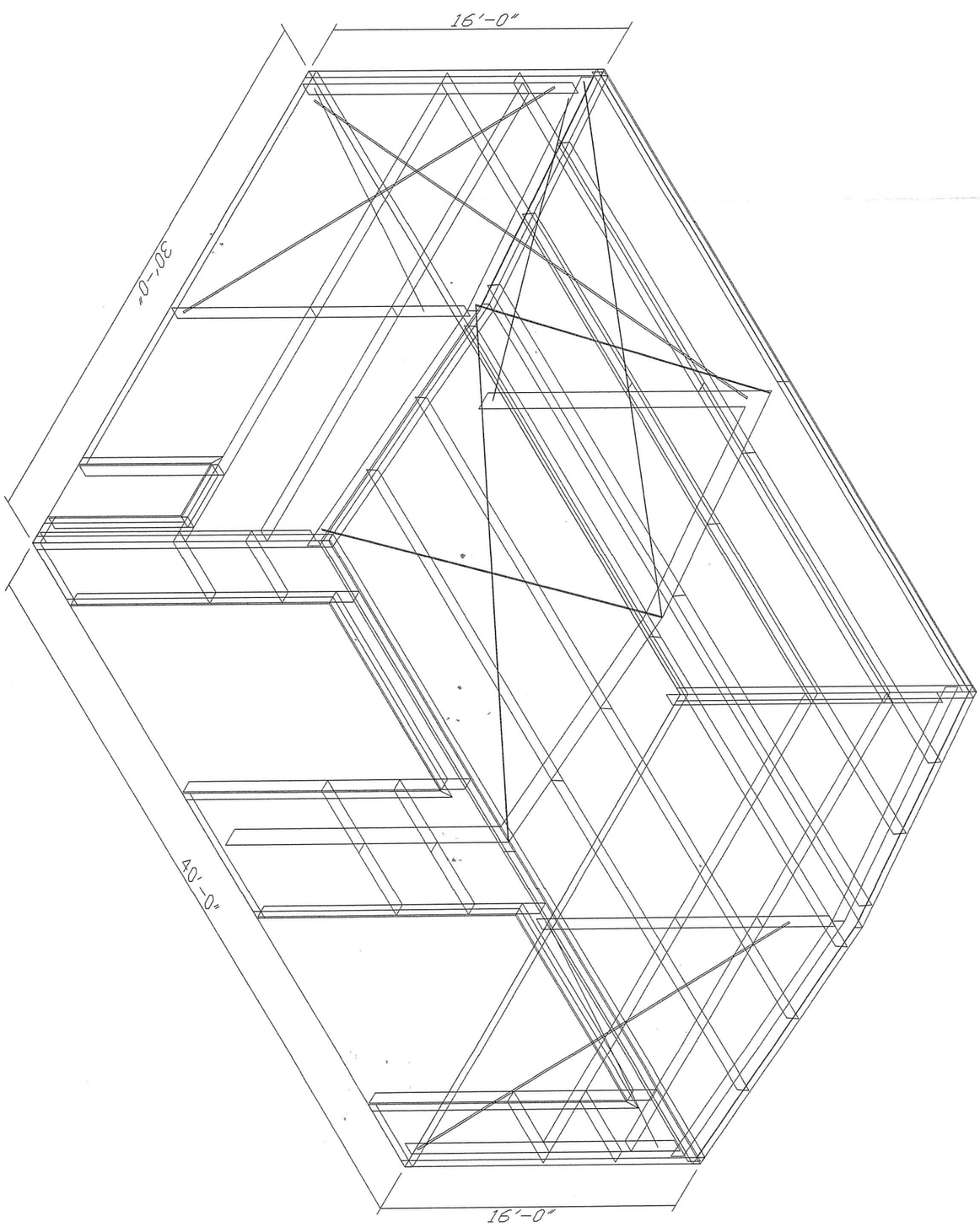
PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH, THIS 28th DAY OF MAY, 2019.

Brad Frost, Mayor

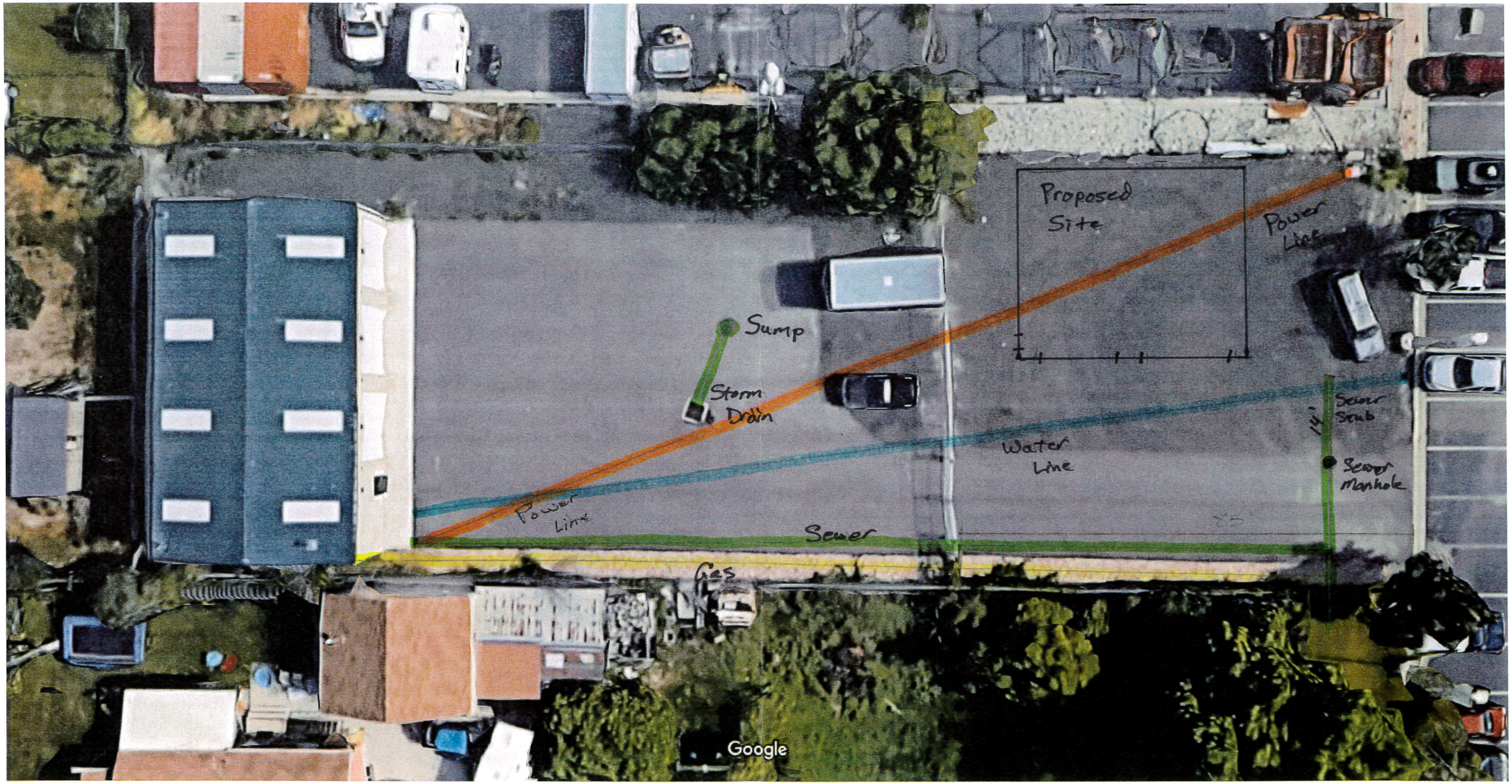
ATTEST:

Terilyn Lurker, Recorder

Attachment: 1. Ord (Public Works Site Plan Amendment)


16'-0"
30'-0"
40'-0"
16'-0"

Google Maps



Imagery ©2019 Google, Map data ©2019 Google 10 ft

Attachment: 2. Site Plan (Public Works Site Plan Amendment)

AMERICAN FORK CITY
PLANNING COMMISSION

MEETING DATE: May 22, 2019
STAFF PRESENTATION: Adam Olsen

AGENDA TOPIC: Hearing, review and action on an amended site plan for the American Fork City Public Works Complex, located at 275 E. 200 N. in the PF (Public Facilities) zone.

ACTION REQUESTED: Recommendation of approval.

BACKGROUND INFORMATION					
Location:		275 East 200 North			
Applicants:		American Fork City			
Existing Land Use:		Facilities and Maintenance			
Proposed Land Use:		Facilities and Maintenance/Storage			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		PF (Public Facilities)			
Proposed Zoning:		NA			
Surrounding Zoning:	North	PF (Public Facilities)			
	South	PF (Public Facilities)			
	East	PF (Public Facilities)			
	West	R4-7500			
Land Use Plan Designation:		Public Facilities			
Zoning within Land Use Plan?		x	Yes		No

Background

In 2012, approval was granted for a warehouse structure for the Police Department. There is a need for an additional warehouse/storage structure, and it is proposed to be located east of the existing warehouse building, and west of the parking lot at the Public Works building; interior to the property. The proposed structure is 1,200 square feet. It is proposed as a metal structure with two bay doors, on the south side of the building.

As this is interior to the Public Works Complex, visibility is minimal from 200 South, or any adjacent properties.

Attachment: 3. Staff Report (Public Works Site Plan Amendment)

Consistency with the Land Use Plan

The Land Use Plan designates this area as “Public Facilities”. The proposed site plan is consistent with the Land Use Plan.

FINDING OF FACT

After reviewing the request for a site plan, the following findings of fact are offered:

1. The site plan complies with Section 17.4.601 (PF Zone) of the Development Code.

POTENTIAL MOTIONS

APPROVAL

Mr. Chairman, I move that we recommend approval of the site plan with the finding outlined in the staff report, and subject to any findings, conditions, or modifications found in the Engineering report.

DENIAL

Mr. Chairman, I move that we recommend denial of the site plan.

TABLE

Mr. Chairman, I move that we table action on the site plan.

Attachment: 3. Staff Report (Public Works Site Plan Amendment)

AMERICAN FORK CITY ENGINEERING DIVISION
STAFF REPORT

Planning Commission Meeting Date: 5/22/2019

This report is a summary of the American Fork City Engineering Division plan review comments regarding the subject plan as submitted by the applicant for American Fork City Land Use Authority approval:

Project Name: Amended Site Plan – American Fork City Public Works Complex

Project Address: 275 East 200 North

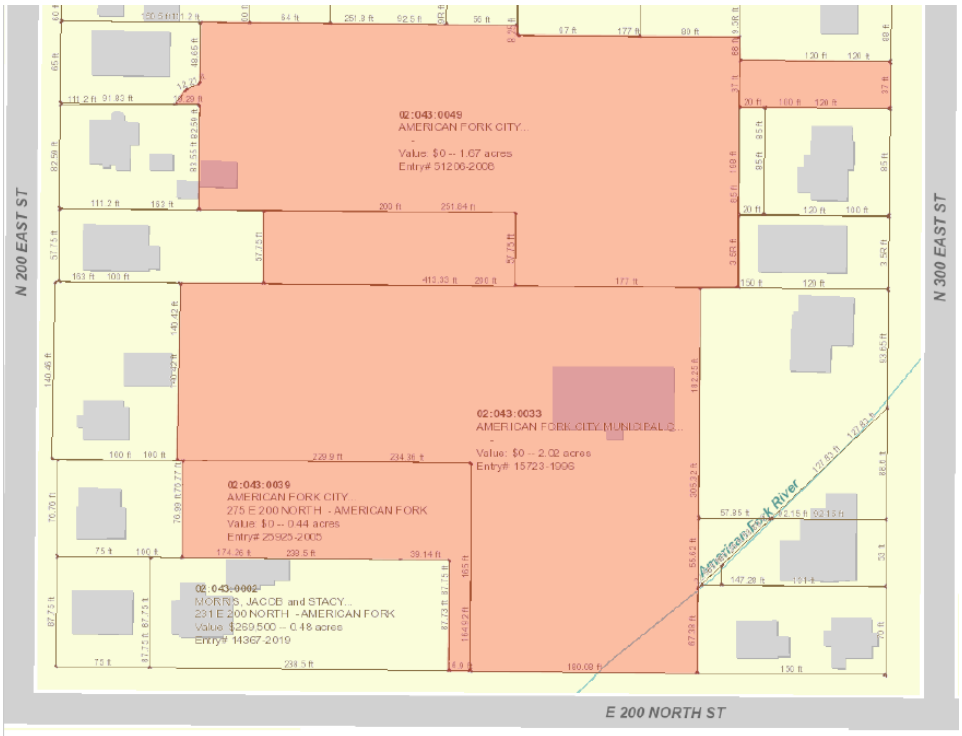
Developer / Applicant's Name: American Fork City

Type of Application:

- ☐ Subdivision Final Plat
- ☐ Subdivision Preliminary Plan
- ☐ Annexation
- ☐ Code Text Amendment
- ☐ General Plan Amendment
- ☐ Zone Change
- ☒ Amended Site Plan
- ☐ Residential Accessory Structure Site Plan

Engineering Division Recommendation: The Engineering Division recommends APPROVAL of the proposed development.

Project Map:



Attachment: 3. Staff Report (Public Works Site Plan Amendment)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on the final plat and ordinance adopting the site plan for AF Medical Properties located in the area of 200 North 1150 West in the PO-1 Professional Office and R-1-15,000 Residential zones.

SUMMARY RECOMMENDATION The planning commission recommended approval of the final plat and ordinance adopting the site plan of AF Medical Properties as stated in the attached minutes of the May 8, 2019 planning commission meeting.

BACKGROUND The applicant proposes a subdivision plat which will split a portion of the existing AF Medical Properties site plan off for future development as a medical office. The site plan submittal verifies the adequacy of remaining parking associated with the existing AF Medical Properties facility. For additional analysis, please refer to the attached final plats, staff report and planning commission minutes.

BUDGET IMPACT No direct budgetary impact is anticipated as part of this final plat approval.

SUGGESTED MOTION I move to approve the final plat and ordinance adopting the site plan for AF Medical Properties located in the area of 200 North 1150 West in the PO-1 Professional Office and R-1-15,000 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 subject to:

- All conditions identified in the public record associated with the May 8, 2019 planning commission meeting.

SUPPORTING DOCUMENTS

1. Ord (PDF)
2. Plat-Site Plan (PDF)
3. Staff Report (PDF)
4. Minutes (PDF)

ORDINANCE NO.

AN ORDINANCE APPROVING THE AMENDED SITE PLAN FOR AF MEDICAL PROPERTIES LOCATED IN THE AREA OF 200 NORTH 1150 WEST

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

PART I

DEVELOPMENT APPROVED - ZONE MAP AMENDED

A. The site plan for AF Medical Properties as set forth in the attachment, is hereby approved.

B. Said Plans are hereby adopted as an amendment to the Official Zone Map and territory included in the Plans is hereby designated as Large-Scale Development Overlay Zone _____.

C. Said Plans shall hereafter constitute the zone requirements applicable within the property so described.

PART II

ENFORCEMENT, PENALTY, SEVERABILITY, EFFECTIVE DATE

A. Hereafter, these amendments shall be construed as a part of the Zoning Ordinance of American Fork, Utah, to the same effect as if originally a part thereof, and all provisions of said Ordinance shall be applicable thereto including, but not limited to, the enforcement, violation, and penalty provision thereof.

B. All ordinances, or resolutions, or parts thereof, in conflict with the provisions of this ordinance, are hereby repealed.

C. This ordinance shall take effect upon its passage and first publication following completion of all terms and conditions of approval, as set forth under the motion to approve, passed and adopted by the American Fork City Council.

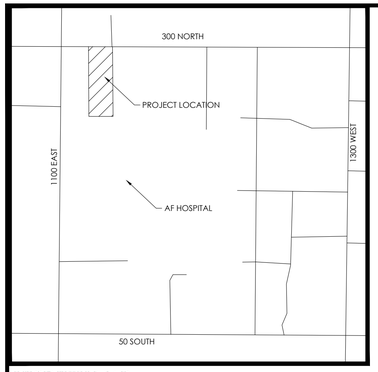
PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH, THIS 28th DAY OF MAY, 2019.

Brad Frost, Mayor

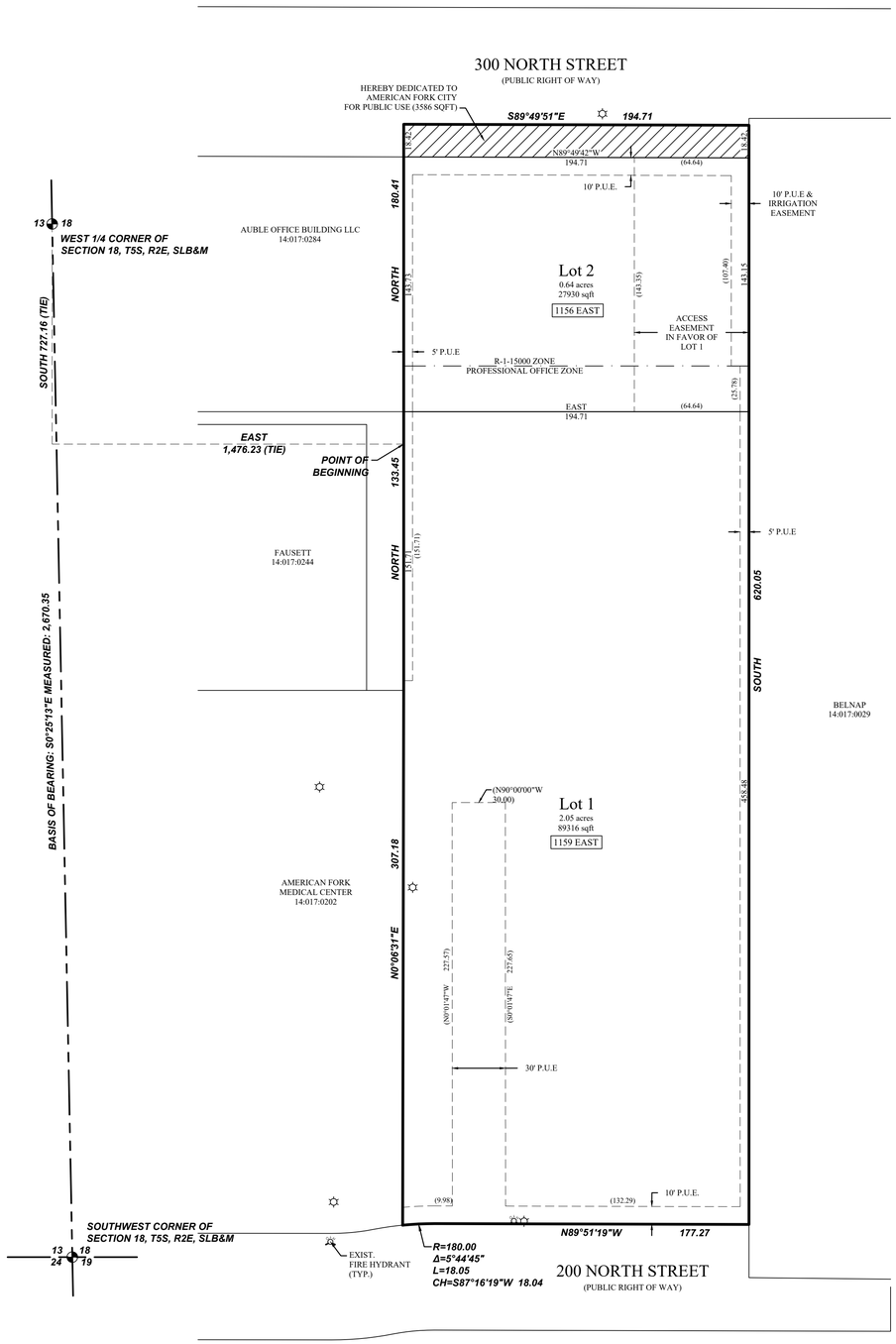
ATTEST:

Terilyn Lurker, Recorder

Attachment: 1. Ord (AF Medical Properties)



VICINITY MAP
N.T.S





GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

SURVEYOR'S CERTIFICATE

I, Spencer W. Llewelyn, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 10516507 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owners(s) that I have completed a Survey of the property described on this Plat in accordance with Section 17-23-17 of said Code, and have subdivided said tract of land into lots, blocks, streets, and easements, and the same has been correctly surveyed, staked and monumented on the ground as shown on this Plat, and that this Plat is true and correct.

Spencer W. Llewelyn
Professional Land Surveyor
Certificate No. 10516507

4/24/19
Date

BOUNDARY DESCRIPTION

All of Lot 1 and Lot 2, PLAT "A", A.F. MED PROPERTIES, according to the Official Plat thereof recorded March 7, 2005 as Entry No. 23362:2005 in the Office of the Utah County Recorder.

Contains: 2.95 acres
2 Lots

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND EASEMENTS AND DO HEREBY DEDICATE ANY OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____ A.D. 20__

BY:_____
(PRINTED NAME)

ITS:_____

LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF _____

ON THE ____ DAY OF _____ A.D. 20____ PERSONALLY APPEARED BEFORE ME , THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF _____, IN SAID STATE OF UTAH, _____, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE/SHE IS THE _____ OF _____ L.L.C., A UTAH L.L.C. AND THAT HE/SHE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES:_____

_____
A NOTARY PUBLIC COMMISSIONED IN UTAH RESIDING IN _____ COUNTY

MY COMMISSION No._____

_____
PRINTED FULL NAME OF NOTARY

APPROVAL BY LEGISLATIVE BODY

THE CITY COUNCIL OF AMERICAN FORK CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 20__

APPROVED BY MAYOR

APPROVED BY ENGINEER
(SEE SEAL BELOW)

ATTEST_____
CLERK-RECORDER
(SEE SEAL BELOW)

PLAT "B"

A.F. MED PROPERTIES

(AMENDING LOTS 1 & 2 PLAT "A", A.F. MED PROPERTIES)
LOCATED IN THE SW1/4 OF SECTION 18, T5S, R2E,
SALT LAKE BASE & MERIDIAN
AMERICAN FORK CITY, UTAH COUNTY, UTAH

NOTES

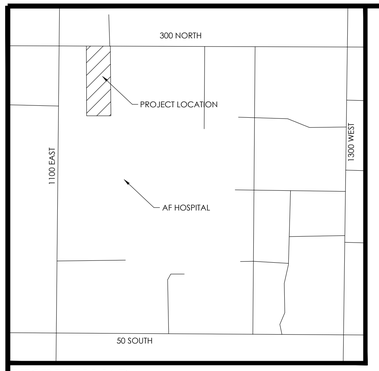
1. THE PROPERTY SHOWN HEREON LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN) ACCORDING TO FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) FIRM (FLOOD INSURANCE RATE MAP) MAP #4955170120B, MAP REVISION DATE: JULY 17, 2002.

CITY PLANNER	AMERICAN FORK SEWER DEPT.	AMERICAN FORK CULINARY WATER DEPARTMENT	PLANNING COMMISSION APPROVAL
Approved by the American Fork City Planner on this_____ day of _____, A.D. 20____	Approved by the American Fork Sewer Dept. on this_____ day of _____, A.D. 20____	Approved by the American Fork Culinary Water Department on this_____ day of_____, A.D. 20_____	Approved by the Planning Commission on this _____ day of _____, A.D. 20____
AMERICAN FORK CITY PLANNER	AMERICAN FORK PUBLIC WORKS DIRECTOR	AMERICAN FORK PUBLIC WORKS DIRECTOR	CHAIRMAN, PLANNING COMMISSION

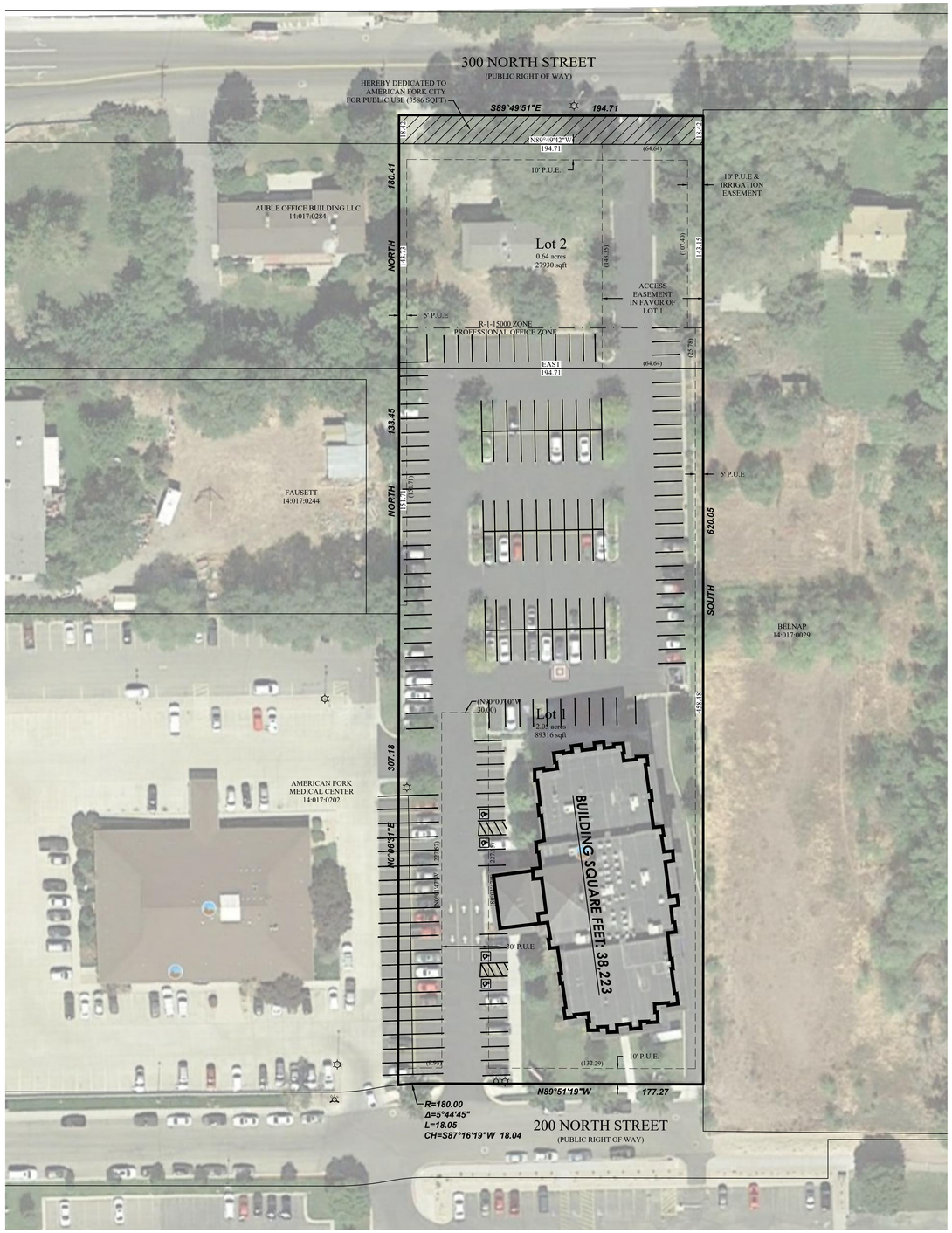
SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	AMERICAN FORK CITY ENGINEER SEAL	AMERICAN FORK CITY RECORDER SEAL
PROFESSIONAL LAND SURVEYOR NO. 10516507 SPENCER W. LLEWELYN STATE OF UTAH 4/24/19			

FOCUS ©
ENGINEERING AND SURVEYING, LLC
32 WEST CENTER STREET
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

Attachment: 2. Plat-Site Plan (AF Medical Properties)



VICINITY MAP
N.T.S





GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

NOTES:

1. AERIAL IMAGERY PROVIDED BY GOOGLE EARTH DATED 9/10/2018.

PARKING TABULATIONS

REQUIRED PARKING SPACES

38,223/1000 X 4.5	172
38,223/1000 X 5	192

LOT 1

PROVIDED PARKING SPACES	
REGULAR PARKING SPACES	160
HANDICAP PARKING SPACES	6
SHARED PARKING SPACES (IHC)	10
SHARED PARKING SPACES (ADJACENT)	17
STREET PARKING	4
LOT 1 TOTAL PROVIDED	197

LOT 2

PROVIDED REGULAR PARKING SPACES	15

TOTAL PROVIDED PARKING SPACES **212**

FOCUS©
ENGINEERING AND SURVEYING, LLC
32 WEST CENTER STREET
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

AF MED PROPERTIES

PARKING SITE PLAN

REVISION BLOCK

#	DATE	DESCRIPTION
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

Scale:	1"=40'	Drawn:	SWL
Date:	3/27/2019	Job #:	18-036
Sheet:	1 OF 1		

Attachment: 2. Plat-Site Plan (AF Medical Properties)

C:\...2019\19-0068 American Fork Medical Office\sdesign 19-0068\dwg\sheets\18-036 site Plan.dwg

AMERICAN FORK CITY
PLANNING COMMISSION

MEETING DATE: May 8, 2019
STAFF PRESENTATION: Adam Olsen

AGENDA TOPICS:

Review and action on a final plat for AF Med Properties, Plat B, located in the area of 1150 East 300 North in the PO-1 (Professional Office) and R1-15,000 Residential zones.

Hearing, review and action on and amended site plan for AF Med properties located in the area of 1150 East 300 North in the PO-1 (Professional Office) and R1-15,000 Residential zones.

BACKGROUND INFORMATION					
Location:		Approximately 1150 East 300 North			
Applicants:		Clark Sheffield			
Existing Land Use:		Residential/Medical			
Proposed Land Use:		Medical			
Surrounding Land Use:	North	Residential			
	South	Medical			
	East	Residential/Agriculture			
	West	Residential/Medical			
Existing Zoning:		PO-1 & R1-15,000			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	RA-1			
	South	PO-1			
	East	R1-15,000 & RA-1			
	West	PO-1 & R1-12,000			
Land Use Plan Designation:		Professional Office			
Zoning within density range?		x	Yes		No

Background

AF Med Properties, Plat B, proposes to adjust a property line between two lots. Lot 1 will consist of the existing medical office (2.05 acres), and Lot 2 will be adjusted to encompass the northern quarter (approximately) of the overall site (.64 acres). Lot 2 currently has a residential structure; however, it is anticipated that this will soon be redeveloped into an additional medical office. The underlying zoning on the northern portion (Lot 2) is a residential zone, so any future site plan for Lot 2 will also be accompanied by a zone change to PO-1. An access easement in favor of Lot 1 is present along the existing drive

Attachment: 3. Staff Report (AF Medical Properties)

aisle/entrance at the eastern portion of Lot 2. This will act as a shared access for both lots as Lot 2 redevelops.

The area around 300 North and North County Boulevard is undergoing a change from residential to medical/professional office due to its proximity to the American Fork Hospital and adjacent medical land uses.

The site plan is minimal; presented to illustrate that some of the existing parking will be present on the newly designated Lot 2. As Lot 2 redevelops, a shared parking arrangement may be present; allowing parking for uses on both lots. Any redevelopment on Lot 2 will require submission of a site plan.

Consistency with the Land Use Plan:

The Land Use Plan designates this area as “Professional Office”. The final plat and site plan are consistent with the Land Use Plan designation.

Section 17.7.211 of the Development Code

The Planning Commission may act to recommend approval of a final plat upon a finding that:

a. The final plat conforms with the terms of the preliminary plan approval.

   As this is an amended final plat, created from an existing final plat, no preliminary plan is necessary.

b. The final plat complies with all City requirements and standards relating to large scale developments.

   This criterion has been met.

c. The detailed engineering plans and materials comply with the City standards and policies.

   Engineering will address any concerns in their report.

d. The estimates of cost of constructing the required improvements are realistic.

   Engineering will make this determination.

e. The water rights conveyance documents have been provided.

   The water rights conveyance shall be satisfied prior to plat recordation.

Attachment: 3. Staff Report (AF Medical Properties)

FINDINGS OF FACT/CONDITION OF APPROVAL

After reviewing the application for site plan and final plat approval, the following findings of fact and conditions are offered for consideration:

1. The final plat and site plan are consistent with the Land Use Plan designation of “Professional Office”.

2. The subdivision meets the criteria as found in Section 17.7.211 of the Development Code.

3. Water rights conveyance, if needed, shall be satisfied prior to plat recordation.

POTENTIAL MOTIONS

APPROVAL

Mr. Chairman, I move that we recommend approval of the final plat and site plan of AF Med Properties, Plat B, with the findings and condition listed in the staff report, and subject to any findings, conditions and modifications listed in the engineering report.

DENIAL

Mr. Chairman, I move that we recommend denial of the final plat and site plan of AF Med Properties, Plat B.

TABLE

Mr. Chairman, I move that we table action on the final plat and site plan of AF Med Properties, Plat B.

Attachment: 3. Staff Report (AF Medical Properties)

AMERICAN FORK CITY ENGINEERING DIVISION
STAFF REPORT

Planning Commission Meeting Date: 5/8/2019

This report is a summary of the American Fork City Engineering Division plan review comments regarding the subject plan as submitted by the applicant for American Fork City Land Use Authority approval:

Project Name: AF MED Properties Plat B

Project Address: 1150 East 300 North

Developer / Applicant's Name: Clark Scheffield

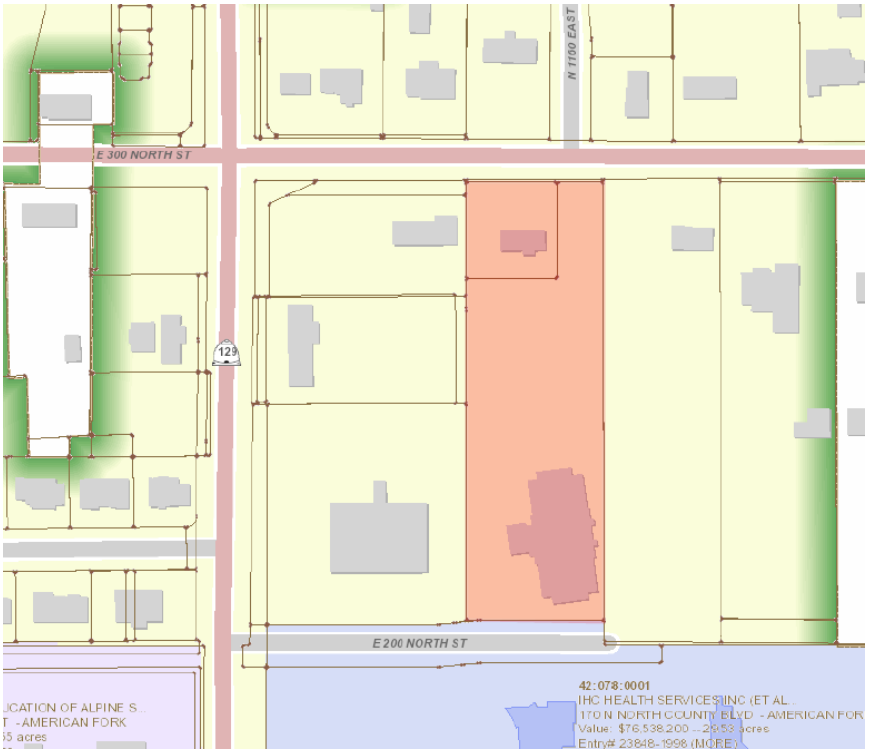
Type of Application:

- ☒ Subdivision Final Plat
- ☐ Subdivision Preliminary Plan
- ☐ Annexation
- ☐ Code Text Amendment
- ☐ General Plan Amendment
- ☐ Zone Change
- ☒ Commercial Site Plan
- ☐ Residential Accessory Structure Site Plan

Engineering Division Recommendation: The Engineering Division recommends APPROVAL of the proposed development subject to the following findings and conditions:

1. All Standard Conditions of Approval and items denoted as "Plan Modification(s) Required" in the 5/8/2019 Engineering Division Staff Report for the City Land Use Authority shall be addressed on all final project documents.

Project Map:



Attachment: 3. Staff Report (AF Medical Properties)

STANDARD CONDITIONS OF APPROVAL

Standard Conditions of Approval:

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Compliance with the Engineering Division Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
6. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
7. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
8. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
9. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
10. **Fees:** Payment of all development, inspection, recording, street light, and other project related fees.
11. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Plan Modifications Required:

1.

Attachment: 3. Staff Report (AF Medical Properties)

10. Hearing, review and action on an amended site plan for AF Med Properties located in the area of 200 North 1150 East in the PO-1 Professional Office zone

Chairman Woffinden indicated that items nine and ten will be discussed together.

Mr. Olsen said that AF Med Properties, Plat B, proposes to adjust a property line between two lots. Lot 1 will consist of the existing medical office (2.05 acres), and Lot 2 will be adjusted to encompass the northern quarter (approximately) of the overall site (.64 acres). Lot 2 currently has a residential structure; however, it is anticipated that this will soon be redeveloped into an additional medical office. The underlying zoning on the northern portion (Lot 2) is a residential zone, so any future site plan for Lot 2 will also be accompanied by a zone change to PO-1. An access easement in favor of Lot 1 is present along the existing drive aisle/entrance at the eastern portion of Lot 2. This will act as a shared access for both lots as Lot 2 redevelops.

The area around 300 North and North County Boulevard is undergoing a change from residential to medical/professional office due to its proximity to the American Fork Hospital and adjacent medical land uses.

The site plan is minimal; presented to illustrate that some of the existing parking will be present on the newly designated Lot 2. As Lot 2 redevelops, a shared parking arrangement may be present; allowing parking for uses on both lots. Any redevelopment on Lot 2 will require submission of a site plan.

Mr. Hunter stated that approval was given for a medical facility directly to the west. The existing facility hosts several doctors; one of those doctors wants to purchase lot 1 and build a facility. A main concern was that 300 North was identified as an arterial road and an additional right-of-way would be needed. Property owner would maintain a cross access. The Engineering Division has no other issues or concerns.

Public Hearing Opened

Public Hearing Closed

Mr. Dudley moved to recommend approval of the final plat and site plan of AF Med Properties, Plat B, with the findings and condition listed in the staff report, and subject to any findings, conditions and modifications listed in the engineering report.

Mr. Franson seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**
Christine Anderson	**Aye**
Eric Franson	**Aye**
Harold Dudley	**Aye**
Rebecca Staten	**Aye**
Rod Brocious	**Aye**

Attachment: 4. Minutes (AF Medical Properties)

The motion carried.

11. Hearing, review and action on various amendments to Section 17.4 of the American Fork City Municipal Code relating to rear setbacks

Mr. Olsen stated that there have been a number of requests to the Board of Adjustment related to rear setbacks. The proposed ordinance modifies rear setbacks in all residential zones, from 30' to 25'. The amendments allow for greater variety of homes to be constructed city-wide and provide greater flexibility in siting of homes on individual lots. Allowance of encroachments into rear setback areas will remain as allowed; the only change is moving of the standard rear setback from 30' to 25'. This change allows people to expand their older homes.

Public Hearing Opened

Public Hearing Closed

Mr. Brocious moved to recommend approval of the various amendments relating to rear setbacks.

Ms. Anderson seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**
Christine Anderson	**Aye**
Eric Franson	**Aye**
Harold Dudley	**Aye**
Rebecca Staten	**Aye**
Rod Brocious	**Aye**

The motion carried.

12. Hearing, review and action on amendments to Section 17.8.403 – Water Mains of the American Fork City Municipal Code

Mr. Sensanbaugher stated that the Engineering Division is routinely looking at city code and would regularly bring forward suggested changes. This change was discussed at length with the city administrator. This code change would change the minimum size of the pressurized irrigation line from 6 inches to 8 inches.

Chairman Woffinden asked if the city has enough water supply to maintain pressure if the size of the line is increased. His irrigation pressure is always low.

Mr. Sensanbaugher replied that the increased size of line will actually increase pressure a little bit during times of heavy use and help the system work better.

Mr. Franson clarified that this will only affect new development.

Attachment: 4. Minutes (AF Medical Properties)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on the final plat and ordinance adopting the site plan of Dixie Farms Plat G Flexible Lot PUD project located in the area of 800 South 800 West in the PR 3.0 Planned Residential zone.

SUMMARY RECOMMENDATION The planning commission recommended approval of Dixie Farms Plat G Flexible Lot PUD project as stated in the attached minutes of the May 8, 2019 planning commission meeting.

BACKGROUND The applicant proposes Plat G of Dixie Farms Flexible Lot PUD project which consists of six lots. For additional analysis, please refer to the attached final plats, staff report and planning commission minutes.

BUDGET IMPACT No direct budgetary impact is anticipated as part of this final plat approval.

SUGGESTED MOTION I move to approve the final plat and ordinance adopting the site plan of Dixie Farms G Flexible Lot PUD project located in the area of 800 South 800 West in the PR 3.0 Planned Residential zone and to authorize the mayor and city council to sign the plats 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 May 8, 2019 planning commission meeting.

SUPPORTING DOCUMENTS

1. Ord (PDF)
2. Plat-Site Plan (PDF)
3. Staff report (PDF)
4. Minutes (PDF)

ORDINANCE NO.

AN ORDINANCE APPROVING THE SITE PLAN FOR DIXIE FARMS PLAT G FLEXIBLE LOT PUD PROJECT LOCATED IN THE AREA OF 800 SOUTH 800 WEST IN THE PR 3.0 PLANNED RESIDENTIAL ZONE

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

PART I

DEVELOPMENT APPROVED - ZONE MAP AMENDED

A. The site plan for Dixie Farms Plat G as set forth in the attachment, is hereby approved.

B. Said Plans are hereby adopted as an amendment to the Official Zone Map and territory included in the Plans is hereby designated as Large-Scale Development Overlay Zone _____.

C. Said Plans shall hereafter constitute the zone requirements applicable within the property so described.

PART II

ENFORCEMENT, PENALTY, SEVERABILITY, EFFECTIVE DATE

A. Hereafter, these amendments shall be construed as a part of the Zoning Ordinance of American Fork, Utah, to the same effect as if originally a part thereof, and all provisions of said Ordinance shall be applicable thereto including, but not limited to, the enforcement, violation, and penalty provision thereof.

B. All ordinances, or resolutions, or parts thereof, in conflict with the provisions of this ordinance, are hereby repealed.

C. This ordinance shall take effect upon its passage and first publication following completion of all terms and conditions of approval, as set forth under the motion to approve, passed and adopted by the American Fork City Council.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH, THIS 28th DAY OF MAY, 2019.

Brad Frost, Mayor

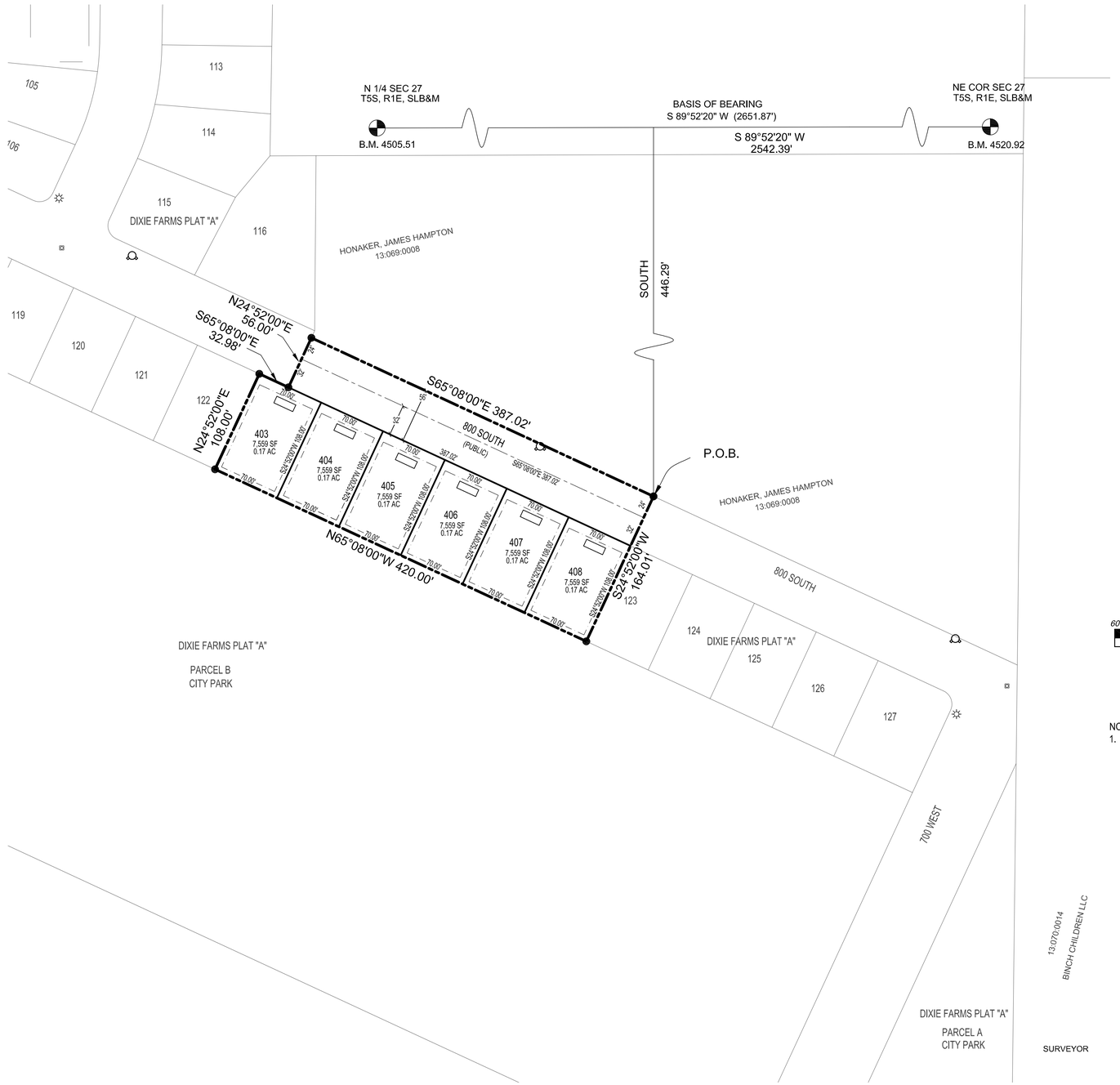
ATTEST:

Terilyn Lurker, Recorder

Attachment: 1. Ord (Dixie Farms G)

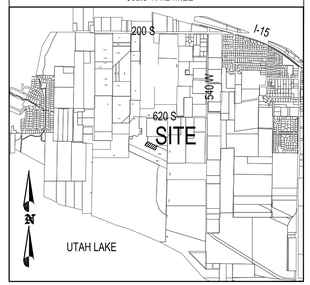
DIXIE FARMS
PLAT "G"

LOCATED IN THE NORTHWESTQUARTER OF SECTION 27
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN.
AMERICAN FORK CITY, UTAH COUNTY, UTAH



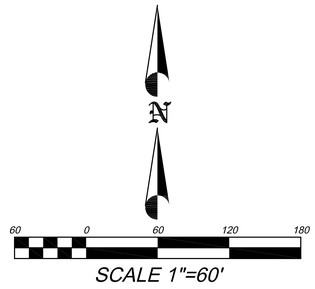
VICINITY SKETCH

scale 1:1/2 MILE



TABULATIONS

DEVELOPMENT AREA	1.54 AC
EXISTING ZONING	PR 3.0
FLOOD ZONE DESIGNATION:	A / X
FIRM MAP PANEL #:	495517 0110 B
EFFECTIVE DATE:	JULY 17, 2002



SCALE 1"=60'

NOTES:
1. OFFSET-PINS TO BE PLACED IN THE BACK OF THE CURB AND 5/8" BY 24" REBAR WITH NUMBERED SURVEY CAP TO BE PLACED AT ALL LOTS REAR CORNERS PRIOR TO OCCUPANCY.

LEGEND

- SECTION CORNER
- PROPERTY CORNER
- SUBDIVISION MONUMENT
- BOUNDARY LINE
- CENTER LINE
- EASEMENT LINE
- FIRE HYDRANT
- STREET LIGHT

13:070:0014
BINCH CHILDREN LLC

REFERENCE DOCUMENTS:

NOTICE OF INTEREST, BUILDING REQUIREMENTS, AND ESTABLISHMENT OF RESTRICTIVE COVENANTS

RECORDED IN THE OFFICE OF THE UTAH COUNTY RECORDER AS ENTRY NO: _____

SURVEYOR

ENGINEER

berg
CIVIL ENGINEERING
11038 N Highland Blvd Suite 400
Highland Ut, 84003
office (801) 492-1277
cell (801) 616-1677

SEWER AUTHORITY APPROVAL

APPROVED THIS ____DAY OF _____A.D. 20___,
BY THE SEWER AUTHORITY.

_____
SEWER AUTHORITY

WATER AUTHORITY APPROVAL

APPROVED THIS ____DAY OF _____A.D. 20___,
BY THE WATER AUTHORITY.

_____
WATER AUTHORITY

SURVEYOR'S CERTIFICATE

I, _____, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED, CERTIFICATE NO. _____, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1953 AS AMENDED, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN SECTION 54-8a-2, UTAH CODE ANNOTATED, 1953 AS AMENDED, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

_____ _____
DATE (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED S89°52'20"W 2542.39 FEET AND SOUTH 446.29 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE SOUTH 24°52'00" WEST 164.01 FEET; THENCE NORTH 65°08'00" WEST 420.00 FEET; THENCE NORTH 24°52'00" EAST 108.00 FEET; THENCE SOUTH 65°08'00" EAST 32.98 FEET; THENCE NORTH 24°52'00" EAST 56.00 FEET; THENCE SOUTH 65°08'00" EAST 387.02 FEET TO THE POINT OF BEGINNING.

AREA = 67,036 SF OR 1.54 ACRES

BASIS OF BEARING IS NORTH 89°52'20" EAST ALONG SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE AND MERIDIAN, TO THE NORTHEAST CORNER OF SAID SECTION 22. (NAD 27)

NUMBER OF LOTS 6

OWNER'S DEDICATION

THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED ABOVE AND SHOWN ON THIS PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE ANY PUBLIC STREETS AND OTHER PUBLIC AREAS SHOWN THEREONFOR THE PERPETUAL USE OF THE PUBLIC.

IN WITNESS HEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____

DAY OF _____, A.D. _____

_____

_____

ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF UTAH } S.S.

ON THE ___ DAY OF _____, A.D. _____ PERSONALLY APPEARED BEFORE ME _____

_____
WHICH PERSON ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING DEDICATION
IN HIS RESPECTIVE CAPACITIES ON BEHALF OF _____, IN ACCORDANCE
WITH THE GOVERNING DOCUMENTS OF SUCH COMPANY.

MY COMMISSION EXPIRES _____ _____
NOTARY PUBLIC

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF AMERICAN FORK CITY COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS AND EASEMENTS FOR THE PERPETUAL USE OF THE PUBLIC THIS

_____ DAY OF _____, A.D. ___.

_____ MAYOR _____ CITY COUNCIL MEMBER

_____ CITY COUNCIL MEMBER _____ CITY COUNCIL MEMBER

_____ CITY COUNCIL MEMBER _____ CITY COUNCIL MEMBER

APPROVED _____ CITY ENGINEER (SEE SEAL BELOW) ATTEST _____ CLERK-RECORDER (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. _____ BY THE
AMERICAN FORK CITY PLANNING COMMISSION

_____ PLANNER _____ CHAIRMAN, PLANNING COMMISSION

DIXIE FARMS
PLAT "G"

LOCATED IN NORTHWESTQUARTER OF SECTION 27
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN.
AMERICAN FORK CITY, UTAH COUNTY, UTAH
SCALE: 1" = 60 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL

4/8/2019 I:\My Drive\Berg Civil\2018\Hoi\DF-Final GDP_Final_PLAT G.dwg

Attachment: 2. Plat-Site Plan (Dixie Farms G)

AMERICAN FORK CITY
PLANNING COMMISSION

MEETING DATE: May 8, 2019
STAFF PRESENTATION: Adam Olsen

AGENDA TOPIC: Hearing, review and action on the Dixie Farms Plat G Flexible Lot PUD located in the area of 800 South 800 West, in the PR-3.0 (Planned Residential) zone.

ACTION REQUESTED: Recommendation of approval of the final plat.

BACKGROUND INFORMATION					
Location:		800 South 800 West			
Applicants:		Berg Engineering/Ascent Development			
Existing Land Use:		Agriculture			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential/Agriculture			
	South	Agriculture			
	East	Agriculture			
	West	Agriculture			
Existing Zoning:		PR-3.0			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	Residential Agriculture 5 (Utah County)			
	South	PF (Public Facilities)			
	East	Residential Agriculture 5 (Utah County)			
	West	PR-3.0			
Land Use Plan Designation:		Residential Low Density (3 du/ac)			
Zoning within density range?		x	Yes		No

Attachment: 3. Staff report (Dixie Farms G)

Background

The property consisting of “Plat G” was recently annexed in order to close a gap in the larger Dixie Farms development. The area was zoned PR-3.0, to match surrounding zoning of annexed areas.

Plat G consist of 6 lots. The Development Code outlines provisions for developing under a Flexible Lot scenario. Throughout the entire development, the applicant has provided a range of lot sizes; between 7,500 sq. ft. and 16,000 sq. ft. Trail corridors meander through the subdivision, providing access from the linear park to the north, to the Utah Lake Shoreline Trail/open space shoreline area to the south.

The applicants received Planning Commission approval for modification of lot sizes within the Flexible Lot PUD in order to harmonize development within the project. The proposal increased the number of medium sized lots (7,500 to 9,000 sf), and decreased the number of two-family lots that would be allowed per the Development Code.

Section 17.7.502.D of the Development Code:

The Planning Commission may recommend approval upon finding that:

1. All plans, documents, and other materials required for consideration have been submitted in a form suitable for evaluation.

   All plans, documents, and other materials required for consideration have been submitted in a form suitable for evaluation.

2. The plan conforms in all respects to the design standards and criteria for the project.

   Design standards and criteria for the project have been met.

3. The site is suitable for development as a flexible lot project and will be consistent with existing development in the vicinity and compatible with the general plan for the area.

   The site is suitable for development as a Flexible Lot project. The Land Use Plan designates this area as “Low Density Residential”. Plat G is compatible with the Land Use Plan designations for the area.

4. The arrangement of the buildings, roadways, open space and other project elements will result in a safe and attractive living environment equal or superior to that which would be provided under lot by lot development.

   The arrangement of buildings, roadways, open space and other project elements will result in a safe and attractive living environment equal or superior to that which would be provided under lot by lot development.

5. The project, if developed, will accomplish the objectives for residential conservation projects as stated under “paragraph A” above.

   Subsection A, is found under the “Intent” heading of Section 17.7.502 and states:

   To provide an alternative form of development for residential housing projects within the City which permits increased flexibility and encourages ingenuity in design while preserving a quality of residential amenities equal or superior to that possible under conventional subdivision requirements. In order to qualify

Attachment: 3. Staff report (Dixie Farms G)

for approval as a flexible lot project, it must be demonstrated that the proposed project will:

a. Adequately recognize and incorporate areas on the site having natural constraints to development
b. Efficiently utilize the land resources
c. Provide increased economy to the public in the delivery of municipal services and utilities
d. Provide increased variety in the style and quality of residential dwellings available within the City
e. Preserve open space to meet the recreational, scenic, and public service needs of current and future residents in the area, and
f. Do all of the above in a manner which is consistent with the objectives of the underlying zone and under conditions which will result in the creation of residential environments of sustained desirability.

It is Staff's opinion that the objectives as stated in paragraph A, "Intent" of Section 17.7.502 have been met through the design of the subdivision.

Section 17.7.211 of the Development Code

The Planning Commission may act to recommend approval of a final plat upon a finding that:

a. The final plat and supporting materials conform with the terms of the preliminary approval.

   The final plat conforms to a preliminary plan (processed concurrently) and to terms of a preliminary plan approval.

b. The final plat complies with all City requirements and standards relating to large scale developments.

   This criterion has been met.

c. The detailed engineering plans and materials comply with the City standards and policies.

   Engineering will address concerns, if any, at the time of the Planning Commission Meeting.

d. The estimates of cost of constructing the required improvements are realistic.

   Engineering will determine whether the cost estimates of constructing any required improvements are realistic.

e. The water rights conveyance documents have been provided.

Attachment: 3. Staff report (Dixie Farms G)

Water rights conveyance, if not satisfied previously, shall be satisfied prior to plat recordation.

FINDING OF FACT/CONDITION OF APPROVAL:

After reviewing the final plat for Dixie Farms Plat G, the following finding of fact and condition of approval are offered for consideration:

1. The final plat complies with the criteria listed in Sections 17.7.502.D and 17.7.211 of the Development Code.

2. Water rights conveyance shall be satisfied prior to plat recordation.

POTENTIAL MOTIONS:

APPROVAL

Mr. Chairman, I move that we recommend approval of Dixie Farms Plat G with the finding and condition listed in the staff report and subject to any findings, conditions, and modifications listed in the Engineering report.

DENIAL

Mr. Chairman, I move that we recommend denial of Dixie Farms Plat G.

TABLE

Mr. Chairman, I move that we table action on Dixie Farms Plat G.

Attachment: 3. Staff report (Dixie Farms G)

AMERICAN FORK CITY ENGINEERING DIVISION
STAFF REPORT

Planning Commission Meeting Date: 5/8/2019

This report is a summary of the American Fork City Engineering Division plan review comments regarding the subject plan as submitted by the applicant for American Fork City Land Use Authority approval:

Project Name: Dixie Farms Plat G

Project Address: 800 South 800 West

Developer / Applicant's Name: Berg Engineering/Ascent Development

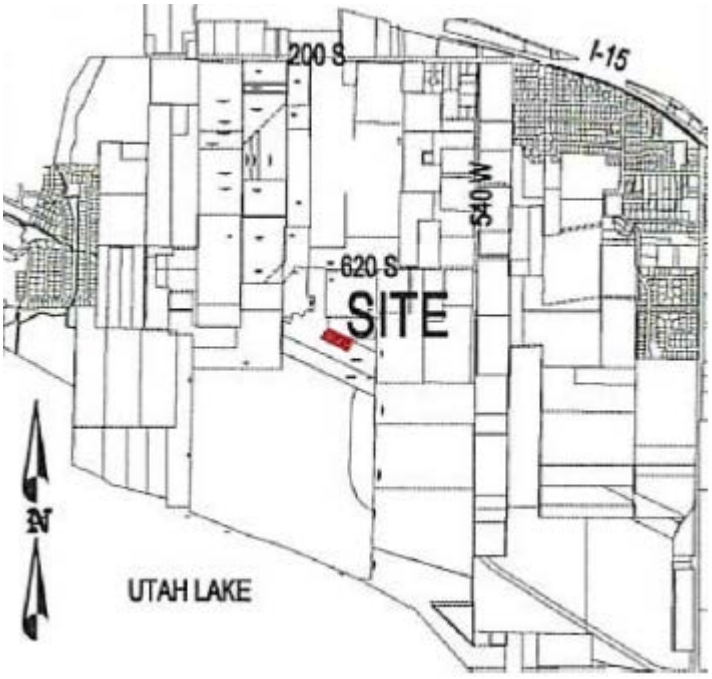
Type of Application:

- ☒ Subdivision Final Plat
- ☐ Subdivision Preliminary Plan
- ☐ Annexation
- ☐ Code Text Amendment
- ☐ General Plan Amendment
- ☐ Zone Change
- ☐ Commercial Site Plan
- ☐ Residential Accessory Structure Site Plan

Engineering Division Recommendation: The Engineering Division recommends APPROVAL of the proposed development subject to the following findings and conditions:

1. All Standard Conditions of Approval and items denoted as "Plan Modification(s) Required" in the 5/8/2019 Engineering Division Staff Report for the City Land Use Authority shall be addressed on all final project documents.

Project Map:



Attachment: 3. Staff report (Dixie Farms G)

STANDARD CONDITIONS OF APPROVAL

Standard Conditions of Approval:

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
6. **Compliance with the Engineering Division Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
7. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
8. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
9. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
10. **Fees:** Payment of all development, inspection, recording, street light, and other project related fees.
11. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Plan Modifications Required:

1.

Attachment: 3. Staff report (Dixie Farms G)

The applicant requests that the interior of the area be a consistent PI-1 zone. This complies with the underlying Land Use Plan designation of "Design Industrial". The applicant intends to develop the area as an office/warehouse development. Office/warehouse developments are allowed pursuant to the PI-1 zone.

Mr. Hunter said that the Engineering Division has no concerns regarding the proposed zone change.

Mr. Franson asked about the small island of I-1 zoned property that would remain. Mr. Olsen stated that it is owned by another property owner who uses it for storage.

Public Hearing Opened

Public Hearing Closed

Ben Week, representing Roderick Enterprises, is planning to build a high-end industrial park, this is the last phase.

Ms. Staten moved to recommend approval of the zone map amendment to the PI-1 zone, in the area of 1500 South 100 East.

Ms. Anderson seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**
Rod Brocious	**Aye**
Christine Anderson	**Aye**
Eric Franson	**Aye**
Harold Dudley	**Aye**
Rebecca Staten	**Aye**

The motion carried.

5. Hearing, review and action on Dixie Farms Plat G Flexible Lot PUD project located in the area of 800 South 800 West in the PR 3.0 Planned Residential zone

Mr. Olsen stated the property consisting of "Plat G" was recently annexed in order to close a gap in the larger Dixie Farms development. The area was zoned PR-3.0, to match surrounding zoning of annexed areas.

Plat G consists of 6 lots. The Development Code outlines provisions for developing under a Flexible Lot scenario. Throughout the entire development, the applicant has provided a range of lot sizes between 7,500 sq. ft. and 16,000 sq. ft. Trail corridors meander through the subdivision, providing access from the linear park to the north to the Utah Lake Shoreline Trail/open space shoreline area to the south.

The applicants received Planning Commission approval for modification of lot sizes within the Flexible Lot PUD in order to harmonize development within the project. The proposal increased

Attachment: 4. Minutes (Dixie Farms G)

the number of medium sized lots (7,500 to 9,000 sf), and decreased the number of two-family lots that would be allowed per the Development Code.

Mr. Hunter said that the Engineering Division recommends approval of the proposed development.

Public Hearing Opened

Public Hearing Closed

Ginger Romriell, representing ADG, said that this closes the gaps in their development.

Mr. Brocious moved to recommend approval of Dixie Farms Plat G with the findings and conditions listed in the staff report and subject to any findings, conditions, and modifications listed in the Engineering report.

Ms. Staten seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**
Christine Anderson	**Aye**
Eric Franson	**Aye**
Harold Dudley	**Aye**
Rebecca Staten	**Aye**
Rod Brocious	**Aye**

The motion carried.

6. Review and action on the final plat for Mitchell Farms Plat B, located in the area of 860 West 760 North, in the R-1-12,000 Residential zone

Mr. Olsen stated that the preliminary plan for Mitchell Farms Subdivision was approved by the Planning Commission on October 4, 2017. The final plat of Plat B has been submitted for review and action. Plat B consists of 12 lots. The area was annexed into the City under the "Mitchell Farms Plat A Annexation". At the time of annexation, the property was given the R1-12,000 zone designation. All lots have been sized in accordance with the requirements of the R1-12,000 zone. Lot sizes in Plat B range from .28 acres to .32 acres.

Mr. Franson asked to see the big picture of the proposed plat, Mr. Knobloch displayed the plans.

Mr. Hunter said that the Engineering Division recommends approval of the proposed development, there are no additional comments or concerns.

Ms. Anderson moved to recommend approval of the final plat of Mitchell Farms Plat B, with the findings and conditions listed in the staff report, and subject to any findings, conditions, and modifications listed in the engineering report.

Mr. Franson seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on the final plat of Mitchell Farms Plat B, located in the area of 860 West 760 North, in the R-1-12,000 Residential zone.

SUMMARY RECOMMENDATION The planning commission recommended approval of the final plat of Mitchell Farms Plat B as stated in the attached minutes of the May 8, 2019 planning commission meeting.

BACKGROUND The applicant proposes Plat B of the Mitchell Farms subdivision, the preliminary plan for which was approved on 10/4/2017. Plat A received approval on 1/9/2018 and is now followed by Plat B. For further analysis, please refer to the attached final plat, staff report and planning commission minutes.

BUDGET IMPACT No direct budgetary impact is anticipated as part of this final plat approval.

SUGGESTED MOTION I move to approve the final plat of Mitchell Farms Plat B, located in the area of 860 West 760 North, in the R-1-12,000 Residential 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 May 8, 2019 planning commission meeting.

SUPPORTING DOCUMENTS

1. Plat (PDF)
2. Staff Report (PDF)
3. Minutes (PDF)

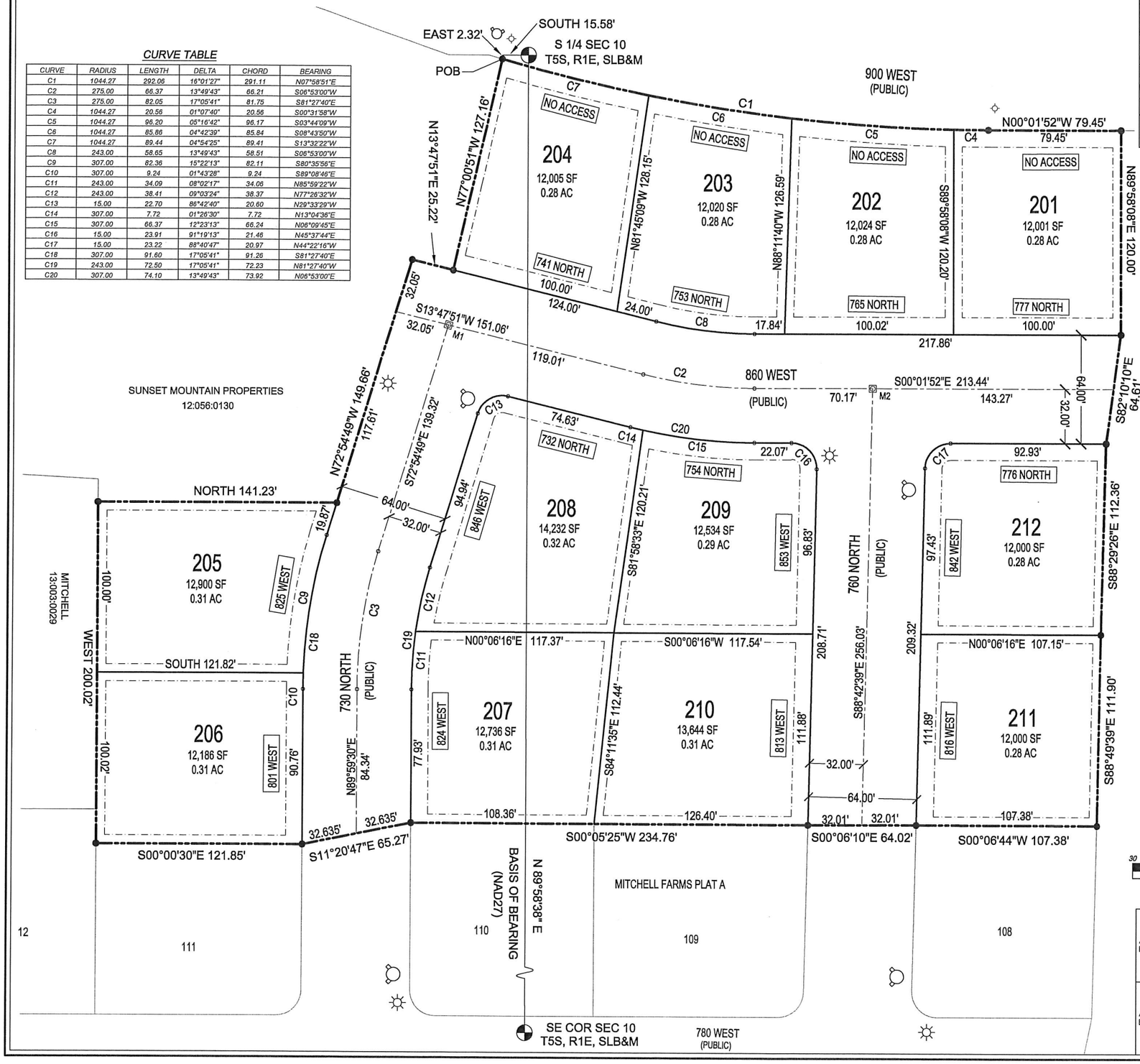
NOTES:
1. OFFSET-PINS TO BE PLACED IN THE BACK OF THE CURB AND 5/8" BY 24" REBAR WITH NUMBERED SURVEY CAP TO BE PLACED AT ALL LOTS REAR CORNERS PRIOR TO OCCUPANCY.

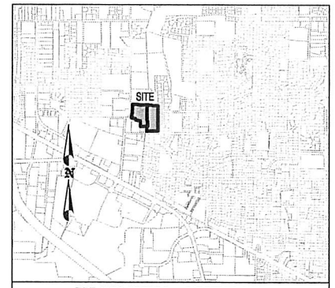
MITCHELL FARMS
PLAT "B"

LOCATED IN SOUTHEAST QUARTER SECTION 10 & NORTHEAST QUARTER OF SECTION 15
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN.
AMERICAN FORK CITY, UTAH COUNTY, UTAH

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	1044.27	292.06	16°01'27"	291.11	N07°58'51"E
C2	275.00	66.37	13°49'43"	66.21	S06°53'00"W
C3	275.00	82.05	17°05'41"	81.75	S81°27'40"E
C4	1044.27	20.56	01°07'40"	20.56	S00°31'58"W
C5	1044.27	96.20	05°16'42"	96.17	S03°44'09"W
C6	1044.27	85.86	04°42'39"	85.84	S08°43'50"W
C7	1044.27	89.44	04°54'25"	89.41	S13°32'22"W
C8	243.00	58.65	13°49'43"	58.51	S06°53'00"W
C9	307.00	82.36	15°22'13"	82.11	S80°35'56"E
C10	307.00	9.24	01°43'28"	9.24	S89°08'46"E
C11	243.00	34.09	08°02'17"	34.06	N85°59'22"W
C12	243.00	38.41	09°03'24"	38.37	N77°26'32"W
C13	15.00	22.70	86°42'40"	20.60	N29°33'29"W
C14	307.00	7.72	01°26'30"	7.72	N13°04'36"E
C15	307.00	66.37	12°23'13"	66.24	N06°09'45"E
C16	15.00	23.91	91°19'13"	21.46	N45°37'44"E
C17	15.00	23.22	88°40'47"	20.97	N44°22'16"W
C18	307.00	91.60	17°05'41"	91.26	S81°27'40"E
C19	243.00	72.50	17°05'41"	72.23	N81°27'40"W
C20	307.00	74.10	13°49'43"	73.92	N06°53'00"E





VICINITY SKETCH
SCALE 1"=1/4 MILE

TABULATIONS

DEVELOPMENT AREA	4.91 AC
EXISTING ZONING	R-1-12000
FLOOD ZONE DESIGNATION:	X
FIRM MAP PANEL #:	495517 0110 B
EFFECTIVE DATE:	JULY 17, 2002

LEGEND

- SECTION CORNER
- PROPERTY CORNER
- SUBDIVISION MONUMENT
- BOUNDARY LINE
- CENTER LINE
- EASEMENT LINE
- FIRE HYDRANT
- STREET LIGHT

SCALE 1"=30'

SURVEYOR'S CERTIFICATE

I, _____, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED, CERTIFICATE NO. _____. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1953 AS AMENDED, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN SECTION 54-8a-2, UTAH CODE ANNOTATED, 1953 AS AMENDED, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

_____ DATE

_____ (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED SOUTH 87.99 FEET AND EAST 450.43 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 10, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE NORTH 00°35'29" EAST 234.78 FEET; THENCE NORTH 00°06'16" WEST 84.02 FEET; THENCE NORTH 00°06'44" EAST 107.38 FEET; THENCE SOUTH 88°31'16" EAST 112.34 FEET; THENCE SOUTH 77°40'20" EAST 85.51 FEET; THENCE EAST 127.80 FEET; THENCE ALONG THE WESTERLY BOUNDARY OF MITCHELL SPRINGS THE FOLLOWING TWO COURSES AND DISTANCES: 1) SOUTH 227.04, AND 2) SOUTH 0°01'01" EAST 471.95 FEET; THENCE SOUTH 89°40'59" WEST 301.46 FEET; THENCE SOUTH 82°33'12" WEST 10.28 FEET; THENCE NORTH 00°00'30" WEST 126.87 FEET; THENCE EAST 20.01 FEET; THENCE NORTH 00°00'30" WEST 121.85 FEET; THENCE NORTH 11°20'47" WEST 65.27 FEET TO THE POINT OF BEGINNING.

AREA = 4.91 ACRES

BASIS OF BEARING IS SOUTH 89°58'38" EAST ALONG SECTION LINE FROM THE SOUTH QUARTER CORNER OF SECTION 10, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE AND MERIDIAN, TO THE SOUTHEAST CORNER OF SAID SECTION 10. (NAD 27)

NUMBER OF LOTS 12

OWNER'S DEDICATION

THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED ABOVE AND SHOWN ON THIS PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE ANY PUBLIC STREETS AND OTHER PUBLIC AREAS SHOWN THEREONFOR THE PERPETUAL USE OF THE PUBLIC.

IN WITNESS HEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____

DAY OF _____, A.D. _____

_____

_____

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF UTAH) S.S.
ON THE ___ DAY OF _____, A.D. _____ PERSONALLY APPEARED BEFORE ME _____

WHICH PERSON ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING DEDICATION IN HIS RESPECTIVE CAPACITIES ON BEHALF OF _____, IN ACCORDANCE WITH THE GOVERNING DOCUMENTS OF SUCH COMPANY.

MY COMMISSION EXPIRES _____

_____ NOTARY PUBLIC

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF AMERICAN FORK CITY COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS AND EASEMENTS FOR THE PERPETUAL USE OF THE PUBLIC THIS

_____ DAY OF _____, A.D. ___,

_____ MAYOR _____ CITY COUNCIL MEMBER

_____ CITY COUNCIL MEMBER _____ CITY COUNCIL MEMBER

_____ CITY COUNCIL MEMBER _____ CITY COUNCIL MEMBER

APPROVED _____ CITY ENGINEER (SEE SEAL BELOW) ATTEST _____ CLERK-RECORDER (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. _____ BY THE AMERICAN FORK CITY PLANNING COMMISSION

_____ PLANNER _____ CHAIRMAN, PLANNING COMMISSION

SEWER AUTHORITY APPROVAL

APPROVED THIS ____ DAY OF _____ A.D. 20___, BY THE SEWER AUTHORITY.

_____ SEWER AUTHORITY

WATER AUTHORITY APPROVAL

APPROVED THIS ____ DAY OF _____ A.D. 20___, BY THE WATER AUTHORITY.

_____ WATER AUTHORITY

SURVEYOR
AZTEC ENGINEERING
491 NORTH 450 WEST
OREM, UT 84057
(801) 224-7308

ENGINEER
berg
CIVIL ENGINEERING
11038 N Highland Blvd Suite 400
Highland UT, 84003
office (801) 492-1277
cell (801) 616-1877

04/08/2019 I:\My Drive\Berg Civil\2017\PAT - Mitchell\Plat B\MF-B_Final_PLAT B.dwg

MITCHELL FARMS
PLAT "B"
LOCATED IN SOUTHEAST QUARTER SECTION 10 & NORTHEAST QUARTER OF SECTION 15
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN.
AMERICAN FORK CITY, UTAH COUNTY, UTAH
SCALE: 1" = 30 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL

Attachment: 1. Plat (Mitchell Farms B)

AMERICAN FORK CITY
PLANNING COMMISSION

MEETING DATE: May 8, 2019
STAFF PRESENTATION: Adam Olsen

AGENDA TOPIC: Review and action on the final plat for Mitchell Farms Plat B, located in the area of 860 West 760 North, in the R1-12,000 Residential zone.

ACTION REQUESTED: Recommendation of approval of the final plat.

BACKGROUND INFORMATION					
Location:		Approximately 860 West 760 North			
Applicants:		Ken Berg			
Existing Land Use:		Agriculture/Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Agriculture			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		R1-12,000			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R1-12,000			
	South	R1-12,000			
	East	R1-12,000			
	West	R1-12,000			
Land Use Plan Designation:		Low Density Residential (3 du/ac)			
Zoning within density range?		x	Yes		No

Background

The preliminary plan for Mitchel Farms Subdivision was approved by the Planning Commission on October 4, 2017. The final plat of Plat B has been submitted for review and action. Plat B consists of 12 lots.

The area was annexed into the City under the "Mitchell Farms Plat A Annexation". At the time of annexation, the property was given the R1-12,000 zone designation.

All lots have been sized in accordance with the requirements of the R1-12,000 zone. Lot sizes in Plat B range from .28 acres to .32 acres.

Attachment: 2. Staff Report (Mitchell Farms B)

Consistency with the Land Use Plan:

The Land Use Plan designates this area as “Low Density Residential” (3 du/ac). The proposed subdivision is consistent with the Land Use Plan designation.

Section 17.8.211 of the Development Code

The Planning Commission may act to recommend approval of a final plat upon a finding that:

a. The final plat conforms with the terms of the preliminary plan approval.

   Plat B conforms to the preliminary plan and will conform to any terms of the preliminary plan approval.

b. The final plat complies with all City requirements and standards relating to Subdivisions.

   This criterion has been met.

c. The detailed engineering plans and materials comply with the City standards and policies.

   Engineering will address concerns, if any, at the time of the Planning Commission Meeting.

d. The estimates of cost of constructing the required improvements are realistic.

   Engineering will determine whether the cost estimates of constructing any required improvements are realistic.

e. The water rights conveyance documents have been provided.

   Water rights conveyance shall be satisfied prior to plat recordation.

FINDINGS OF FACT/CONDITION OF APPROVAL

After reviewing the application for final plat approval, the following findings of fact and condition of approval are offered for consideration:

1. The final plat meets Section 17.8.101 (Intent) of Chapter 17.8 (Subdivisions).

2. The final plat meets the criteria as found in Section 17.8.211 of the Development Code.

3. Water rights conveyance shall be satisfied prior to final plat recordation.

Attachment: 2. Staff Report (Mitchell Farms B)

POTENTIAL MOTIONS

APPROVAL

Mr. Chairman, I move that we recommend approval of the final plat of Mitchell Farms Plat B, with the findings and condition listed in the staff report, and subject to any findings, conditions, and modifications listed in the engineering report.

DENIAL

Mr. Chairman, I move that we recommend denial of the final plat of Mitchell Farms Plat B.

TABLE

Mr. Chairman, I move that we table action on the final plat of Mitchell Farms Plat B.

Attachment: 2. Staff Report (Mitchell Farms B)

AMERICAN FORK CITY ENGINEERING DIVISION
STAFF REPORT

Planning Commission Meeting Date: 5/8/2019

This report is a summary of the American Fork City Engineering Division plan review comments regarding the subject plan as submitted by the applicant for American Fork City Land Use Authority approval:

Project Name: Mitchell Farms Plat B

Project Address: 860 West 760 North

Developer / Applicant's Name: Ken Berg

Type of Application:

- ☒ Subdivision Final Plat
- ☐ Subdivision Preliminary Plan
- ☐ Annexation
- ☐ Code Text Amendment
- ☐ General Plan Amendment
- ☐ Zone Change
- ☐ Commercial Site Plan
- ☐ Residential Accessory Structure Site Plan

Engineering Division Recommendation: The Engineering Division recommends APPROVAL of the proposed development subject to the following findings and conditions:

1. All Standard Conditions of Approval and items denoted as "Plan Modification(s) Required" in the 5/8/2019 Engineering Division Staff Report for the City Land Use Authority shall be addressed on all final project documents.

Project Map:



Attachment: 2. Staff Report (Mitchell Farms B)

STANDARD CONDITIONS OF APPROVAL

Standard Conditions of Approval:

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
6. **Compliance with the Engineering Division Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
7. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
8. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
9. **Fees:** Payment of all development, inspection, recording, street light, and other project related fees.
10. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Plan Modifications Required:

1.

Attachment: 2. Staff Report (Mitchell Farms B)

the number of medium sized lots (7,500 to 9,000 sf), and decreased the number of two-family lots that would be allowed per the Development Code.

Mr. Hunter said that the Engineering Division recommends approval of the proposed development.

Public Hearing Opened

Public Hearing Closed

Ginger Romriell, representing ADG, said that this closes the gaps in their development.

Mr. Brocious moved to recommend approval of Dixie Farms Plat G with the findings and conditions listed in the staff report and subject to any findings, conditions, and modifications listed in the Engineering report.

Ms. Staten seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**
Christine Anderson	**Aye**
Eric Franson	**Aye**
Harold Dudley	**Aye**
Rebecca Staten	**Aye**
Rod Brocious	**Aye**

The motion carried.

6. Review and action on the final plat for Mitchell Farms Plat B, located in the area of 860 West 760 North, in the R-1-12,000 Residential zone

Mr. Olsen stated that the preliminary plan for Mitchell Farms Subdivision was approved by the Planning Commission on October 4, 2017. The final plat of Plat B has been submitted for review and action. Plat B consists of 12 lots. The area was annexed into the City under the "Mitchell Farms Plat A Annexation". At the time of annexation, the property was given the R1-12,000 zone designation. All lots have been sized in accordance with the requirements of the R1-12,000 zone. Lot sizes in Plat B range from .28 acres to .32 acres.

Mr. Franson asked to see the big picture of the proposed plat, Mr. Knobloch displayed the plans.

Mr. Hunter said that the Engineering Division recommends approval of the proposed development, there are no additional comments or concerns.

Ms. Anderson moved to recommend approval of the final plat of Mitchell Farms Plat B, with the findings and conditions listed in the staff report, and subject to any findings, conditions, and modifications listed in the engineering report.

Mr. Franson seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**

Attachment: 3. Minutes (Mitchell Farms B)

Christine Anderson	**Aye**
Eric Franson	**Aye**
Harold Dudley	**Aye**
Rebecca Staten	**Aye**
Rod Brocious	**Aye**

The motion carried.

7. Hearing, review and action on the preliminary and final plat for Stonecreek Plat C located in the area of 700 South 290 West in the PR 3.0 Planned Residential zone

Mr. Olsen stated that Stonecreek Plat C is a 72-lot phase of an overall 143-acre development. The preliminary plan is being processed concurrently with the final plat, and there will be one motion to recommend approval of the final plat, should the Planning Commission recommend approval. The final plat is consistent with terms of a preliminary plan approval.

Plat C is located directly west of the Harbor Village Subdivision. 700 South will be constructed and continued to the west of where it currently ends in Harbor Village. Plat C is located largely south of 700 South; a few lots located north of 700 South. Access to Plat C will be off of the 700 South extension, as well as off of 840 South, which will be extended to the west, from Stonecreek Plat A. A small, interior park area will be present.

Conservation Subdivision Projects within the PR-3.0 zone must adhere to certain parameters. Subdivisions must have a minimum project area of five (5) acres, and a maximum density of 3 units per acre. Plat C is the third phase in a 143-acre development, with an overall density of 3 units per acre; falling within the parameters of a Conservation Subdivision project in the PR-3.0 zone.

As with plats A and B, the applicants request Planning Commission consideration and allowance for modification of building site requirements; allowing the ability to average lot sizes in order for greater overall consistency. This modification is allowed pursuant to Sections 17.7.401; allowing the "harmonizing (of) development within a project". The Planning Commission may, but is not required, to make this finding. A finding allowing the modification is offered below.

Conservation Subdivisions within a PR-3.0 zone require 25% open space. The overall project area provides for 26% open space upon buildout. Plats A and B proposed dedication of land to the City upon approval. However, this dedication has not yet occurred. A condition of approval is proposed, providing for the dedication of land as approved in previous plats. Ultimately, the City will have area for a larger, regional type park upon completion of the Stonecreek development.

Ms. Anderson had concerns that some of the plans for trees didn't seem balanced.

Mr. Hunter stated that the trail on the master plan will be dedicated, 700 South is identified as a collector, there will be a 72 ft. right-of-way including 7 ft. bicycle path, a 5 ft. sidewalk, and a 6 ft. park strip. There won't be street parking because of a narrow 4 ft. shoulder. The bicycle path

Attachment: 3. Minutes (Mitchell Farms B)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Public Works **Director Approval** *Scott Sensanbaugher*

AGENDA ITEM Performance-in-Lieu Agreement with Patterson Homes for Mitchell Farms Plat B

SUMMARY RECOMMENDATION Staff recommends approval of the Agreement.

BACKGROUND City ordinance provides for an option whereby a developer can petition the City Council to allow construction of improvements in lieu of providing a performance guarantee. In this instance the recording of the plat is deferred until the project improvements are deemed complete. The Council has the option to require a petitioner to prove sufficient resources to complete the project.

BUDGET IMPACT N/A

SUGGESTED MOTION Move to approve the Performance-in-Lieu Agreement with Patterson Homes for Mitchell Farms Plat B, and authorize the City to execute the document subject to recording of a blanket construction inspection easement and submission of required water rights.

SUPPORTING DOCUMENTS

Performance in Lieu Agreement - Mitchell Farms Plat B (PDF)

Attachment: Performance in Lieu Agreement - Mitchell Farms Plat B (Performance-in-Lieu Agreement with Patterson Homes for Mitchell Farms

Agreement for Performance in Lieu

THIS AGREEMENT is made and entered as of the 28 day of May, 2019, by and between the City of American Fork ("City"), a political subdivision of the State of Utah, and Patterson Homes, LLC("Owner").

WHEREAS, Owner owns property in the City located at approximately 850 West 700 North (the "Property");

WHEREAS, the Owner has recently proposed to the City and obtained conditional approval to commence with the Project;

WHEREAS, the Owner desires to adhere to City Ordinance Section 17.9.600 by constructing the project's public landscaping and public improvements (hereinafter collectively referred to as "Improvements") in lieu of posting an Improvement Completion Assurance;

WHEREAS, the American Fork City Council finds that the developer has sufficient financial resources to accomplish the construction of the required Improvements within the time frame outlined herein;

WHEREAS, the parties desire to enter into this Agreement to specify the rights and responsibilities of Owner to construct Improvements in lieu of posting an Improvement Completion Assurance as expressed in this Agreement and the rights and responsibilities of the City to allow and regulate such construction pursuant to the requirements of this Agreement; and

WHEREAS, Owner and the City have cooperated in the preparation of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Owner hereby agree to the following:

1. **Incorporation of Recital**. The foregoing Recitals are hereby incorporated in this Agreement.

2. **Improvement Completion Assurance.** Owner shall be permitted to construct Improvements in lieu of posting an Improvement Completion Assurance. Such construction shall be completed in accordance with the terms set forth herein.

3. **Time for Construction of Improvements.**

   3.1_ Final construction documents and permits in accordance with City Ordinances shall be provided to the City Engineer for review immediately following the execution of

Approved as to Form:
American Fork City Attorney

this Agreement. Upon approval of the City Engineer, construction of Improvements shall commence within thirty days.

3.2_ Improvements shall be constructed in accordance with the Construction Schedule attached hereto as Exhibit A and incorporated herein.

3.3_ Improvements shall be completed no later than two hundred seventy five (275) days from the date of execution of this Agreement. Any extension of this time period shall be in accordance with City Ordinance Section 17.9.601.

3.4_ Owner agrees and acknowledges that if construction of Improvements is not complete within the specified time set forth in this Agreement, or Owner fails to obtain an authorized extension, the Project may be declared a Dormant Project by the City.

4. **Permits and Fees**

4.1_ Prior to construction, Owner shall pay to the City the following:

1. The portion of the Improvement Completion Assurance amount attributable to costs of inspection, clean-up, reimbursement of prior constructed public improvements, and other city costs; and
2. An Improvement Warranty pursuant to City Ordinance Section 17.9.400

4.2_ Prior to construction, Owner shall obtain all necessary permits, including a land disturbance permit.

5. **Payment to City for Street Tree Specific Improvement Completion Assurance.** This assurance shall be managed independent of the other required Improvements. The Improvement Warranty period shall also be enacted independent of this requirement. Planting of trees shall be deferred until the structure constructed on a given lot is ready for first occupancy inspection.

6. **Blanket Easement.** The Owner shall submit a recorded blanket easement over the entire project area, which shall expire upon the recording of the final plat, authorizing the installation of required Improvements in the locations shown on the approved final plat and engineering drawings.

7. **Recording of Final Plat.** Owner agrees and acknowledges that the final plat shall not be recorded with the Utah County Recorder until all Improvements for the Project are constructed and accepted by the City Council, who shall issue a Notice of Completion and Acceptance of Improvements and Release of Improvement Completion Assurance.

8. **Early Recording of Final Plat.** If at any point during the construction process the Owner wishes to record the plat an Improvement Completion Assurance shall be provided per the terms of City Ordinance Section 17.9 for any and all remaining required Improvements. Upon verification of this posting and any other approval condition, the City Recorder shall be authorized to record the plat.

9. **Improvement Warranty.** The Improvement Warranty period shall commence at the recording of the final plat.

Attachment: Performance in Lieu Agreement - Mitchell Farms Plat B (Performance-in-Lieu Agreement with Patterson Homes for Mitchell Farms

10. **Compliance.** All construction shall comply with all applicable Federal, State and local laws, ordinances, regulations, standards, and specifications.

11. **Attorney Fees.** In the event that legal remedies are sought by either party hereto to enforce the terms of this Agreement, the prevailing party shall be entitled to costs of suit and a reasonable attorney's fee.

12. **Entire Agreement.** This Agreement constitutes the entire agreement between the two parties on the subject matter of the Improvement Completion Assurance for the Project. Any provision that may be deemed unlawful shall be removed and the balance of the agreement shall remain in full effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

[Signature Page Follows]

Approved as to Form:
American Fork City Attorney

Attachment: Performance in Lieu Agreement - Mitchell Farms Plat B (Performance-in-Lieu Agreement with Patterson Homes for Mitchell Farms

AMERICAN FORK CITY

_____
Bradley J. Frost, Mayor

Attest:

_____
Terilyn Lurker, City Recorder

Approved as to Content:

_____
Public Works Director

[OWNER/DEVELOPER]

Patterson Homes

BY: Scott Dunn

ITS: Manager

OWNER ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF UTAH

On May 16, 2019, Scott Dunn personally appeared before me, who being by me duly sworn, did say that he is the manager of Patterson Homes, a LLC and that the foregoing instrument was duly authorized by the company.

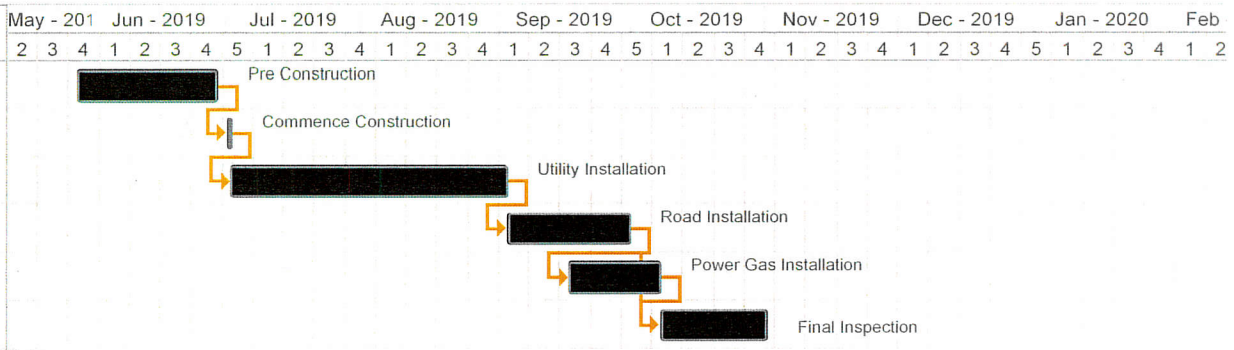
KENT P SMITH
NOTARY PUBLIC · STATE OF UTAH
COMMISSION# 696013
COMM. EXP. 07-17-2021

_____
NOTARY PUBLIC

Approved as to Form:
American Fork City Attorney

Attachment: Performance in Lieu Agreement - Mitchell Farms Plat B (Performance-in-Lieu Agreement with Patterson Homes for Mitchell Farms

ID	Title	Dur.	Start	Finish
1	Pre Construction	24	5-28-2019	6-28-2019
2	Commence Construction	1	7-1-2019	7-1-2019
3	Utility Installation	45	7-2-2019	9-2-2019
4	Road Installation	20	9-3-2019	9-30-2019
5	Power Gas Installation	15	9-17-2019	10-7-2019
6	Final Inspection	18	10-8-2019	10-31-2019



REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on an ordinance approving the Olive Tree Enterprises District Framework Plan located in the area of 350 South 1000 West.

SUMMARY RECOMMENDATION The planning commission recommended approval of the Olive Tree Enterprises District Framework Plan as stated in the attached minutes of the May 8, 2019 planning commission meeting.

BACKGROUND The applicant proposes a district framework plan for a transit-oriented development project (TOD) located in the Transit Core and Garden Districts at 350 South 1000 West. The application requests to deviate from provisions of the Development Area Plan and ordinance as detailed under "Approval Requests" p. 2 and in Exhibit 16 of the application. For further analysis, please refer to the attached district framework plan, staff report and planning commission minutes.

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

SUGGESTED MOTION I move to adopt the ordinance approving the Olive Tree Enterprises District Framework Plan located in the area of 350 South 1000 West.

SUPPORTING DOCUMENTS

1. Ord (PDF)
2. District Framework Plan (PDF)
3. Staff Report (PDF)
4. Minutes (PDF)

ORDINANCE NO.

AN ORDINANCE APPROVING THE DISTRICT FRAMEWORK PLAN FOR THE OLIVE TREE TOD LOCATED AT 350 SOUTH 1000 WEST.

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

PART I

DEVELOPMENT APPROVED - ZONE MAP AMENDED

A. The district framework plan for the Olive Tree TOD as set forth in the attachment is hereby approved.

B. Said Plans are hereby adopted as an amendment to the Official Zone Map and territory included in the Plans is hereby designated as Overlay Zone _____.

C. Said Plans shall hereafter constitute the zone requirements applicable within the property so described.

PART II

ENFORCEMENT, PENALTY, SEVERABILITY, EFFECTIVE DATE

A. Hereafter, these amendments shall be construed as a part of the Zoning Ordinance of American Fork, Utah, to the same effect as if originally a part thereof, and all provisions of said Ordinance shall be applicable thereto including, but not limited to, the enforcement, violation, and penalty provision thereof.

B. All ordinances, or resolutions, or parts thereof, in conflict with the provisions of this ordinance, are hereby repealed.

C. This ordinance shall take effect upon its passage and first publication following completion of all terms and conditions of approval, as set forth under the motion to approve, passed and adopted by the American Fork City Council.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH, THIS 28th DAY OF MAY, 2019.

Brad Frost, Mayor

ATTEST:

Terilyn Lurker, Recorder

Attachment: 1. Ord (Olive Tree District Framework)

AMERICAN FORK
1853

District Framework Plan – Application Exhibits

March 6, 2019

AMENDED: March 8, 2019

AMENDED: April 22, 2019

KEYSTONE CONSTRUCTION

CommunityY.one

Attachment: 2. District Framework Plan (Olive Tree District Framework)

Approval Requests

1. Palette of civic open space types for use with BT-4 & BT-5 (EXHIBIT 11)
2. Use of Neighborhood Street cross section outside of subject property (EXHIBIT 12)
3. Use of four-way intersections outside of subject property (EXHIBIT 13)
4. Block boundary adjustments to coincide with actual parcel boundaries (EXHIBIT 16)
5. Realignment of 1000 West and 500 South to coincide with requested block adjustments and subject property boundaries (EXHIBIT 16)
6. Development unit "allowances" based upon block boundary adjustments (EXHIBIT 16)

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 1: Legal Description

A parcel of land situates in the West half of Section 22, Township 5 South, Range 1 East Salt Lake Base & Meridian, being more particularly described as follows:

Beginning at a point, said point being South 89°53'31" East 1099.51 feet along the Section line and South 1945.25 feet from the Northwest corner of Section 22, Township 5 South, Range 1 East Salt Lake Base & Meridian, and running;

thence South 89°42'31" East 663.92 feet to and along existing fence to the centerline of ditch;

thence South 00°17'05" East 829.61 feet along centerline of existing ditch;

thence South 00°46'16" East 622.59 feet along centerline of existing ditch;

thence West 675.36 feet;

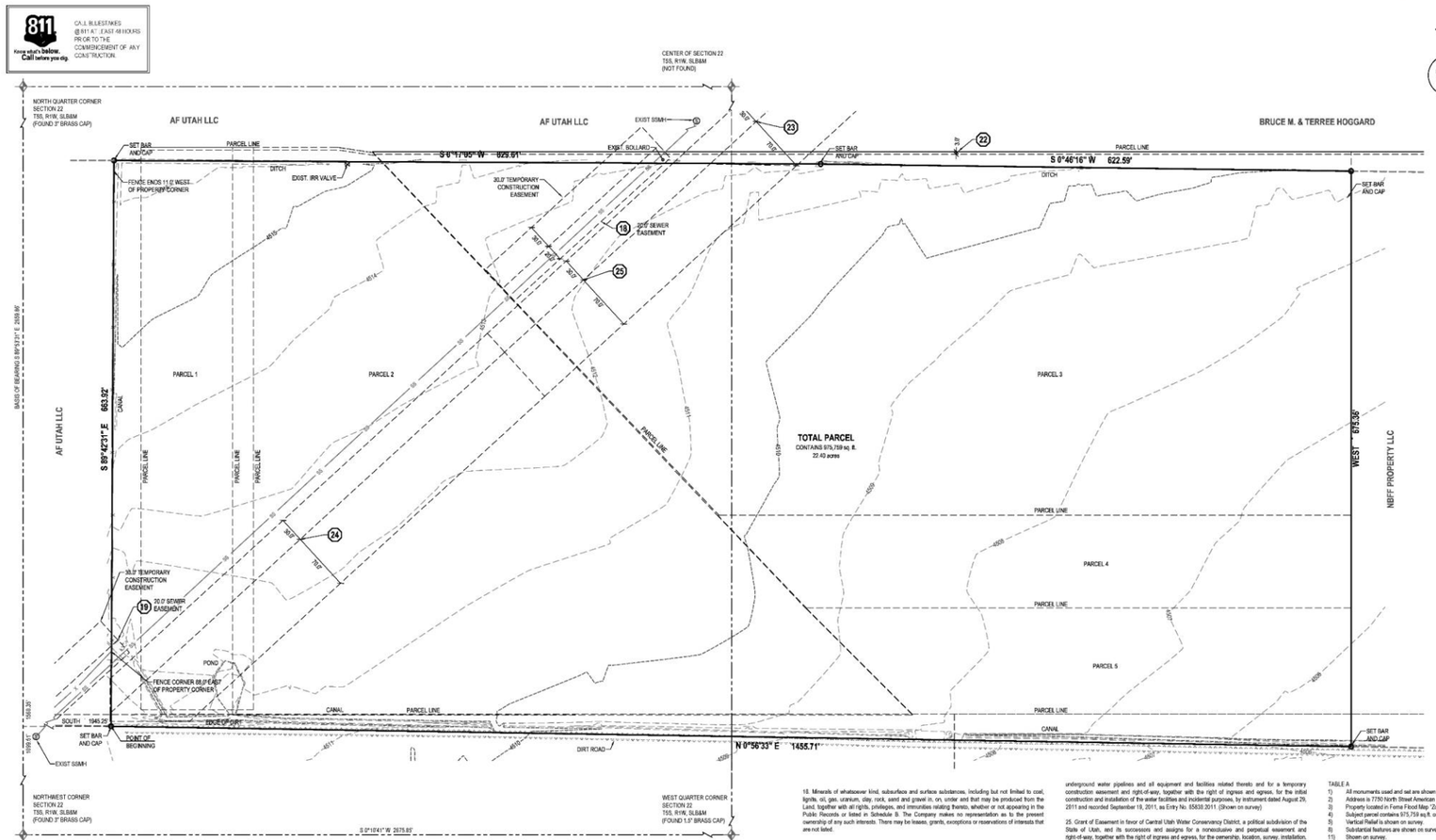
thence North 00°56'33" East 1455.71 feet to the point of beginning;

Parcel contains 975,759 SqFt or 22.4 acres

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 2: Boundary Survey

*** Click to download PDF**



ENSIGN
THE STANDARD IN ENGINEERING
SALT LAKE CITY
45 W. 10000 S., Suite 500
Sandy, UT 84070
Phone: 801.255.0529
LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3590
CEDAR CITY
Phone: 435.865.1453
RICHFIELD
Phone: 435.896.2983
WWW.ENSIGNENG.COM
PREPARED FOR:
RED PINE CONSTRUCTION
520 SOUTH 850 EAST, SUITE A4
LEHI, UTAH 84043
CONTACT:
MICHAEL HORAN
PHONE: 801-362-8420

OLIVE TREE ENETRPRISES
ALTA / NSPS LAND TITLE & TOPOGRAPHY SURVEY
7750 NORTH STREET
AMERICAN FORK, UTAH

PROFESSIONAL LAND SURVEYOR
2/13/19
No. 286882
PATRICK M. HARRIS
STATE OF UTAH

ALTA / NSPS LAND TITLE & TOPOGRAPHY SURVEY

PROJECT NUMBER: 8759
PRINT DATE: 2/13/19
DRAWN BY: B. HAWEL
CHECKED BY: P. HARRIS
PROJECT MANAGER: P. HARRIS

1 OF 1

SURVEYOR'S NARRATIVE

I, Patrick M. Harris do hereby state that I am a Professional Land Surveyor and that I hold certificate no. 286882 as prescribed by the laws of the State of Utah and represent that I have made a survey of the following described property. The Purpose of this survey is to provide an ALTA/NSPS Land Title Survey for use by the client. The Basis of Bearing is the line between the Northwest Corner and the North Quarter Corner of Section 22, Township 4 South, Range 1 West, Salt Lake Base and Meridian, measuring South 89°53'31" East 2659.86 feet.

COMMITMENT DESCRIPTIONS

PARCEL 1:

Commencing 13.25 chains West and 8.50 chains North of the Southeast corner of the Northwest quarter of Section 22, Township 5 South, Range 1 East, Salt Lake Meridian; thence North 2 chains; thence West 10 chains; thence South 2 chains; thence East 10 chains to the point of beginning.

PARCEL 2:

Commencing West 13.25 chains and North 7 chains from the center of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence North 123.42 feet; thence West 666.104 feet; thence South 797.993 feet; thence North 40°00'09" East 178.459 feet; thence North 49°25'24" East 150.321 feet; thence North 46°27'17" East 558.222 feet; thence North 06°28'17" East 41.427 feet to the point of beginning.

PARCEL 3:

Commencing 20.54 chains East of the Northeast corner of the Southwest quarter of Section 22, Township 5

South, Range 1 East, Salt Lake Meridian; thence South 14.20 chains East 8.46 chains; thence North 20.59 chains; thence South 49°22' West 8.89 chains to the point of beginning.

PARCEL 4:

Commencing 18.89 chains East and 14.20 chains South from the Northeast corner of the Southwest quarter of Section 22, Township 5 South, Range 1 East, Salt Lake Meridian; thence East 1.65 chains; thence North 14.46 chains; thence South 46°21' West 2.39 chains; thence South 12.88 chains to the point of beginning.

PARCEL 5:

Commencing 17 chains East and 14.20 South from the Northwest corner of the Southwest quarter of Section 22, Township 5 South, Range 1 East, Salt Lake Meridian; thence East 1.89 chains; thence North 12.88 chains; thence South 43 West 2.74 chains; thence South 11.55 chains to the point of beginning.

The above five Parcels are subject to the effects of that certain Boundary Line Agreement recorded August 16, 2011 as Entry No. 57833:2011 and Parcels 2, 4 and 5 are subject to the effects of that certain Boundary Line Agreement recorded May 19, 2015 as Entry No. 42923:2015 of official records. The above five Parcels are all together with a perpetual easement and right-of-way for vehicular and pedestrian traffic as disclosed by that certain instrument recorded June 10, 1992 as Entry No. 28378 in Book 2948 at Page 188 and also a perpetual easement and right-of-way for vehicular and pedestrian traffic for agricultural purposes only as disclosed by that certain instrument recorded July 15, 1992 as Entry No. 28376 in Book 2966 at Page 437 of official records.

AS SURVEYED DESCRIPTION

A parcel of land situates in the West half of Section 22, Township 5 South, Range 1 East Salt Lake Base & Meridian, being more particularly described as follows:

Beginning at a point, said point being South 89°53'31" East 1099.51 feet along the Section line and South 1945.25 feet from the Northwest corner of Section 22, Township 5 South, Range 1 East Salt Lake Base & Meridian, and running;

thence South 89°42'31" East 663.92 feet to and along existing fence to the centerline of ditch;
thence South 00°17'05" East 829.91 feet along centerline of existing ditch;
thence South 00°46'16" East 622.59 feet along centerline of existing ditch;
thence West 675.36 feet;
thence North 00°56'33" East 1455.71 feet to the point of beginning;

Parcel contains 975,759 sq.ft. or 22.4 acres

To: (i) Keystone Construction, LLC, a Utah limited liability company; (ii) Olive Tree Enterprises, (iii) Cottonwood Title Insurance Agency, Inc. and (iv)First American Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 8, 11, 13 and 16 of Table A hereof.

The field work was completed on February 5, 2019.

Date of Plat or Map: February 5, 2019.

2/13/19
Date

Patrick M. Harris
License No. 286882

Note: For conditions of record not shown hereon as well as specific references to items in the title report, please refer to a title report supplied by Cottonwood Title Insurance Agency, Inc., of Salt Lake City, Utah under Commitment No. 105519-CMP, dated effective January 9, 2019.

Schedule B-2 Exceptions

1. The Lien of Real Estate Taxes or assessments, imposed on the title by a governmental authority, that are not shown as existing Liens in the Records of any taxing authority that levies taxes or assessments on real property or in the Public Records.

2. Any facts, rights, interests, or claims which are not shown in the Public Records but that could be ascertained by an inspection of the land or by making inquiry of persons in possession of the land.

3. Easements, claims of easement or encumbrances which are not shown in the Public Records.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.

5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown in the Public Records.

7. Any defect, lien, encumbrance, adverse claim, or other matter, that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.

8. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage collection or disposal or other utilities unless shown as an existing lien by the Public Records.

14. The herein described Land is located within the boundaries of American Fork City, Utah County, American
Fork Metropolitan Water District, North Utah County Water Conservancy District, Central Utah Water Conservancy District, Wasatch Mental Health Special Service District, North Utah Valley Animal Shelter Special Service District, Santaquin Special Service District and the Utah Valley Dispatch Special Service District, and is subject to any and all charges and assessments levied thereunder.

15. Ordinance No. 2015-10-B0 Amending Section 1.12.2010 of the Revised Ordinances of American Fork City 1985, as Amended, Annexing Certain Land to American Fork City and Establishing Zoning Classification
for said Land, recorded January 6, 2016 as Entry No. 1080:2016.

16. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

17. Claim, right, title or interest to water or water rights whether or not shown by the public records.

18. Easement in favor of Timpanogos Special Service District, a body politic of the State of Utah for a perpetual right-of-way and easement to construct, maintain, operate, repair, inspect, protect, install, remove and replace sewer pipelines, valves, valve boxes and other sewer transmission and distribution structures and facilities, by instrument recorded November 4, 1977 as Entry No. 37078 in Book 1596 at Page 17.
(Shown on survey)

19. Easement in favor of Timpanogos Special Service District, a body politic of the State of Utah for a perpetual right-of-way and easement to construct, maintain, operate, repair, inspect, protect, install, remove and replace sewer pipelines, valves, valve boxes and other sewer transmission and distribution structures and facilities, by instrument recorded November 4, 1977 as Entry No. 37081 in Book 1596 at Page 29.
(Shown on survey)

20. Grant of Easement in favor of Mikel M. Boley, E. Harry Boley, Colleen Boley Hunt and Louise Boley Clark,
their heirs and assigns for a perpetual easement of right of way for vehicular and pedestrian traffic and incidental purposes, by instrument dated May 26, 1992 and recorded June 10, 1992, as Entry No. 28378, in Book 2948, at Page 188. (Blanket in nature)

21. Grant of Easement in favor of Mikel M. Boley, E. Harry Boley, Colleen Boley Hunt and Louise Boley Clark,
their heirs and assigns for a perpetual easement of right of way for vehicular and pedestrian traffic for agricultural purposes only eighteen feet in width and incidental purposes, by instrument dated June 30, 1992 and recorded July 15, 1992 as Entry No. 28376, in Book 2966, at Page 437. (Blanket in nature)

22. Easement Agreement by and between Melvin V. Frandsen and Mae Hoggard, Inez Hoggard, Bruce Hoggard and Terree Hoggard, dated March 10, 1994 and recorded March 15, 1994 as Entry No. 21521 in Book 3302 at Page 850. (Shown on survey)

23. Grant of Easement in favor of Central Utah Water Conservancy District, a political subdivision of the State of Utah, and its successors and assigns for a nonexclusive and perpetual easement and right-of-way, together with the right of ingress and egress, for the ownership, location, survey, installation, construction, reconstruction, operation, inspection, maintenance, repair, renewal and replacement of underground water pipelines and all equipment and facilities related thereto and for a temporary construction easement and right-of-way, together with the right of ingress and egress, for the initial construction and installation of the water facilities and incidental purposes, by instrument dated August 29, 2011 and recorded September 19, 2011, as Entry No. 68929:2011. (Shown on survey)

24. Grant of Easement in favor of Central Utah Water Conservancy District, a political subdivision of the State of Utah, and its successors and assigns for a nonexclusive and perpetual easement and right-of-way, together with the right of ingress and egress, for the ownership, location, survey, installation, construction, reconstruction, operation, inspection, maintenance, repair, renewal and replacement of underground water pipelines and all equipment and facilities related thereto and for a temporary construction easement and right-of-way, together with the right of ingress and egress, for the initial construction and installation of the water facilities and incidental purposes, by instrument dated August 29, 2011 and recorded September 19, 2011, as Entry No. 68930:2011. (Shown on survey)

25. Grant of Easement in favor of Central Utah Water Conservancy District, a political subdivision of the State of Utah, and its successors and assigns for a nonexclusive and perpetual easement and right-of-way, together with the right of ingress and egress, for the ownership, location, survey, installation, construction, reconstruction, operation, inspection, maintenance, repair, renewal and replacement of underground water pipelines and all equipment and facilities related thereto and for a temporary construction easement and right-of-way, together with the right of ingress and egress, for the initial construction and installation of the water facilities and incidental purposes, by instrument dated August 29, 2011 and recorded September 19, 2011, as Entry No. 68931:2011. (Shown on survey)

26. Irrigation ditches and/or facilities running through said Land, as evidenced by a visual inspection.

27. Boundary Line Agreement by and between Mary Mel Land and Livestock LLC and Melvin V. and Mary C. Frandsen Family L.L.C., dated August 16, 2011 and recorded August 16, 2011 as Entry No. 57833:2011. 28. Boundary Line Agreement by and between Melvin V. and Mary C. Frandsen Family, L.L.C. and Melvin V. and Mary C. Frandsen Family, L.L.C., dated April 29, 2015 and recorded May 19, 2015 as Entry No. 42923:2015.

29. The fact that the descriptions for Parcels 3, 4 and 5 described herein do not affect mathematical closures.

30. Notwithstanding those items described herein-above, the Land is also subject to any additional discrepancies, conflicts in the boundary lines, shortage in area, encroachments, or any other facts which an ALTA/NSPS Survey, (made in accordance with the current Minimum Standard Detail Requirements for Land Title Surveys jointly established and adopted by (ALTA) American Land Title Association and (NSPS) National Society of Professional Surveyors) may disclose.

31. Rights of tenants in possession, as tenants only, under unrecorded leases.

32. The effect of the 1999 Farmland Assessment Act, wherein there is a five (5) year roll-back provision with regard to assessment and taxation, by reason of that certain Application for Assessment and Taxation of Agricultural Land, recorded November 19, 1996 as Entry No. 93745, in Book 4123, at Page 789.

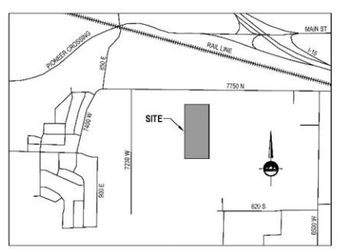
33. The effect of the 1999 Farmland Assessment Act, wherein there is a five (5) year roll-back provision with regard to assessment and taxation, by reason of that certain Application for Assessment and Taxation of Agricultural Land, recorded November 19, 1996 as Entry No. 93746, in Book 4123, at Page 771.

34. The effect of the 1999 Farmland Assessment Act, wherein there is a five (5) year roll-back provision with regard to assessment and taxation, by reason of that certain Application for Assessment and Taxation of Agricultural Land, recorded August 26, 2004 as Entry No. 98243:2004.

35. The effect of the 1999 Farmland Assessment Act, wherein there is a five (5) year roll-back provision with regard to assessment and taxation, by reason of that certain Application for Assessment and Taxation of Agricultural Land, recorded February 17, 2015 as Entry No. 11570:2015.

36. The effect of the 1999 Farmland Assessment Act, wherein there is a five (5) year roll-back provision with regard to assessment and taxation, by reason of that certain Application for Assessment and Taxation of Agricultural Land, recorded November 19, 2015 as Entry No. 104722:2015.

TABLE A
1) All monuments used and set are shown on survey.
2) Address is 7750 North Street American Fork, Utah.
3) Property located in Feme Flood Map "ZoneX", area No. 49057I0120D, effective on07/17/2002
4) Subject parcel contains 975,759 sq.ft. or 22.40 acres.
5) Vertical Relief is shown on survey.
6) Substantial features are shown on survey.
11) Shown on survey.
13) Adjoining owners are shown on survey.
16) All plottable easements are shown on survey.

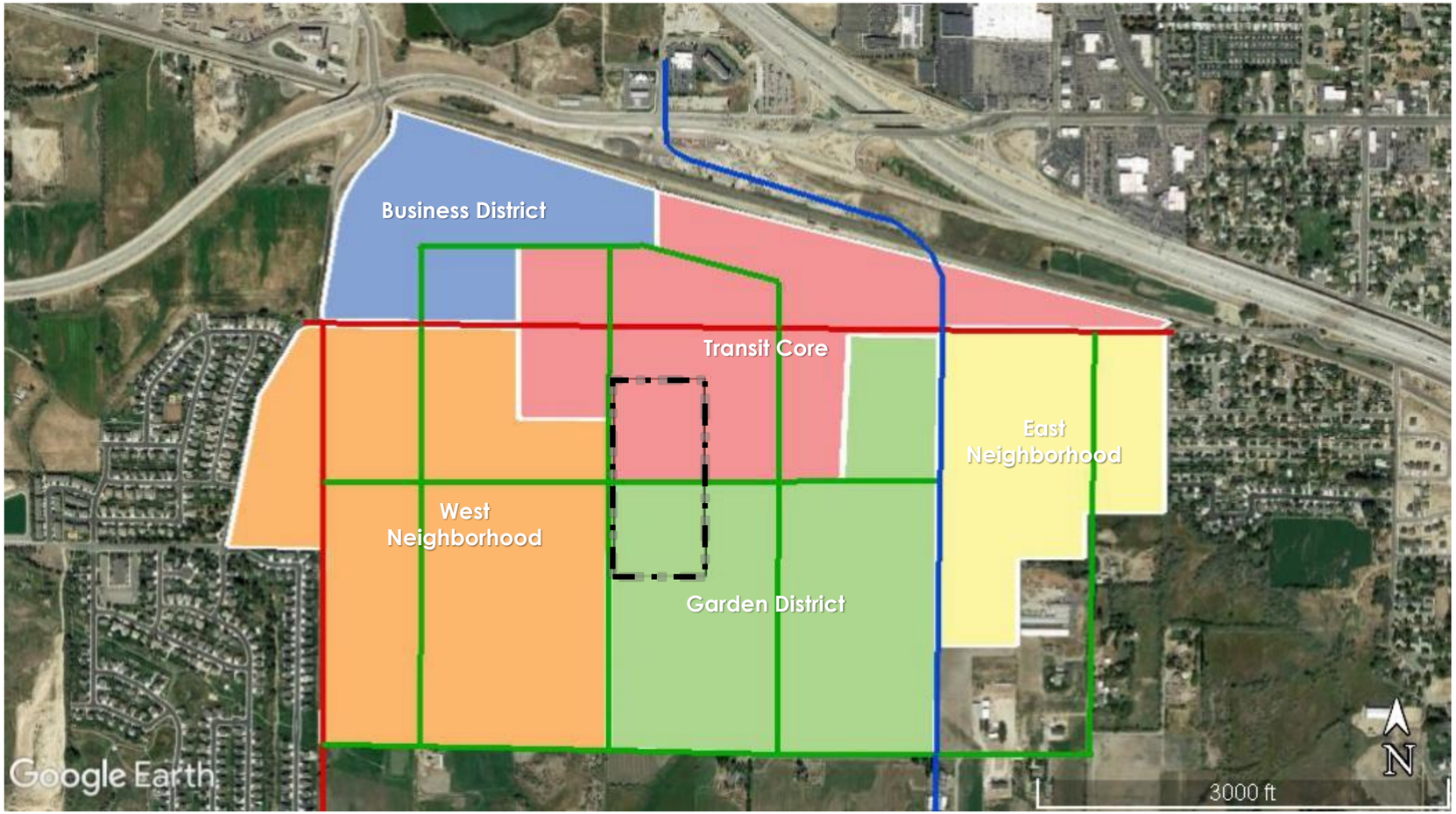


VICINITY MAP
(NOT TO SCALE)

LOCATED IN THE
EAST HALF OF SECTION 22
TOWNSHIP 5 SOUTH, RANGE 1 EAST
SALT LAKE BASE AND MERIDIAN
AMERICAN FORK, UTAH COUNTY,

Attachment: 2. District Framework Plan (Olive Tree District Framework)

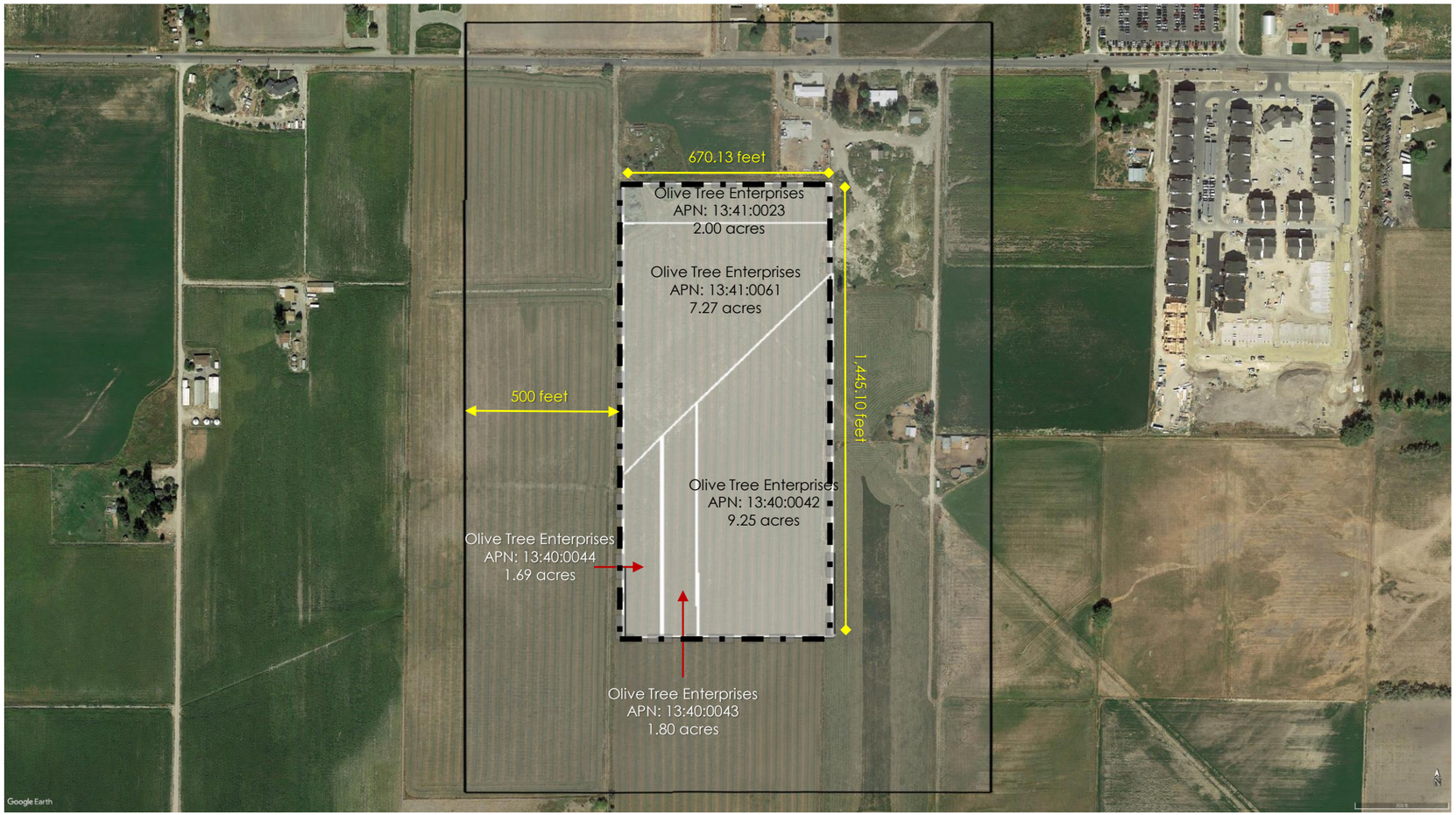
EXHIBIT 3: Development Area Plan



Subject Property

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 4: Boundary Map

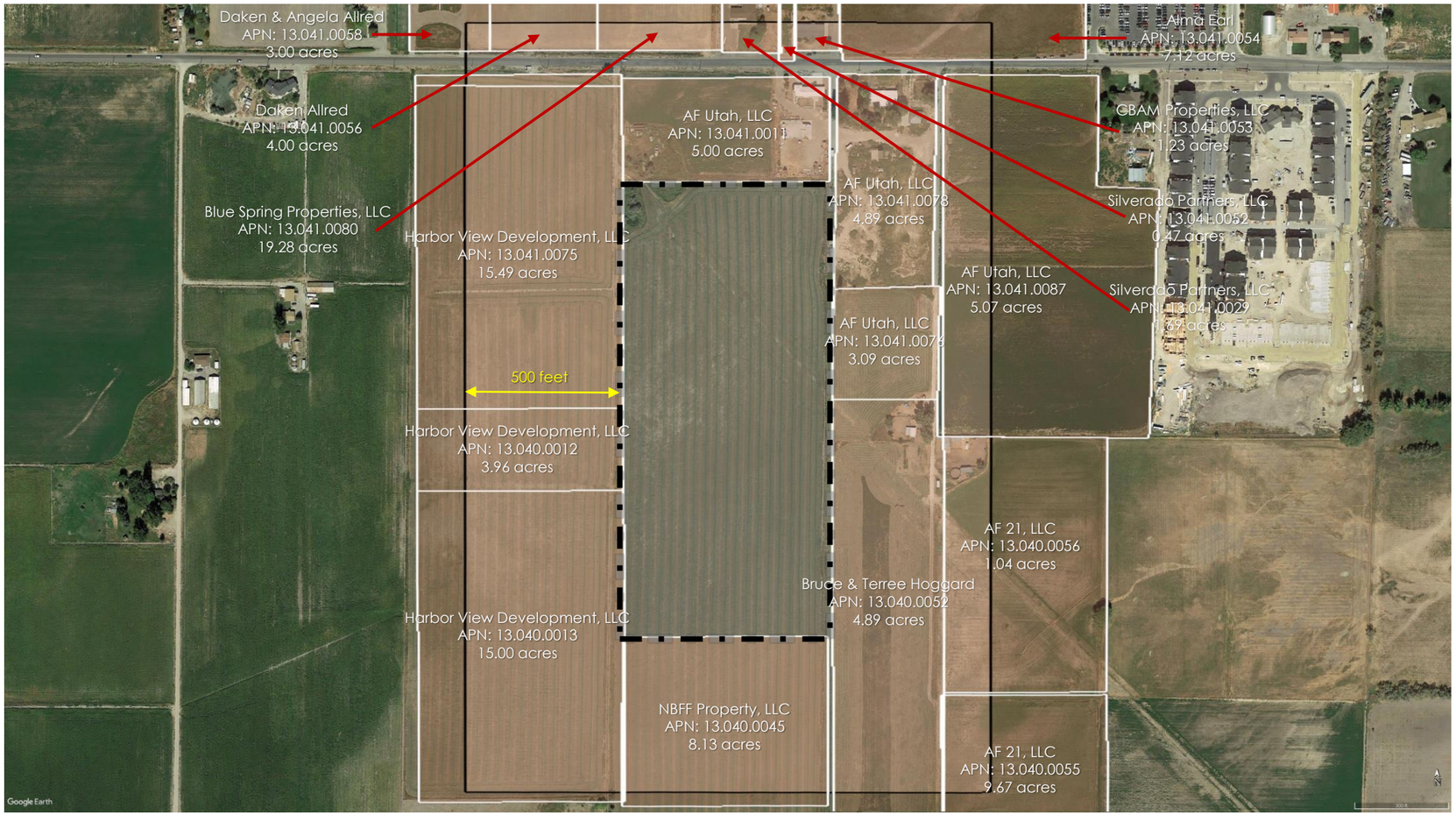


Subject Property

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 4: Boundary Map

NOTE: All property within 500 feet of the subject property is presently zoned TOD.



Subject Property

Attachment: 2. District Framework Plan (Olive Tree District Framework)

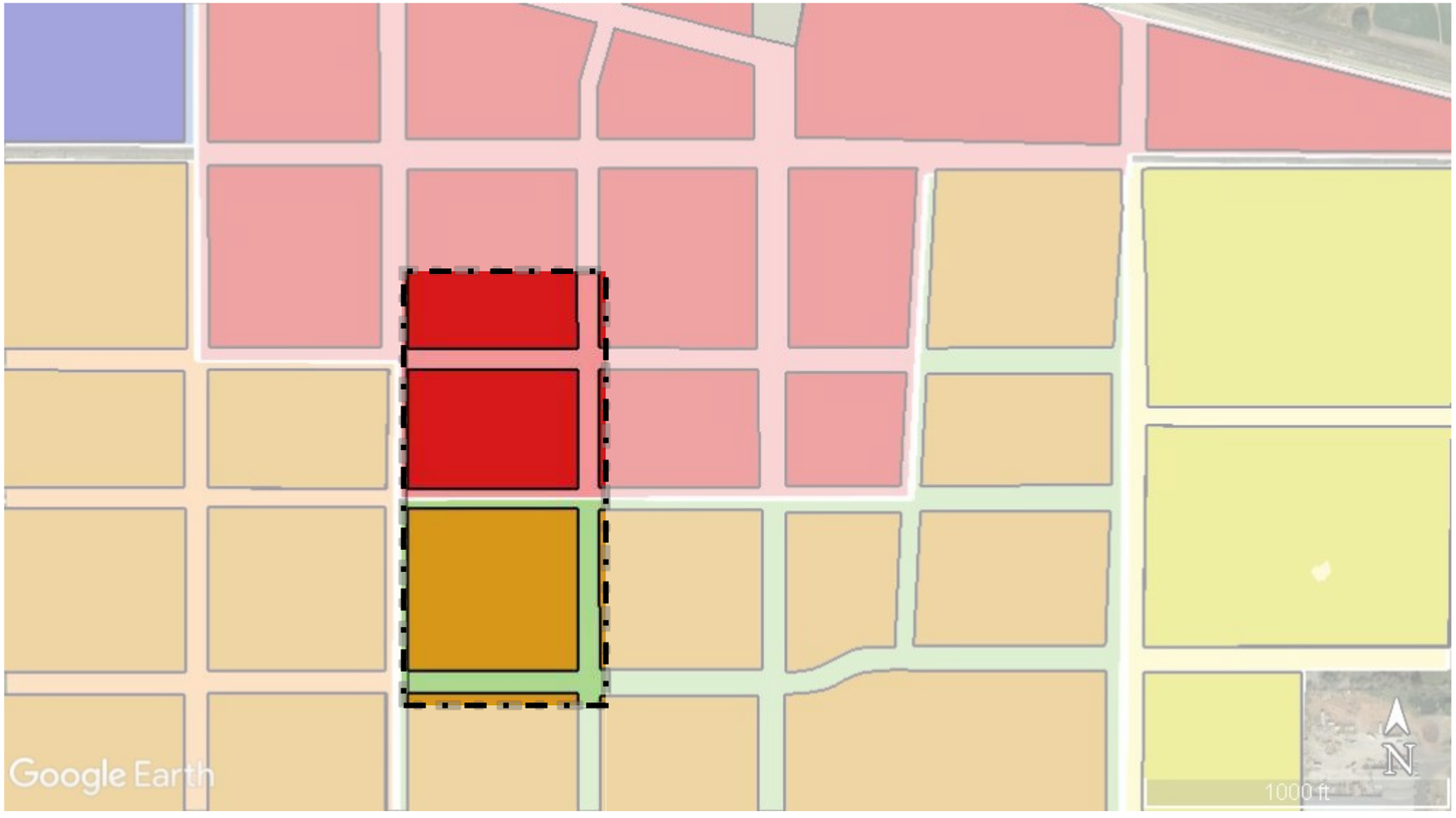
EXHIBIT 5: Constraints Map



Subject Property

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 6: District Framework Plan



Sub-Districts

- Office Core
- Mixed-Use Core
- General Mixed-Use
- Neighborhood Edge

- Subject Property

Attachment: 2. District Framework Plan (Olive Tree District Framework)

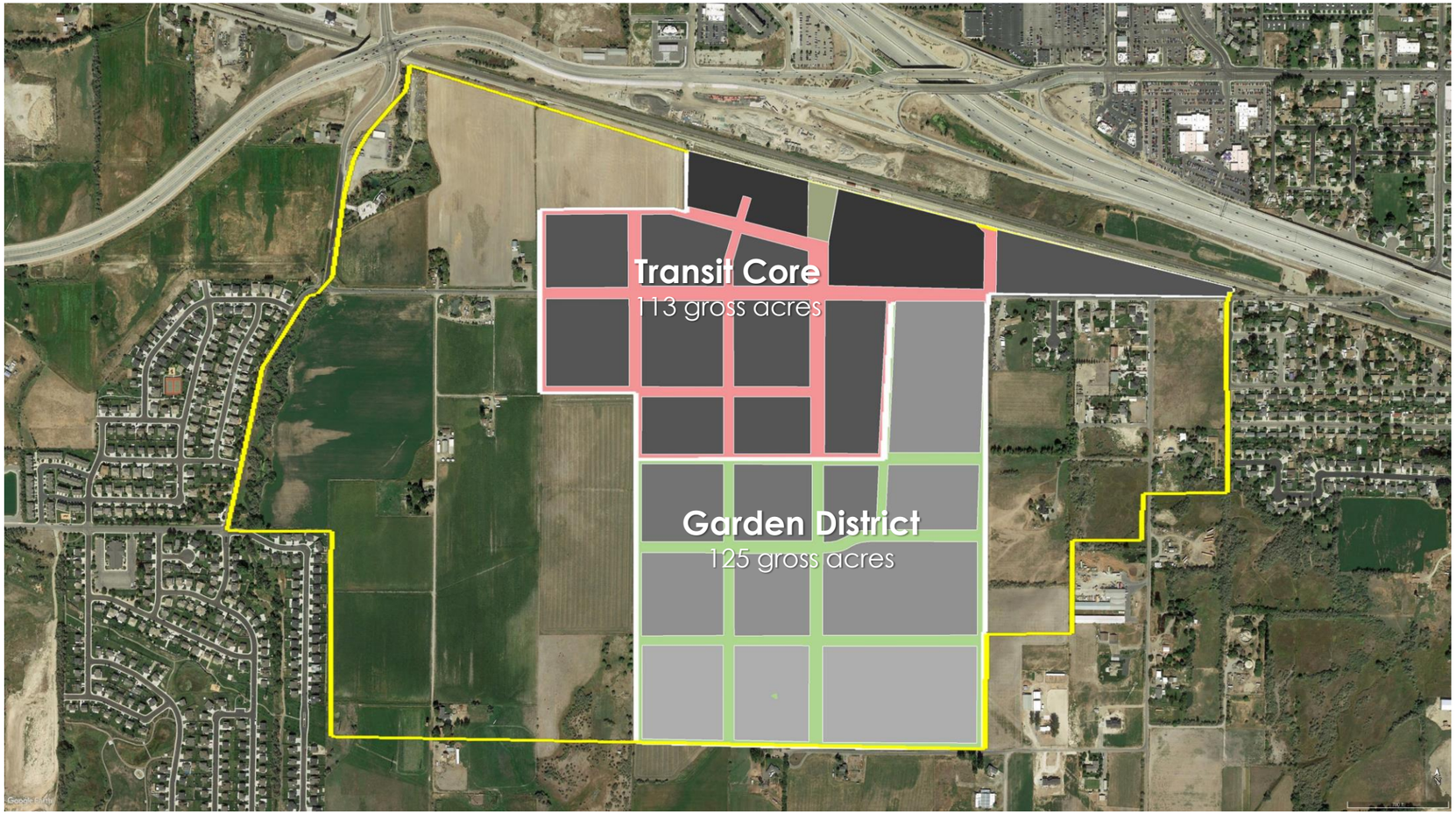
EXHIBIT 6: District Framework Plan

PERMITTED USES	SUB-DISTRICT			
	ED-R	MU-G	OF-C	MU-C
A. Residential				
Mixed-Use		X		X
Multi-Family		X		X
Single Family: Attached	X	X		X
Single Family: Detached	X			
Senior Housing	X	X		X
Work/Live Unit		X		X
Accessory Dwelling Unit	X	X		
Dormitory		X		X
B. Lodging				
Hotel (no room limit)			X	X
Inn (up to 12 rooms)		X		X
Bed & Breakfast (up to 5 rooms)	X			
AirBnB	X	X		X
C. Business				
Office Building			X	X
Home Occupation	X	X		
D. Retail				
Open Market		X		X
Neighborhood Retail		X	X	X
Display Gallery		X		X
Restaurant		X	X	X
Food Truck	X	X	X	X
Drive-through		X		X
Kiosk		X	X	X
Push Cart		X	X	X

PERMITTED USES	SUB-DISTRICT			
	ED-R	MU-G	OF-C	MU-C
E. Automotive				
Gas Station		X		
Automobile Service				
Drive-through		X		
F. Civil Support				
Assembly	X	X	X	X
Cemetery	X	X		
Funeral Home		X		X
Hospital		X	X	X
Medical Clinic		X	X	X
Library		X		X
Museum		X	X	X
Post Office		X	X	X
Public Safety	X	X	X	X
Laboratory			X	
Transit Stop/Station	X	X	X	X
G. Education				
College			X	X
Trade School		X	X	X
High School	X	X		X
Junior High School	X	X		X
Elementary School	X	X		X
Childcare Center		X		X
Charter School	X	X		X
H. Infrastructure				
Parking Lot		X	X	
Parking Structure		X	X	X
Utility & Infrastructure	X	X	X	X
Open Space	X	X	X	X

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 6: District Framework Plan

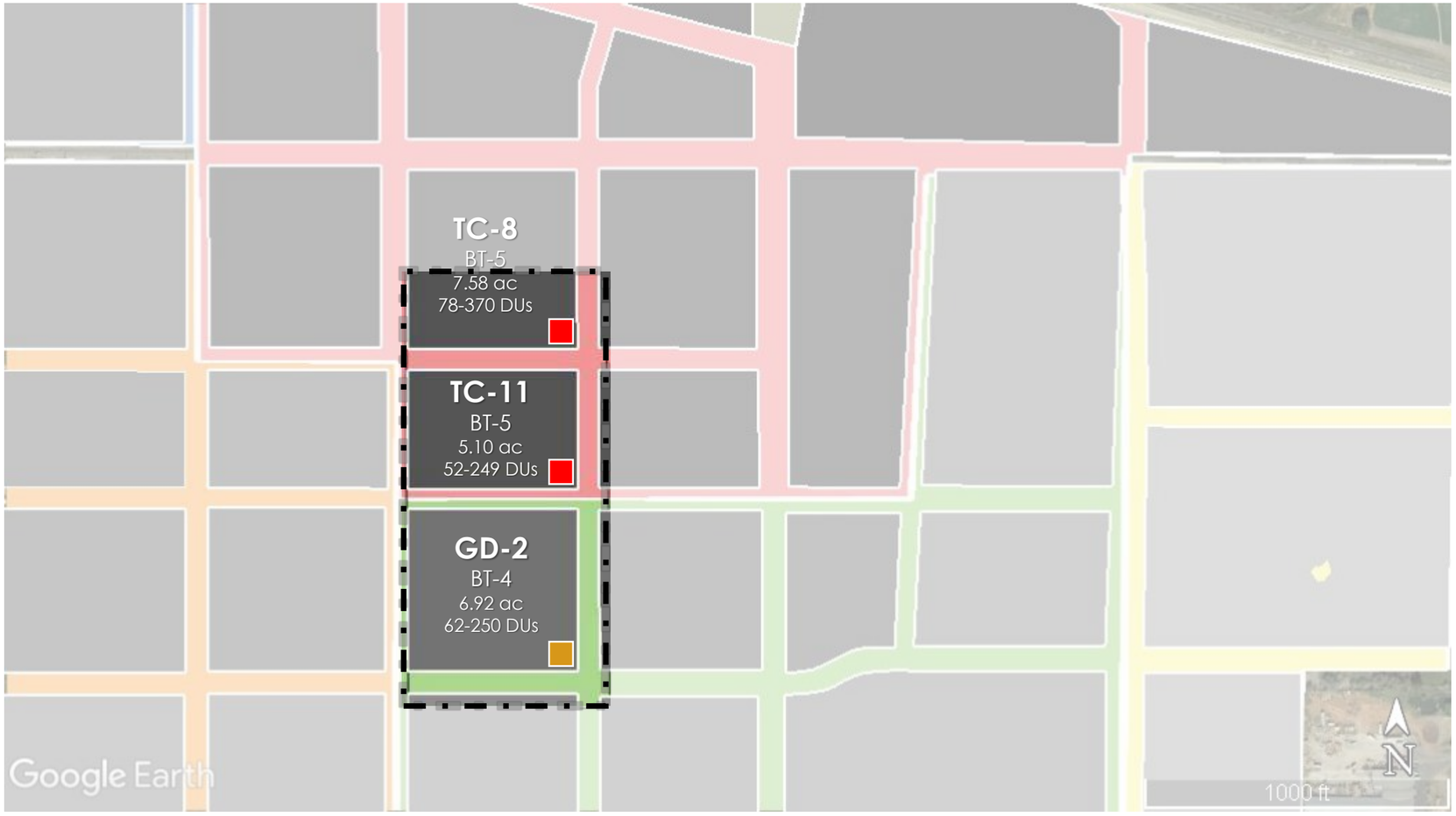


DT		Transit Core		
		Acres	Required	TOTAL
BT	BT-5	21.68		21.68
	BT-6	20.19		20.19
O/S	5-10%	1.49	5.7 to 11.3	1.49
Streets		69.64		69.64
			TOTAL	113.00

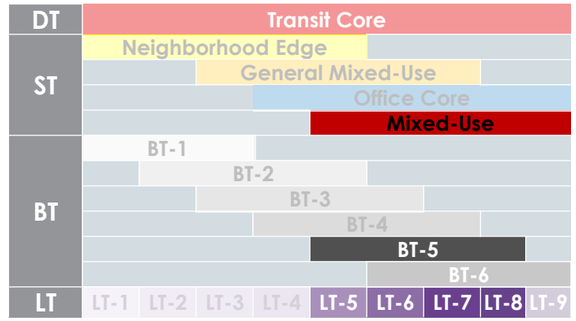
DT		Garden District		
		Acres	Required	TOTAL
BT	BT-2	32.01		32.01
	BT-3	29.40		29.40
	BT-4	17.51		17.51
O/S	10-20%		12.5 to 25.0	0
Streets		46.08		46.08
			TOTAL	125.00

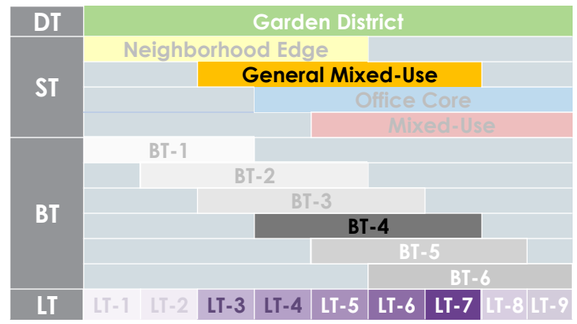
Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 6: District Framework Plan



Current Boundary Conditions





Block Types

- Block Type 2 (BT-2)
- Block Type 3 (BT-3)
- Block Type 4 (BT-4)
- Block Type 5 (BT-5)
- Block Type 6 (BT-6)

Sub-Districts

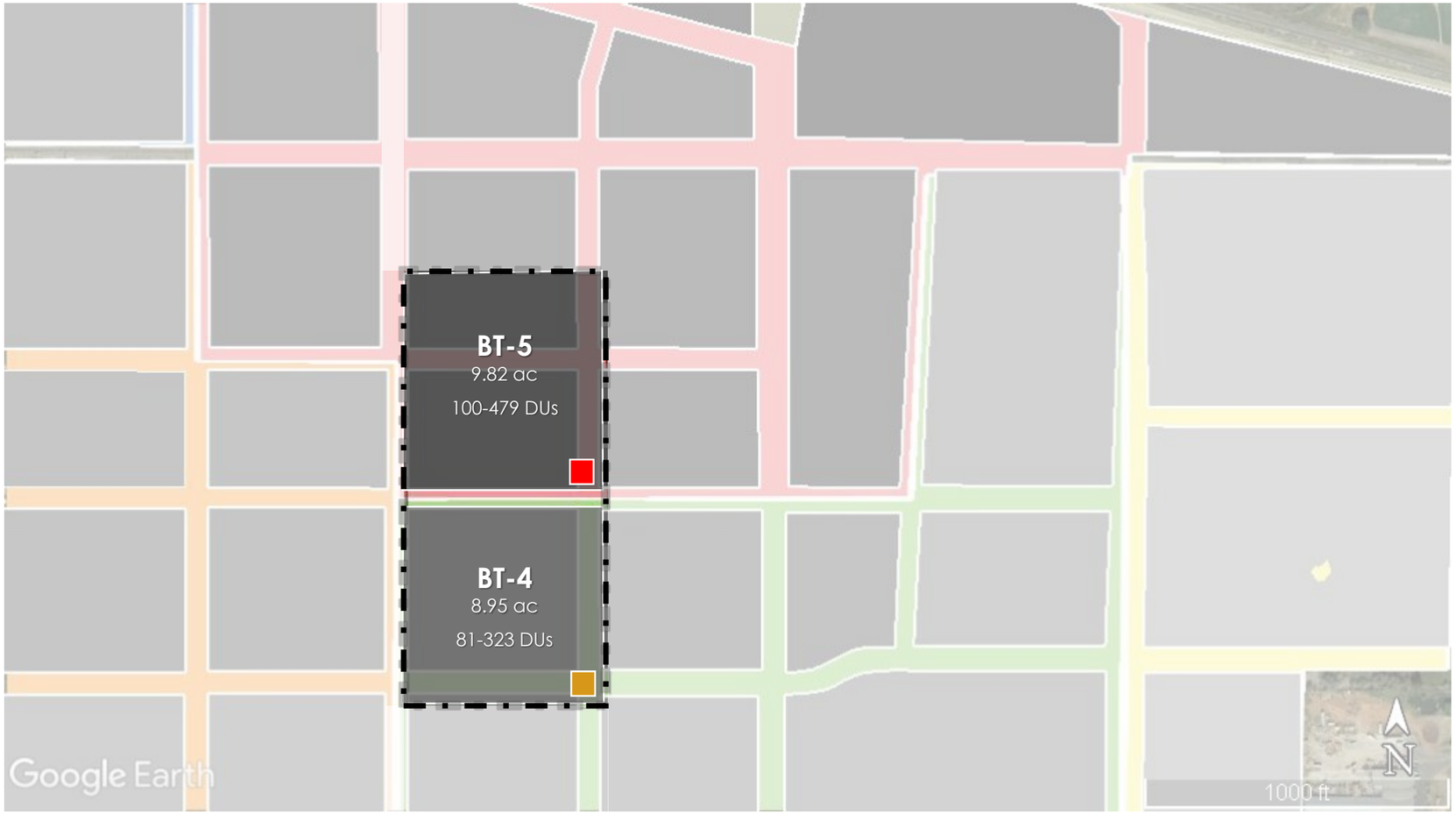
- Office Core
- Mixed-Use Core
- General Mixed-Use
- Neighborhood Edg

Subject Property

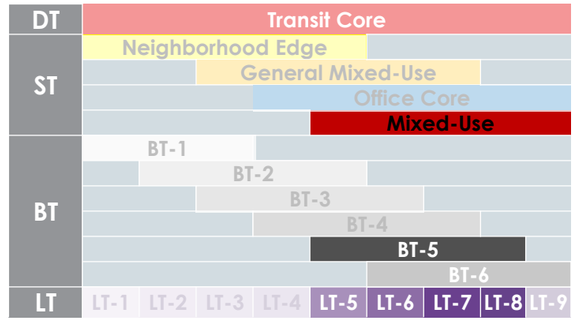
Attachment: 2. District Framework Plan (Olive Tree District Framework)

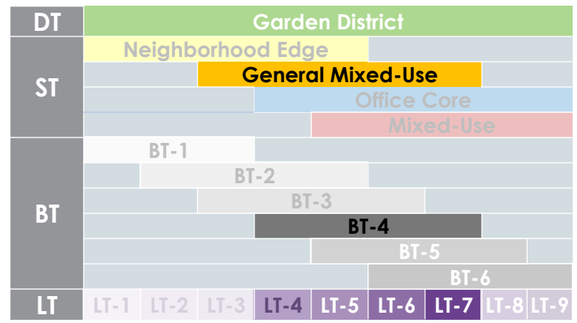
EXHIBIT 6: District Framework Plan

NOTE: BT-5 will be subdivided into blocks < 8 acres in size at the Block Plan stage of approval (as per block size requirement identified in Table 4E of TOD Code).



Requested Block Boundary Adjustments





Block Types

- Block Type 2 (BT-2)
- Block Type 3 (BT-3)
- Block Type 4 (BT-4)
- Block Type 5 (BT-5)
- Block Type 6 (BT-6)

Sub-Districts

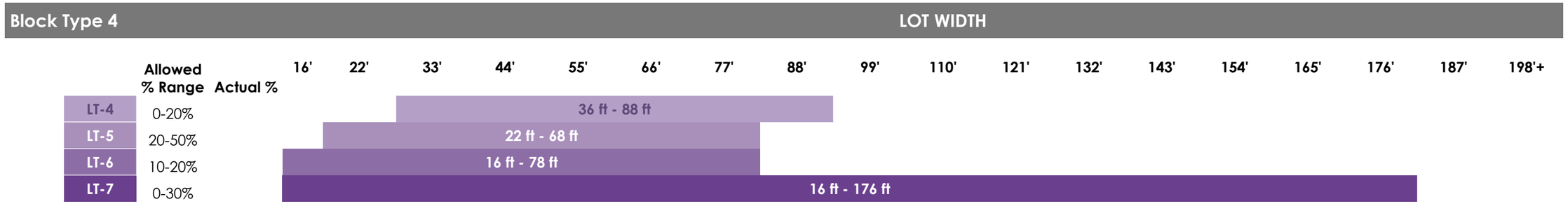
- Office Core
- Mixed-Use Core
- General Mixed-Use
- Neighborhood Edg

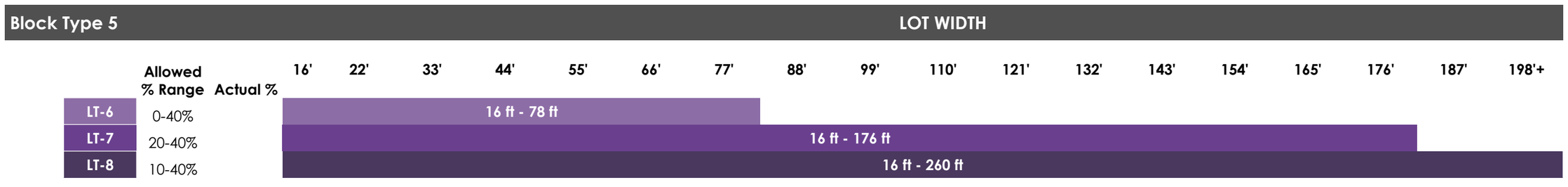
Subject Property

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 6: District Framework Plan

Lot Type Assignments									
Block Type	Lot Type Percentages								
	LT-1	LT-2	LT-3	LT-4	LT-5	LT-6	LT-7	LT-8	LT-9
BT-1	40 - 80%	0-30%	10 - 30%	n/a	n/a	n/a	n/a	n/a	n/a
BT-2	n/a	40 - 60%	20 - 50%	0-20%	0-10%	n/a	n/a	n/a	n/a
BT-3	n/a	n/a	0-40%	10 - 40%	30 - 50%	0-5%	n/a	n/a	n/a
BT-4	n/a	n/a	n/a	0-20%	20 - 50%	10 - 20%	0-30%	n/a	n/a
BT-5	n/a	n/a	n/a	n/a	n/a	0-40%	20 - 40%	10 - 40%	n/a
BT-6	n/a	n/a	n/a	n/a	n/a	n/a	0-30%	20 - 40%	0-40%





Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 7: Transportation Network Plan



Major Arterial
84' ROW | 4 Travel Lanes

Business Arterial (200 South)
112.5' ROW | 4 Travel Lanes

Core Collector
92' ROW | 2 Travel Lanes

Neighborhood Collector
92' ROW | 2 Travel Lanes

Business – Core Loop
98' ROW | 2 Travel Lanes

Subject Property

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 7: Transportation Network Plan

Transit Oriented Development Cross-Sections			
Roadway Classification	**ROW Length (ft)**	**Roadway Width (ft)**	**# of Lanes**
Major Arterial	84	64	4
Business Arterial	112.5	74.5	4
Core Collector	92	35	2
Neighborhood Collector	92	49	2
District Connector	96	49	2
Business - Core Loop	98	47	2
Neighborhood Street	53	25	2
One-sided (residential)	61	25	2
Rear Lane (residential)	20	20	2
Rear Alley (non-residential)	26	26	2

Source: American Fork City – Transportation Element of the General Plan (Page 28)

Attachment: 2. District Framework Plan (Olive Tree District Framework)

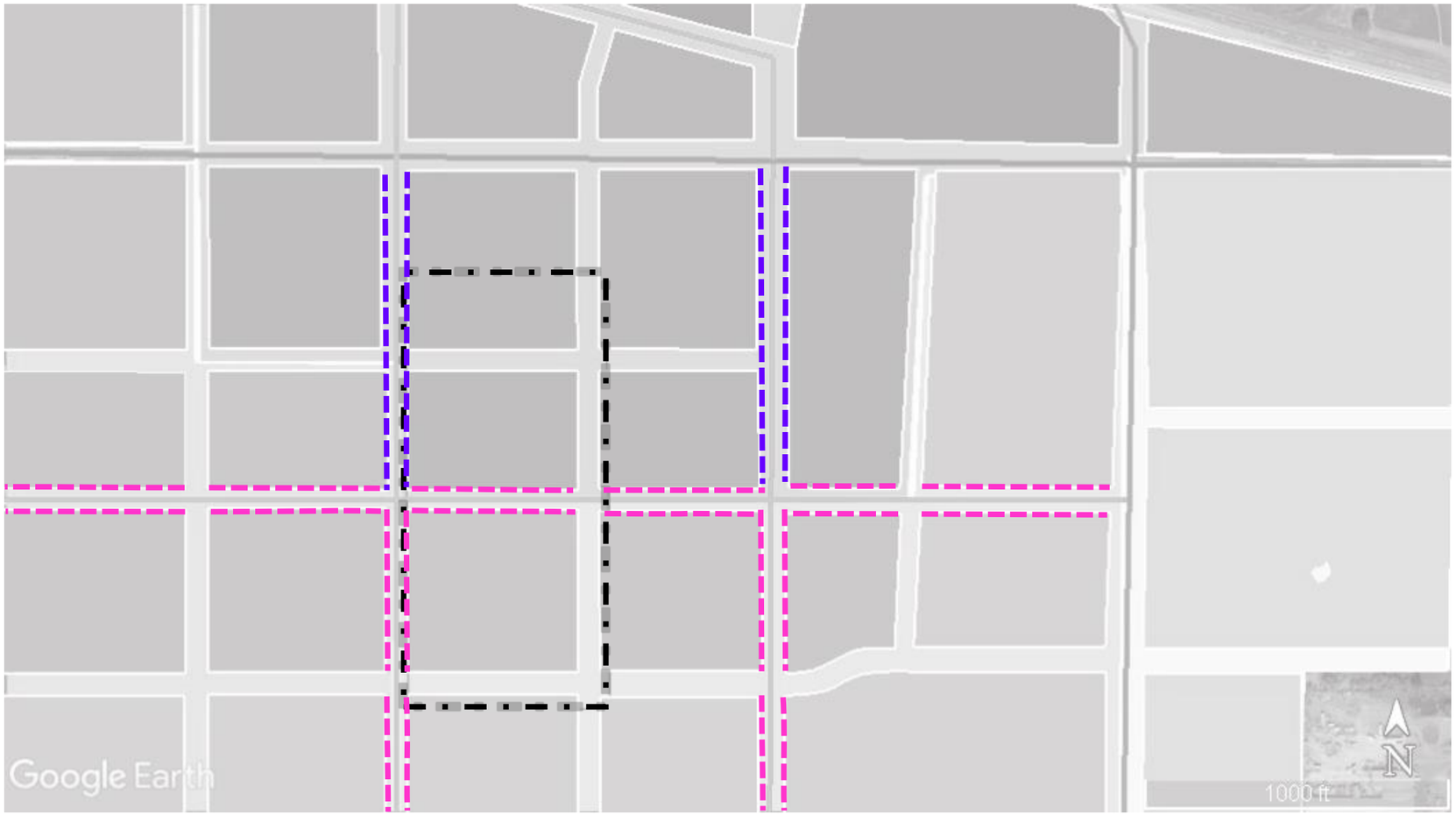
EXHIBIT 8: Thoroughfare Naming Plan



Subject Property

Attachment: 2. District Framework Plan (Olive Tree District Framework)

Exhibit 9: Bicycle Network Plan



6'6" colored concrete cycle track wi a 2' buffer in each direction
(Core Collector)

5' colored concrete cycle track with 2' buffer in each direction
(Neighborhood Collector)

Subject Property

Attachment: 2. District Framework Plan (Olive Tree District Framework)

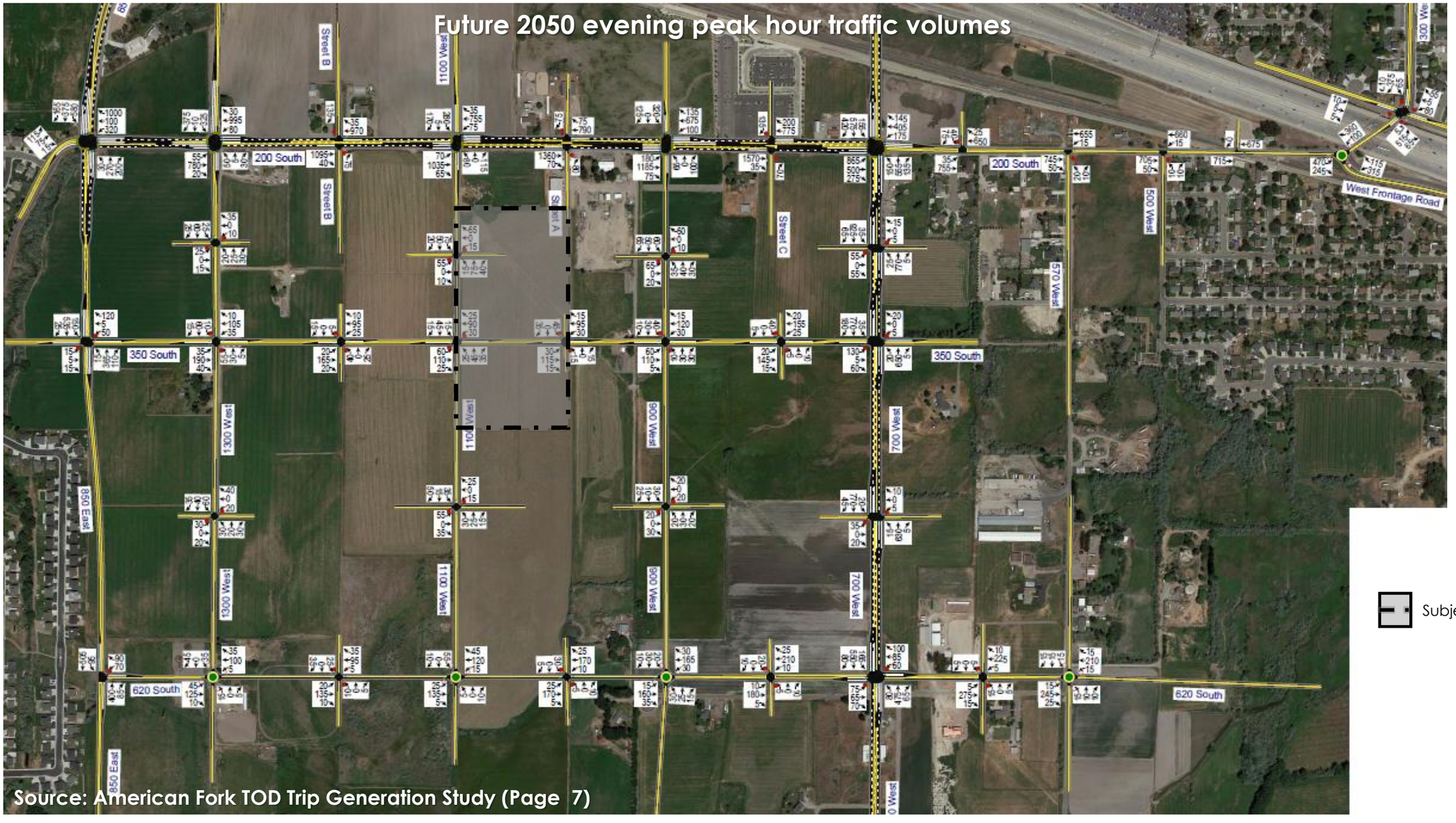
EXHIBIT 10: Traffic Study



Source: American Fork TOD Trip Generation Study (Page 5)

Attachment: 2. District Framework Plan (Olive Tree District Framework)

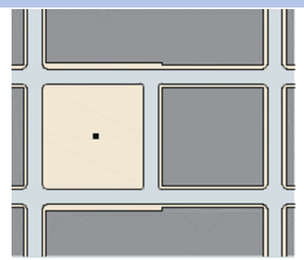
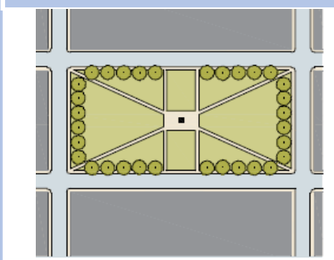
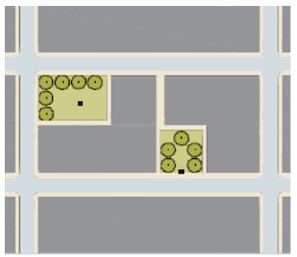
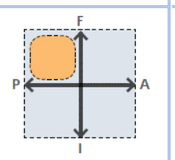
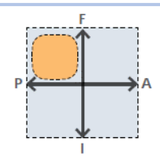
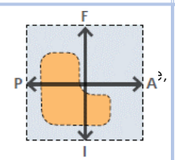
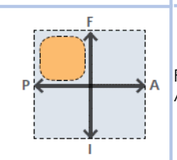
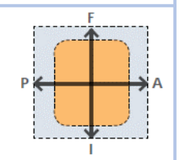
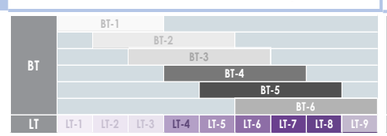
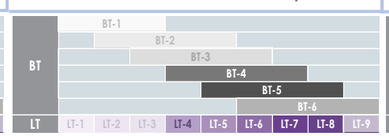
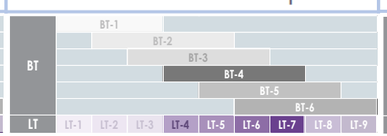
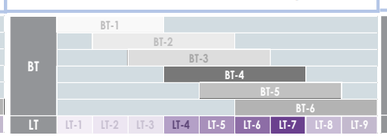
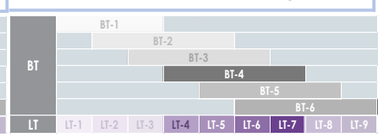
EXHIBIT 10: Traffic Study



Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 11: Civic District Plan

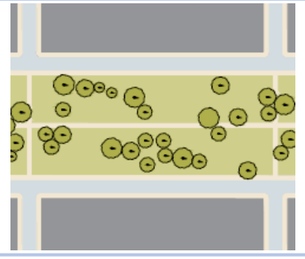
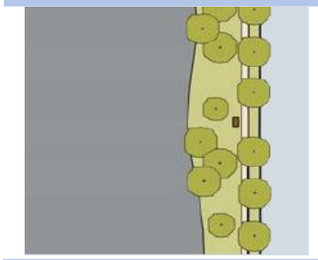
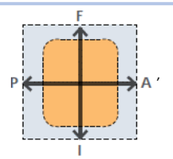
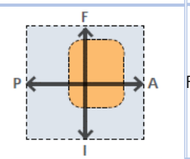
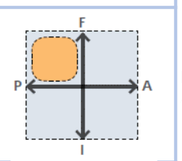
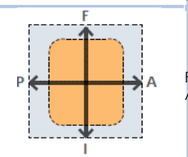
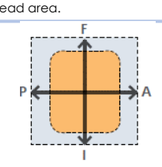
NOTE: Palette of civic open space types as identified for future consideration and use with BT-4 & BT-5 as reflected in this submittal.

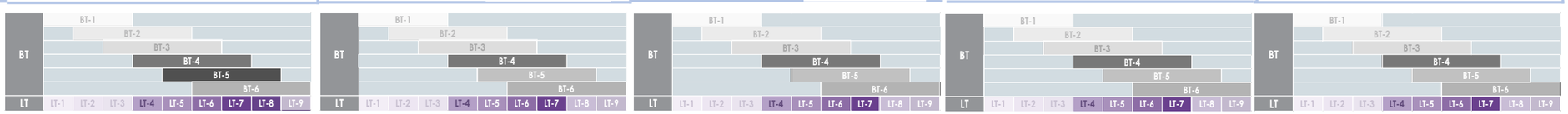
CIVIC OPEN SPACE TYPE	PLAZA (PL)	SQUARE (SQ)	GREEN (GR)	ENTRANCE PARK (EP)	POCKET PARK (PP)
DIAGRAM					
DESCRIPTION	Available for civic purposes and commercial activities. Spatially defined by building frontages. Design consists primarily of hardscape elements with optional trees. Typically located at intersections of important streets. Programmed with passive uses and serves as a point of respite.	A public space, seldom larger than a block, at the intersection of important streets, and circumscribed spatially by building frontages. Its landscape consisting of paths, lawns, trees, and civic buildings all formally disposed, and requiring substantial maintenance. Often understood as the heart or center of a neighborhood or district.	A green is a public space similar to a square but more informal and with more green space. It often functions as a central gathering place within campuses or regional parks. While most recreation in greens is passive, they typically include enough open area to support smaller scale active recreation.	Formal delineation of a residential community entrance through landscaping and monumentation. It provides passive uses and creates neighborhood identity	Small and frequent, generally with passive recreation that ensures walkable green space access for everyone. May contain specialized facilities that serve a concentrated or limited population or group such as tots, pets, or senior citizens.
SERVICE AREA	1/4 to 1/2 mile radius	1/8 to /4 mile radius	1/2 mile radius	1/4 to 1/2 mile radius	1/4 mile radius
SIZE	Up to 2 acres	0.5 to 2 acres	2 to 5 acres	Up to 2 acres	2,500 sqft to 1 acre
FRONTAGE	Building	Building	Building	Building	Building
TYPICAL FACILITIES	Recreation, accessory structures, water fountains, paths and trails	Paths, seating, lawns	Paths, pet facilities, lawns	Recreation, accessory structures, water fountains, paths and trails	Tot lots, formal and informal seating, gazebos, barbecue equipment, picnic benches, crochet lawns, water features, small play areas, gardens.
DISPOSITION AND USAGE	Formal, Passive 	Formal, Passive 	Formal, Informal, or Passive 	Formal, Passive 	Formal, Informal, Active, or Passive 
					

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 11: Civic District Plan

NOTE: Palette of civic open space types as identified for future consideration and use with BT-4 & BT-5 as reflected in this submittal.

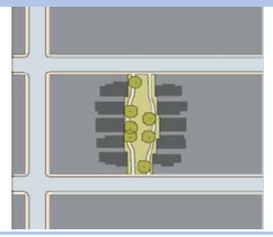
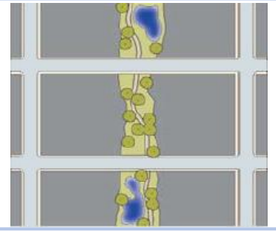
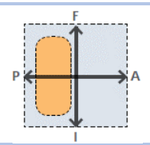
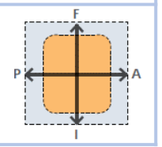
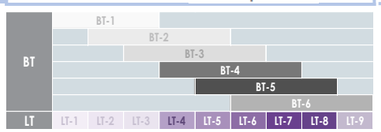
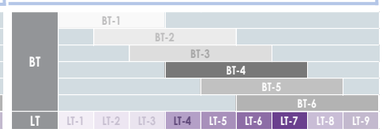
CIVIC OPEN SPACE TYPE	LINEAR PARK (LP)	NEIGHBORHOOD PARK (NP)	GREENWAY (GW)	PARKWAY/BOULEVARD (PB)	CONNECTOR TRAIL (CT)
DIAGRAM					
DESCRIPTION	As the name suggests, a linear park is substantially longer than it is wide, and is typically used to activate underutilized corridors such as disused railroad beds, canals, streams, extended defensive walls, highways, or power lines.	The neighborhood park remains the basic unit of the park system and serves as the recreational and social focus of the neighborhood. The focus is on informal active and passive recreation. The park should be centrally located within the neighborhood. Frequently these parks are developed adjacent to civic uses such as an elementary school.	The space is located around or within a natural resource area (stream; wetlands) but is user based in function. Uses include nature viewing and study, modal sport recreation, and also function as connections within the larger park system allowing uninterrupted pedestrian movement. Corridor width 25-200 feet with 50 feet a standard minimum.	Urban streets that provide comfortable and safe pedestrian and cyclist connections. May include landscaped center median, large shade trees, on or offstreet bikeways and seating.	A connector trail is a linear public open space type that accommodates two or more users on the same, undivided trail providing primary and/or secondary public connections. Trail users could include pedestrians, bicyclists, skaters, etc. A connector trail frequently provides an important place for active recreation and creates a connection to regional paths and biking trails. Connector trails within greenways or neighborhood parks shall be naturally disposed with low impact paving materials so there is minimal impact to the existing natural environment and/or landscaping.
SERVICE AREA	1/8 to 1/4 mile radius	1/4 to 1/2 mile radius	Varies	Varies	Varies
SIZE	Varies	3 to 10 acres	Varies	Varies	Varies
FRONTAGE	Varies	Building	Varies	Building	Varies
TYPICAL FACILITIES	Paths, pet facilities, seating, green infrastructure	Recreation, accessory structure, water fountains, paths and trails	Recreation, accessory structure, water fountains, paths and trails	Recreation, accessory structure, water fountains, paths and trails	These include drinking fountains, scenic view posts, fitness stations, and directional signs, and may be spread along the trail or grouped in a trailhead area.
DISPOSITION AND USAGE	Formal, Informal, or Passive 	Formal, Active 	Formal, Passive 	Formal, Informal, Active, or Passive 	Formal, Informal, Active, or Passive 



Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 11: Civic District Plan

NOTE: Palette of civic open space types as identified for future consideration and use with BT-4 & BT-5 as reflected in this submittal.

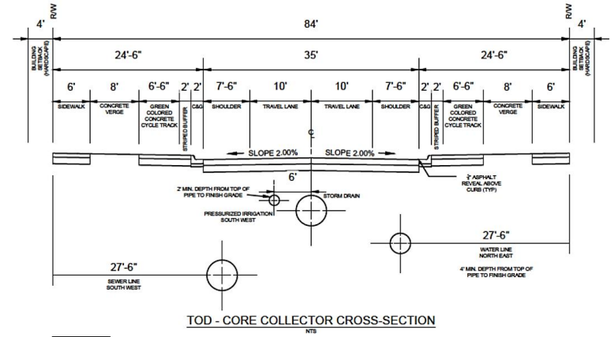
CIVIC OPEN SPACE TYPE	PASEO (PS)	SPECIAL USE (SU)
DIAGRAM		
DESCRIPTION	Linear pedestrian corridor that is defined by homes fronting the space. Often includes passive activities as well as tot lots, community gardens, and neighborhood games.	Covers a broad range of parks and recreation facilities oriented toward single purpose use. Special uses generally fall into three categories: Historic/Cultural/Social Sites (ex: historic downtown areas, performing arts parks, arboretums, ornamental gardens, indoor theaters, churches, public buildings and amphitheaters). Recreation facilities (i.e. either specialized or single-purpose facilities) fall into this category; for example, community centers, senior centers, hockey arenas, marinas, golf courses and aquatic parks. Frequently community buildings and recreational facilities are located within neighborhood parks and community parks.
SERVICE AREA	Varies	Varies
SIZE	Varies	Varies
FRONTAGE	Varies	Varies
TYPICAL FACILITIES	Recreation, accessory structure, water fountains, paths and trails	Tot lots, formal and informal seating, gazebos, barbecue equipment, picnic benches, crochet lawns, water features, small play areas, and gardens.
DISPOSITION AND USAGE	Formal, Informal, Passive 	Formal, Informal, Active, or Passive 
		

Attachment: 2. District Framework Plan (Olive Tree District Framework)

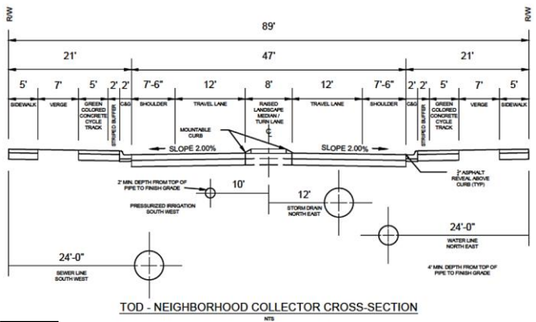
EXHIBIT 12: Thoroughfare Assemblies

NOTE: All minor thoroughfares require a minimum of 32 feet of asphalt (Section 4.05.6.a).
All thoroughfares on subject property boundary shall be designed and constructed at half-width.

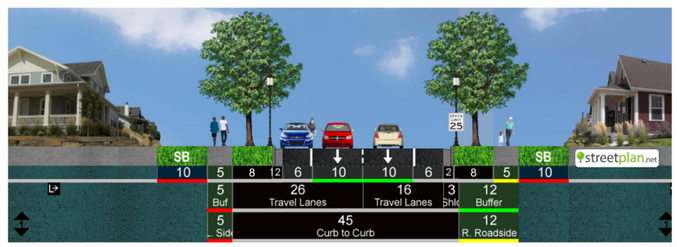




Core Collector



Neighborhood Collector

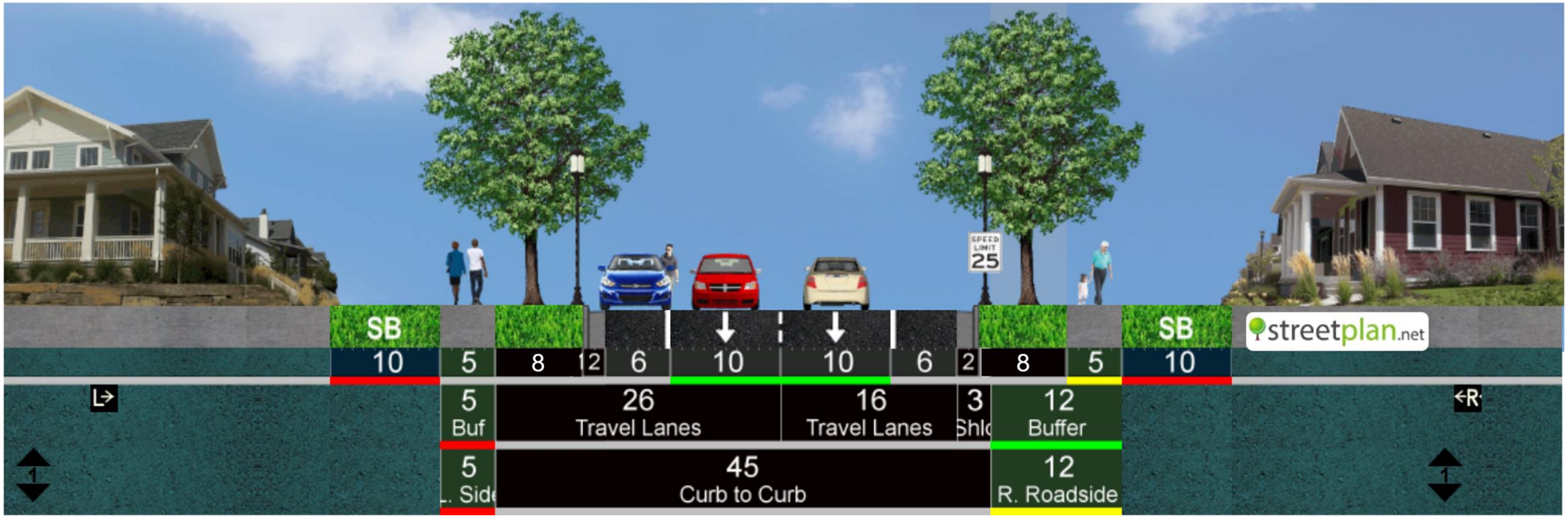


Neighborhood Street

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 12: Thoroughfare Assemblies

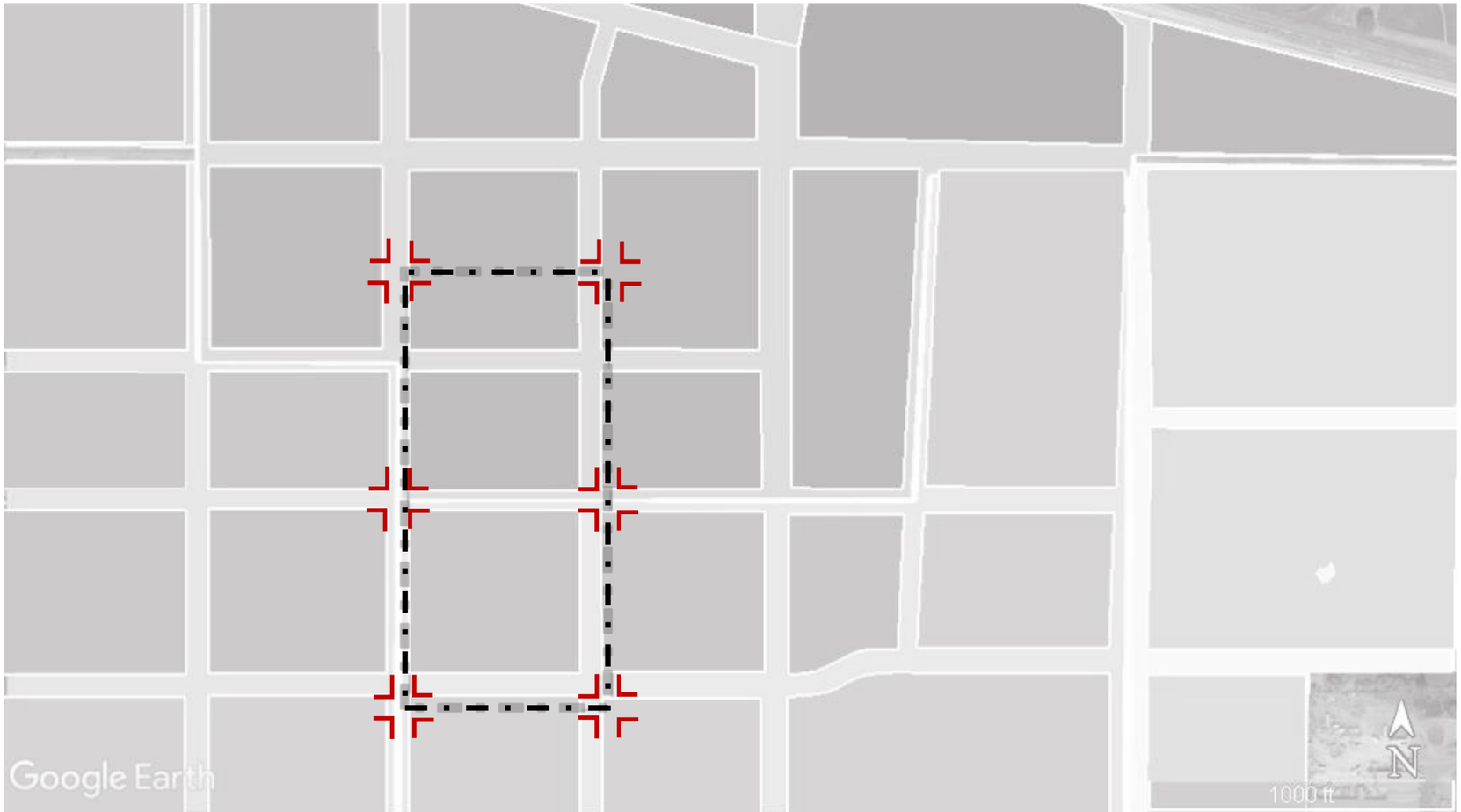
NOTE: All minor thoroughfares require a minimum of 32 feet of asphalt (Section 4.05.6.a).



Neighborhood Street

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 13: Intersection Assemblies

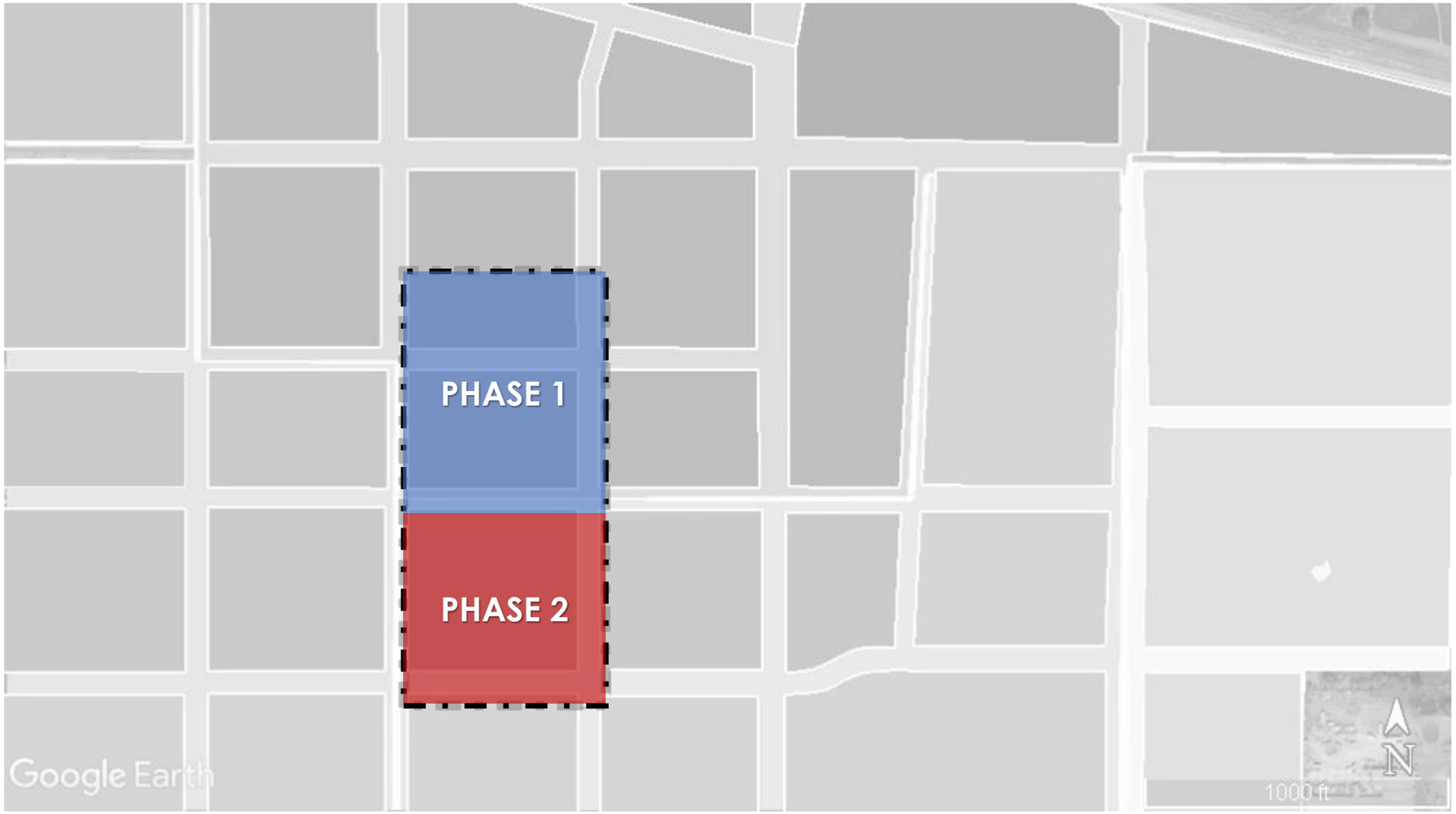


INTERSECTION TYPE	ST	BT	LT	DESCRIPTION	ILLUST
	Neighborhood Edge General Mixed-Use Office Core Mixed-Use	BT-1 BT-2 BT-3 BT-4 BT-5 BT-6	LT-1 LT-2 LT-3 LT-4 LT-5 LT-6 LT-7 LT-8 LT-9		
4-WAY INTERSECTION (4W)			x x x x x x x x x	A standard intersection between two continuous thoroughfares at or near right angles.	

4-WAY INTERSECTION

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 14: Phasing Plan

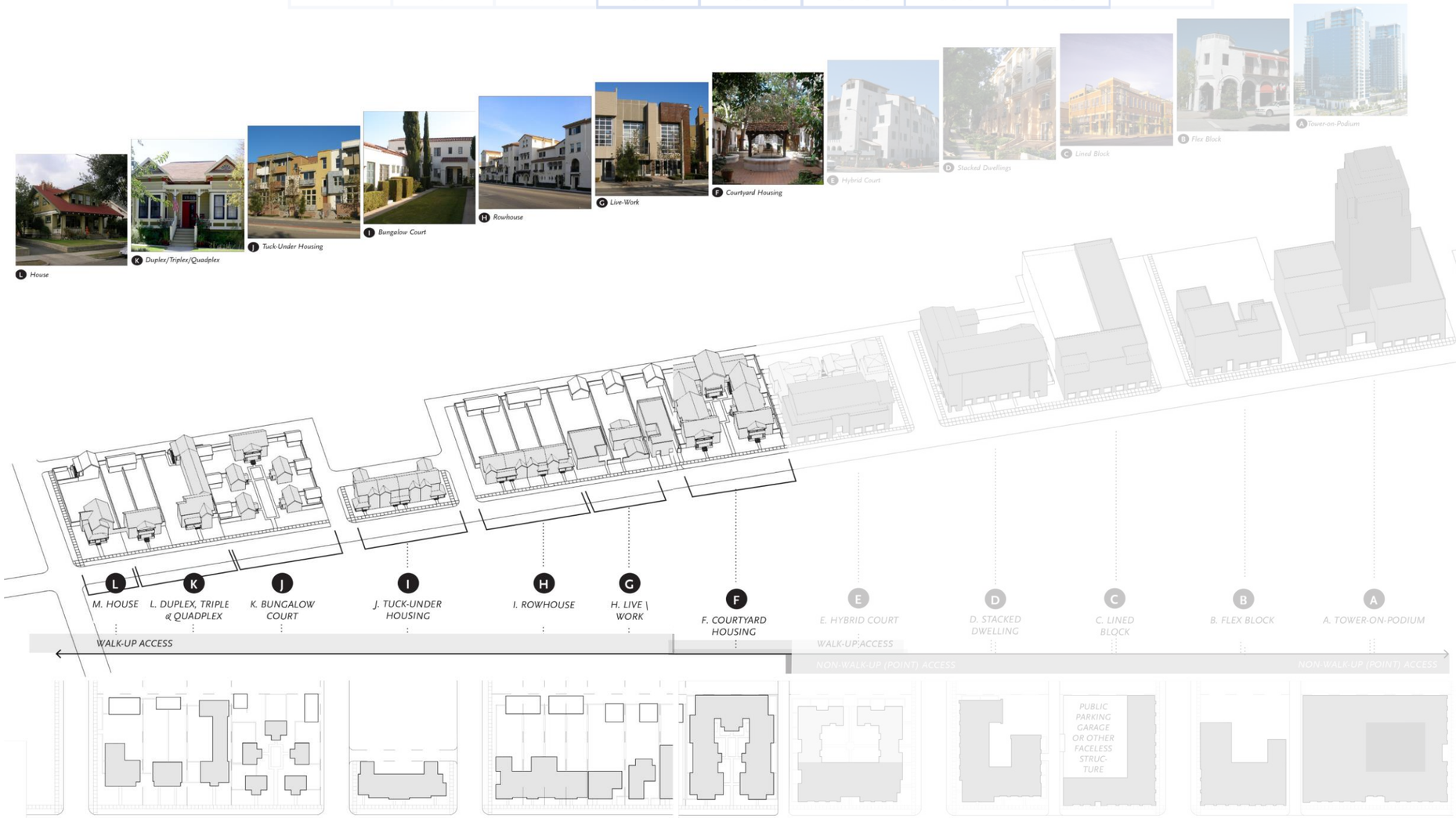


- As per Section 5.09.3 of the TOD zoning code future submissions, at the Block Plan level will identify sub-phases.
  "Phase numbers must be formatted as sub-phase numbers of the district framework plan in the format - district framework plan phase - block plan phase. (i.e. Phase 4-1, 4-2, 4-3, etc.)"

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 15: Conceptual Architectural Standards

LT-1	LT-2	LT-3	LT-4	LT-5	LT-6	LT-7	LT-8	LT-9
2 DUs per gross acre	4 DUs per gross acre	8 DUs per gross acre	14 DUs per gross acre	20 DUs per gross acre	30 DUs per gross acre	42 DUs per gross acre	50 DUs per gross acre	65 DUs per gross acre



Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 15: Conceptual Architectural Standards

LT-1	LT-2	LT-3	LT-4	LT-5	LT-6	LT-7	LT-8	LT-9
2 DUs per gross acre	4 DUs per gross acre	8 DUs per gross acre	14 DUs per gross acre	20 DUs per gross acre	30 DUs per gross acre	42 DUs per gross acre	50 DUs per gross acre	65 DUs per gross acre















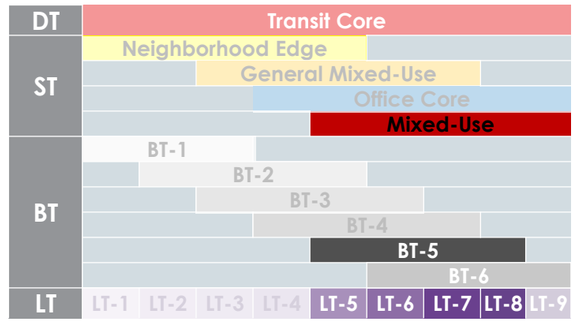


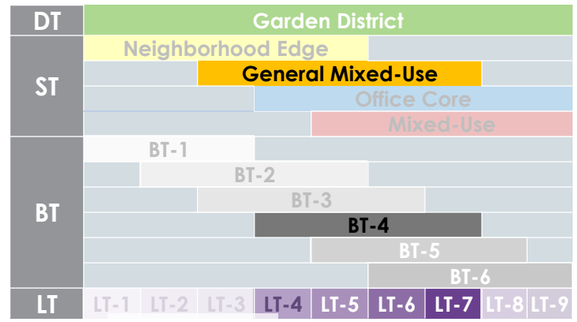
Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 16: Special Requirements



Ted Frandsen Blocks





Block Types

- Block Type 2 (BT-2)
- Block Type 3 (BT-3)
- Block Type 4 (BT-4)
- Block Type 5 (BT-5)
- Block Type 6 (BT-6)

Sub-Districts

- Office Core
- Mixed-Use Core
- General Mixed-Use
- Neighborhood Edg

Subject Property

Attachment: 2. District Framework Plan (Olive Tree District Framework)

EXHIBIT 16: Special Requirements



Parcel Boundaries

DT	Transit Core							
ST	Neighborhood Edge							
		General Mixed-Use						
			Office Core					
				Mixed-Use				
BT	BT-1							
		BT-2						
			BT-3					
				BT-4				
					BT-5			
						BT-6		
LT	LT-1	LT-2	LT-3	LT-4	LT-5	LT-6	LT-7	LT-8	LT-9

DT	Garden District							
ST	Neighborhood Edge							
		General Mixed-Use						
			Office Core					
				Mixed-Use				
BT	BT-1							
		BT-2						
			BT-3					
				BT-4				
					BT-5			
						BT-6		
LT	LT-1	LT-2	LT-3	LT-4	LT-5	LT-6	LT-7	LT-8	LT-9

Block Types

- Block Type 2 (BT-2)
- Block Type 3 (BT-3)
- Block Type 4 (BT-4)
- Block Type 5 (BT-5)
- Block Type 6 (BT-6)

Sub-Districts

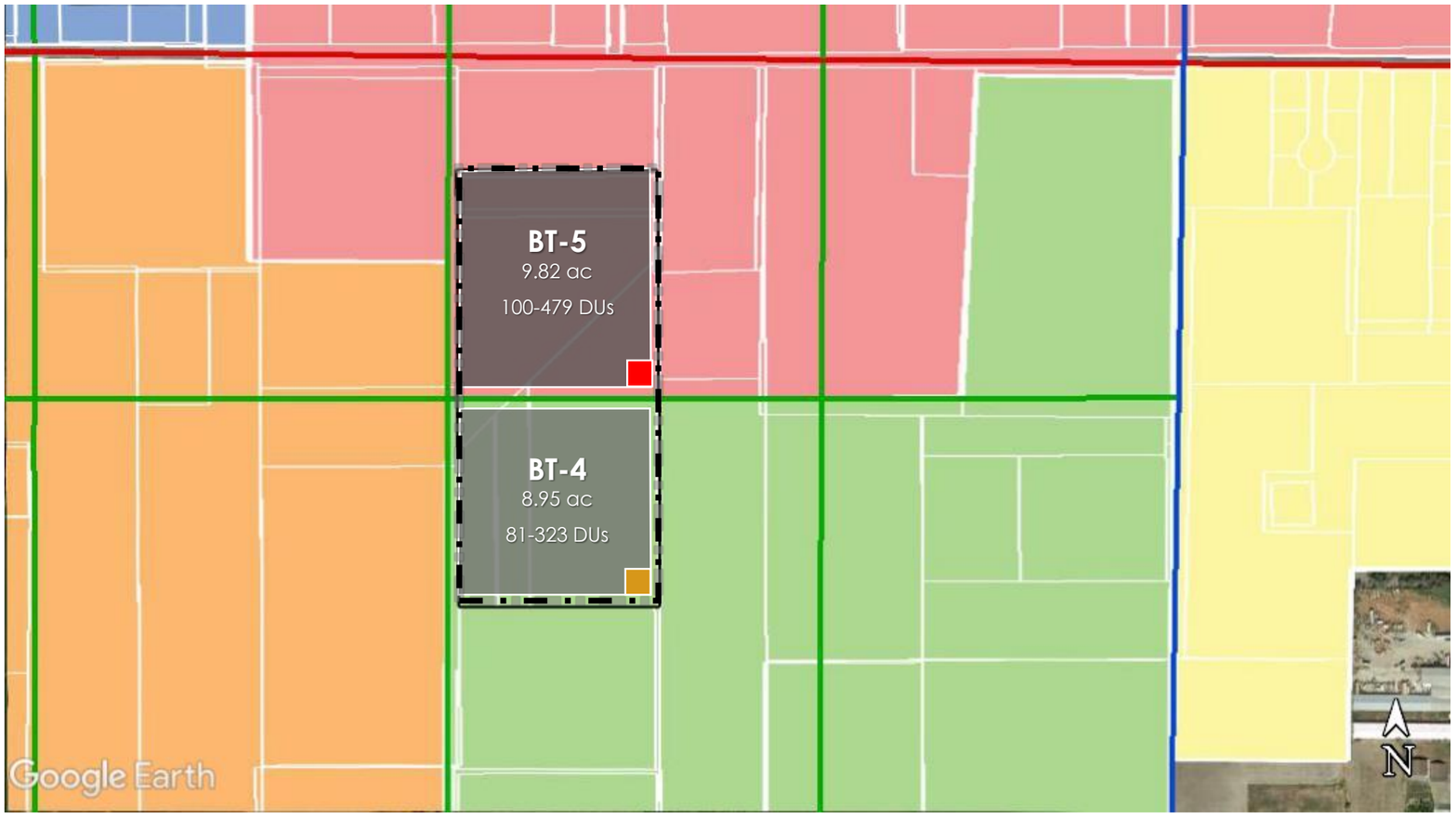
- Office Core
- Mixed-Use Core
- General Mixed-Use
- Neighborhood Edg

Subject Property

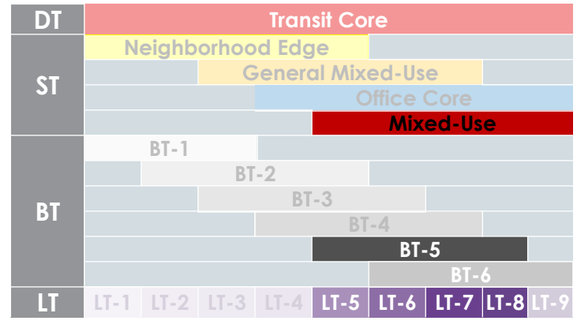
Attachment: 2. District Framework Plan (Olive Tree District Framework)

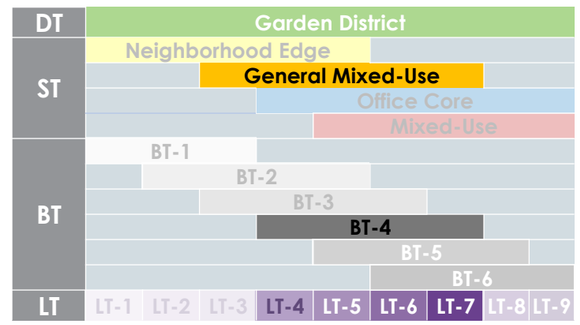
EXHIBIT 16: Special Requirements

NOTE: BT-5 will be subdivided into blocks < 8 acres in size at the Block Plan stage of approval (as per block size requirement identified in Table 4E of TOD Code).



Block Boundary Adjustments





Block Types

- Block Type 2 (BT-2)
- Block Type 3 (BT-3)
- Block Type 4 (BT-4)
- Block Type 5 (BT-5)
- Block Type 6 (BT-6)

Sub-Districts

- Office Core
- Mixed-Use Core
- General Mixed-Use
- Neighborhood Edg

Subject Property

Attachment: 2. District Framework Plan (Olive Tree District Framework)

REFERENCE: Transit Core

DT	Transit Core							
ST	Neighborhood Edge							
		General Mixed-Use						
			Office Core					
				Mixed-Use				
BT	BT-1							
		BT-2						
			BT-3					
				BT-4				
					BT-5			
						BT-6		
LT	LT-1	LT-2	LT-3	LT-4	LT-5	LT-6	LT-7	LT-8	LT-9

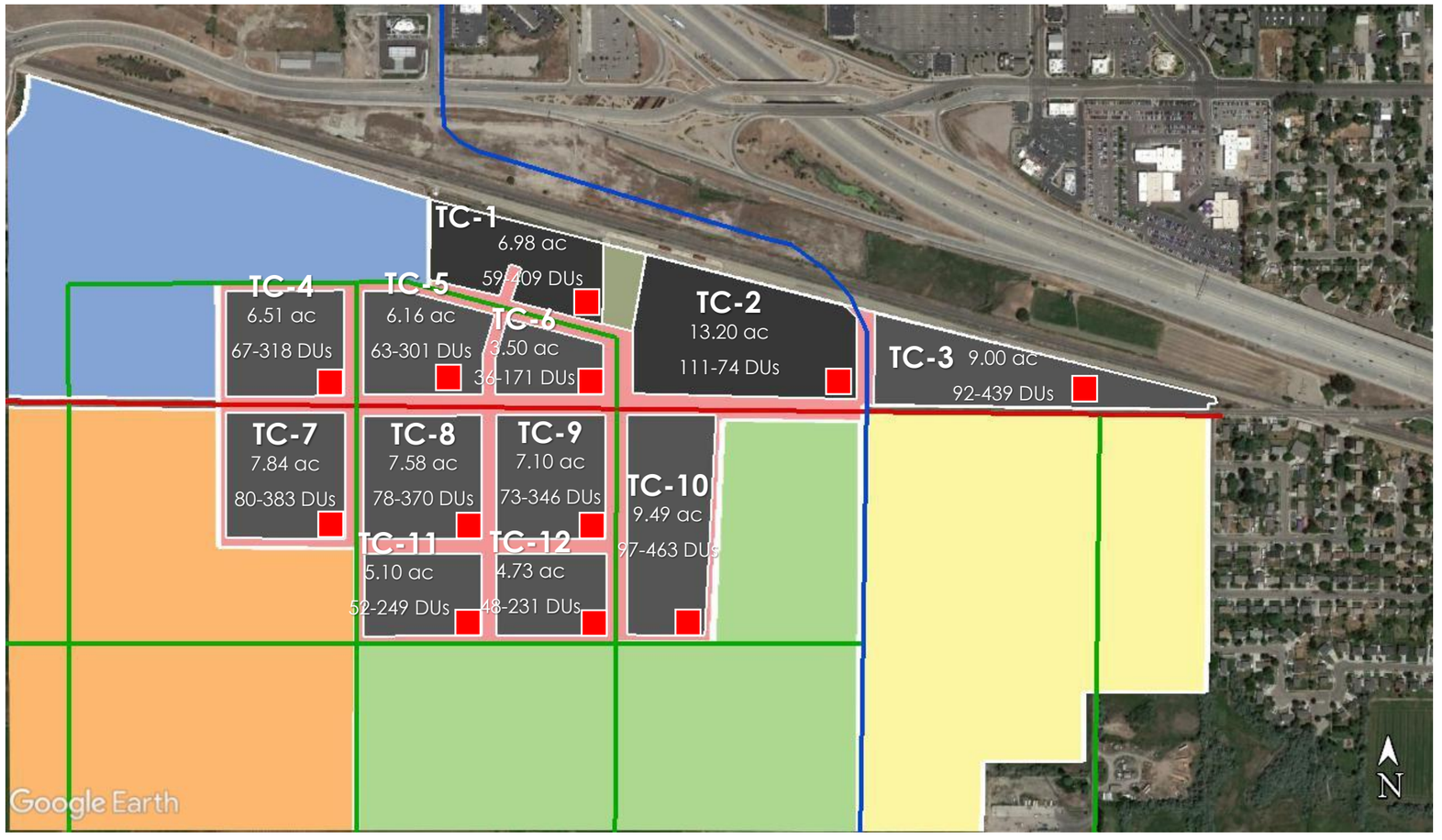
Block Types

- Block Type 2 (BT-2)
- Block Type 3 (BT-3)
- Block Type 4 (BT-4)
- Block Type 5 (BT-5)
- Block Type 6 (BT-6)

Sub-Districts

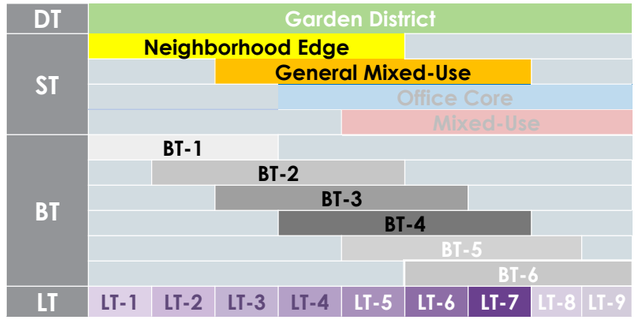
- Office Core
- Mixed-Use Core
- General Mixed-Use
- Neighborhood Edge

Transit Core			
- Low	392	9.4	430,985
- High	2,241	53.5	2,465,122



Attachment: 2. District Framework Plan (Olive Tree District Framework)

REFERENCE: Garden District



Block Types

- Block Type 2 (BT-2)
- Block Type 3 (BT-3)
- Block Type 4 (BT-4)
- Block Type 5 (BT-5)
- Block Type 6 (BT-6)

Sub-Districts

- Office Core
- Mixed-Use Core
- General Mixed-Use
- Neighborhood Edge

Garden District			
- Low	359	4.6	395,371
- High	1,588	20.1	1,746,573



Attachment: 2. District Framework Plan (Olive Tree District Framework)

AMERICAN FORK CITY
PLANNING COMMISSION

MEETING DATE: May 8, 2019
STAFF PRESENTATION: Adam Olsen

AGENDA TOPIC: Hearing, review and action on the Olive Tree Enterprises District Framework Plan, located in the area of 350 South 1000 West, in the TOD Transit Oriented Development zone.

BACKGROUND INFORMATION					
Location:		Approximately 350 South 1000 West			
Applicants:		Keystone Construction			
Existing Land Use:		Agriculture			
Proposed Land Use:		Mixed Use Commercial & Residential			
Surrounding Land Use:	North	Agriculture			
	South	Agriculture			
	East	Agriculture			
	West	Agriculture			
Existing Zoning:		TOD (Transit Oriented Development)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	Residential Agriculture 5 (Utah County)			
	South	TOD			
	East	Residential Agriculture 5 (Utah County)			
	West	TOD			
Land Use Plan Designation:		TOD (Transit Oriented Development)			
Zoning within density range?		x	Yes		No

Background

The area comprising of this District Framework Plan consists of approximately 22.4 acres. It is located in the area of 350 South 1000 West, and runs from north to south. The northern half lies within the Transit Core District, and the southern half lies within the Garden District. Within those districts, the Mixed-Use Core and General Mixed-Use sub-districts are present.

District Framework Plans are covered in Section 4 of the recently adopted TOD Code. A District Framework Plan lays the overall groundwork, or backbone, of forthcoming development. District Framework Plans proceed through Planning Commission and ultimately City Council. Following approval of a District Framework Plan, subsequent development submittals are reviewed and either approved or denied by staff; the exception being formal subdivision plats, which still proceed through Planning Commission and City Council. Per Section 4.01.3 of the Code, District Framework Plans

Attachment: 3. Staff Report (Olive Tree District Framework)

expire 24 months after approval "if not acted upon further through the submittal of a block plan". Extensions may be granted by the Council, if requested and deemed appropriate.

Section 4.02 of the TOD Code outlines submittal requirements for a District Framework Plan. Those requirements, as well as submission materials particular to this District Framework Plan, are detailed below.

Consistency with the Land Use Plan:

The Land Use Plan designates this area as "Transit Oriented Development". The District Framework Plan is consistent with the Land Use Plan designation.

Section 4.02 of the TOD Code, "Submission Requirements"

A District Framework Plan submittal must include the following exhibits:

a. Exhibit 1: Legal Description.

   A legal description of the area comprising the District Framework Plan has been submitted and labeled as Exhibit 1.

b. Exhibit 2: Boundary Survey.

   A boundary survey, highlighting the parcels included in the District Framework Plan, has been submitted and labeled as Exhibit 2.

c. Exhibit 3: Development Area Plan.

   The underlying Development Area Plan, adopted at the time of TOD Code approval, is provided and labeled as Exhibit 3. The area comprising the District Framework Plan is highlighted within the overall Development Area Plan; illustrating the districts (Transit Core and Garden District). The sub-districts (Mixed Use Core and General Mixed Use) are illustrated and labeled on Exhibit 6.

d. Exhibit 4: Boundary Map.

   Similar to the boundary survey provided in Exhibit 2, a boundary map has been submitted and labeled as Exhibit 4. Included in the boundary map is the following, as required:

   i. Name and ownership of the properties.
   ii. Acreage of the properties.
   iii. Boundaries of the properties.
   iv. Existing land use of all properties within 500 feet. Existing land use is currently agriculture.

Attachment: 3. Staff Report (Olive Tree District Framework)

e. Exhibit 5: Constraints Map.

A constraints map is intended to identify areas such as flood plain, wetlands, water bodies, or other sensitive lands. A constraints map has been submitted and labeled as Exhibit 5. This map identifies the following constraints within the area: a 20' wide TSSD easement, and a 30' wide Central Utah Water Conservancy District easement. All future submittals must work within the parameters of these constraints, and the plans reflective of such.

f. Exhibit 6: District Framework Plan

A district framework plan has been submitted and labeled as Exhibit 6. Included in the exhibit is the following, as required:

i. Block type boundaries and IDs and a data table including block type assignment, net acreage and gross acreage of each block type. This has been illustrated in the exhibit. The area of this District Framework Plan falls within block types 4 and 5. Block type locations have been identified, as have net and gross acreage of each block type.
ii. Civic district boundaries, and a data table including types, acreages, and any assigned uses. Civic spaces, such as open space, is identified as a percentage of required open space: 10-20% for Block Type 4, and 5-10% for Block Type 5, as required by the TOD Code. It is too early in the process to define where, exactly, this open space will lie. Open space requirements will be met utilizing the allowable types of open space as identified in the TOD Code (Section 7). Staff will ensure open space types and percentages are met, as future plans such as block and lot plans, are submitted.
iii. A data table including gross acreage and net acreage of the district, net acres of developable land and total acreage assigned to thoroughfares. This information is presented within the exhibit.
iv. A data table indicating the total aggregated gross acreage of each block type and civic district and percentage of the gross character district acreage.

g. Exhibit 7: Transportation Network Plan

A transportation network plan has been submitted and labeled as Exhibit 7. Included in the exhibit is the following, as required:

i. A key showing the thoroughfare network of the governing development area plan and the transportation master plan. The thoroughfare network of the underlying development area plan is illustrated, along with the corresponding street types (Neighborhood and Core Collectors) as identified in the City's Transportation Master Plan.

Attachment: 3. Staff Report (Olive Tree District Framework)

ii. Existing, new, and modified thoroughfares. Applicants are requesting modifications of local roads within the underlying operational overlay. They have worked with Engineering to propose relocations of future local roads, while preserving the integrity of the underlying operational overlay; as well as providing connections to adjacent properties. Engineering will be discussing this in greater detail.

iii. New and modified intersections. Intersection assemblies are identified and provided for in Exhibit 13.

iv. Existing, new, and relocated major utility easements. Existing utility easements, as identified in Exhibit 5 (Constraints Map), are identified and will remain as located.

v. A data table including all thoroughfares within the character district, indicating ownership, right-of-way widths, number of vehicular lanes, thoroughfare type, and transportation provisions.

h. Exhibit 8: Thoroughfare Naming Plan

A thoroughfare naming plan has been submitted and labeled as Exhibit 8. Included in the exhibit is the following, as required:

i. Names for each thoroughfare within the character district in accordance with the City's street naming ordinance. Exhibit 8 indicates the names of thoroughfares provided. These names are in accordance with the City's street naming system.

i. Exhibit 9: Bicycle Network Plan

A bicycle network plan has been submitted and labeled as Exhibit 9. Included in the exhibit is the following, as required:

i. Existing and new bicycle networks. The exhibit notes that there will be bicycle tracks and cycle tracks on each side of collector roads. 1100 West and 350 South will have colored concrete cycle tracks.

j. Exhibit 10: Traffic Study

Preliminary projected traffic counts for the TOD area, as a whole, have been provided and labeled as Exhibit 10.

k. Exhibit 11: Civic District Plan

An exhibit, noting the types of allowable open space for Block Types 4 and 5 has been presented. Exact locations and networks of open space will be identified in future reviews. Staff will ensure compliance to open space types, locations, and percentages in future reviews; pursuant to the applicable sections of the TOD Code.

Attachment: 3. Staff Report (Olive Tree District Framework)

l. Exhibit 12: Thoroughfare Assemblies

A thoroughfare assembly is provided and labeled as Exhibit 12. Three cross-sections and assembly types are labeled: Core Collector, Neighborhood Collector, and Neighborhood Street. Engineering will likely discuss in their report, and at the Planning Commission meeting, as the Applicants request modifications of some of the streets as identified in the Operational Overlay.

m. Exhibit 13: Intersection Assemblies

An intersection assembly exhibit has been provided and labeled as Exhibit 13. Types of proposed intersections are identified (4-way intersections).

n. Exhibit 14: Phasing Plan

A phasing plan, indicating phase boundaries and sequence of each phase, has been provided and labeled as Exhibit 14. The area will be developed in two phases, as indicated in the exhibit.

o. Exhibit 15: Detailed Architectural Standards

Conceptual architectural themes are provided and labeled as Exhibit 15. Refining of architectural standards and themes will be reviewed at future submittals. Themes are provided to give an idea of what may occur within the area constituting the District Framework Plan; however, approval of such standards is not part of a District Framework Plan approval.

p. Exhibit 16: Special Requirements.

Applicants request modifications of underlying operational overlay as it relates to some of the streets found within the District Framework Plan. Connectivity will be ensured to adjacent properties; as will provision of major streets as identified on the City's Master Transportation Plan. These roadways are requested to be adjusted to largely coincide with parcel boundaries. Realignment of 1000 West and 500 South, to coincide with block adjustments and property boundaries, is proposed. Realignment of certain streets may provide for alternate development unit allowances, as identified in Exhibit 16.

FINDING OF FACT

After reviewing the application for District Framework Plan approval, the following finding of fact is offered for consideration:

1. The District Framework Plan complies with the applicable requirements set forth in Section 4 of the TOD Code.

Attachment: 3. Staff Report (Olive Tree District Framework)

POTENTIAL MOTIONS

APPROVAL

Mr. Chairman, I move that we recommend approval of the District Framework Plan, with the finding as outlined in the staff report, and subject to any findings, conditions and modifications listed in the engineering report.

DENIAL

Mr. Chairman, I move that we recommend denial of the District Framework Plan.

Findings of denial may be attached to a recommendation of denial.

TABLE

Mr. Chairman, I move that we table action on the District Framework Plan.

AMERICAN FORK CITY ENGINEERING DIVISION
STAFF REPORT

Planning Commission Meeting Date: 5/8/2019

This report is a summary of the American Fork City Engineering Division plan review comments regarding the subject plan as submitted by the applicant for American Fork City Land Use Authority approval:

Project Name: Olive Tree District Framework Plan

Project Address: 350 South 1000 West

Developer / Applicant's Name: Keystone Construction/Commun1ty.One

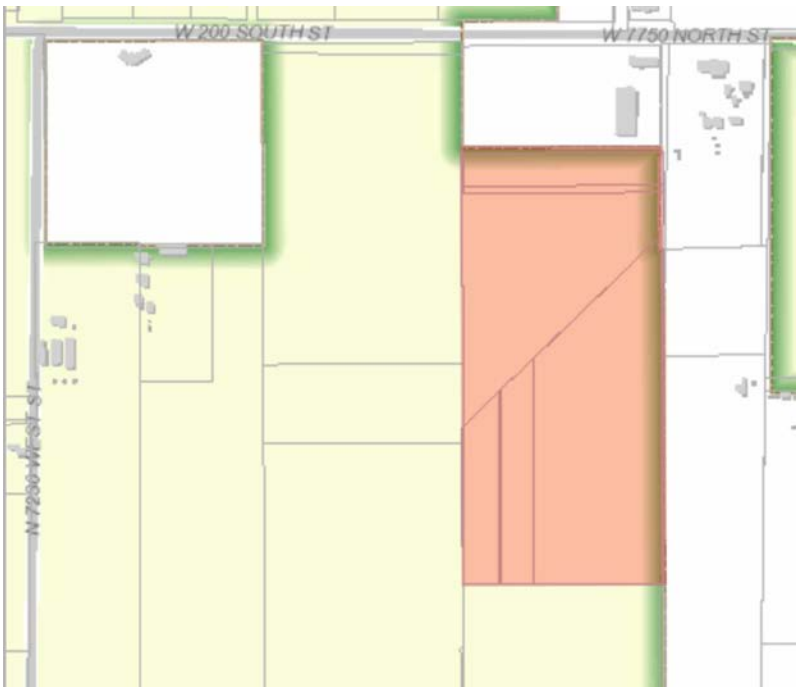
Type of Application:

- ☐ Subdivision Final Plat
- ☐ Subdivision Preliminary Plan
- ☐ Annexation
- ☐ Code Text Amendment
- ☐ General Plan Amendment
- ☐ Zone Change
- ☐ Commercial Site Plan
- ☒ District Framework Plan

Engineering Division Recommendation: The Engineering Division recommends APPROVAL of the proposed development subject to the following findings and conditions:

1. All Standard Conditions of Approval and items denoted as "Plan Modification(s) Required" in the 5/8/2019 Engineering Division Staff Report for the City Land Use Authority shall be addressed on all final project documents.

Project Map:



Attachment: 3. Staff Report (Olive Tree District Framework)

STANDARD CONDITIONS OF APPROVAL

Standard Conditions of Approval:

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
7. **Compliance with the Engineering Division Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, street light, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Plan Modifications Required:

1.

Attachment: 3. Staff Report (Olive Tree District Framework)

will connect to Harbor Village to the east, additional park space will be dedicated prior to construction. He has no additional concerns or questions.

Ms. Staten noted that there are several double-frontage homes. She is wondering what the code is for such homes, where the frontage will be, etc.

Mr. Olsen said that 700 South will not have access to those homes, it will be accessed by 720 South. Green space will be maintained by the HOA, with a fence at the end of the lot, similar to Harbor Village.

Ms. Staten reminded commissioners that the current wall has been damaged several times by vehicle accidents, she wondered how that would be handled in this plan.

Mr. Olsen said that he believes that it will be maintained by the HOA.

Public Hearing Opened

Public Hearing Closed

Mr. Garrett Seely, representing Woodside Plans, states that the HOA will maintain up to 10 feet behind property line.

Chairman Woffinden expressed displeasure with the geotechnical report and its conflicting water requirements. He indicated that he will oppose this proposed development and he hopes that it gets Earth Tec's attention.

Mr. Seeley said that basements will be prohibited. He said that the lack of trees on the street was an oversight.

Mr. Franson moved to approve the preliminary plan and recommend approval of the final plat of Stonecreek Plat C, with the findings and conditions as listed in the staff report and subject to any findings, conditions, and modifications listed in the engineering report.

Ms. Staten seconded the motion. Voting was as follows:

Chairman Woffinden	**Nay**
Christine Anderson	**Aye**
Eric Franson	**Aye**
Harold Dudley	**Aye**
Rebecca Staten	**Aye**
Rod Brocious	**Aye**

The motion carried.

8. Hearing, review and action on the Olive Tree Enterprises District Framework Plan located in the area of 350 South 1000 West

Mr. Olsen informed commissioners that this is the second district framework plan they are seeing. A district framework plan lays the groundwork for proposed development in the TOD zone. The district framework plan goes through planning commission and onto city council,

Attachment: 4. Minutes (Olive Tree District Framework)

but the fine details are worked out with the city staff. This particular district framework plan consists of around 22.5 acres in the area of 350 South 1000 West and runs north and south. The northern part lies within the transit core and the southern portion is in the garden district. The mixed-use core and general mixed-use districts are within this plan. Section 4 of the TOD code specifies the required exhibits, these have been provided and staff have met with the applicants several times to ensure that requirements are being met.

The boundary map shows current ownership and who owners and current use are 500 feet out. Any future development will comply with the districts and subdistricts requirements. Exhibit 5 is a constraints map, which shows the sewer and water easements and widths. This area of constraint was intended to be a regional open space corridor, which is being carried through the other district framework plans.

Open space requirements vary. In the core, it is 5-10% and the area to the south require 10-20% open space. Further in, they have illustrated the types of open space that can be used, staff will make sure that is incorporated.

Exhibit 16 illustrates what the developer was asking for consideration on and how they are potentially amending that. Staff recommends approval and moving this plan on to the city council.

Ms. Anderson expressed approval of the nice visual exhibits.

Mr. Hunter reported that there were a couple of exhibits that identify roadways, intersections, etc. Exhibit 7 identifies those on the master transportation plan. The applicant is complying with the master plan on 350 South and 1100 West. On Exhibit 12, staff will continually update the operational overlay to show connectivity between adjoining properties as parcels are developed, etc. Engineering Department watches to ensure that connectivity is maintained throughout adjoining parcels. The north block will have a connection that will also serve the adjoining east property. The south end of that block will be served by 350 South. The next connection to the south on the operational overlay will run into Willow Glen. Because that is an existing development and they can't connect through Willow Glen to the east, they have worked with Staff to tie onto the south end of Willow Glen to maintain connectivity. The proposed overlay modification is slightly different than the actual plan in the ordinance to account for this constraint.

Mr. Franson clarified that Mr. Hunter is happy with the overall transportation overlay, Mr. Hunter affirmed that he feels connectivity has been maintained.

Mr. Brocious expressed concern that he didn't see the optimal connectivity in the southern area. Mr. Hunter said that there will be an additional thoroughfare that goes in north of 350 South, this is shown in an additional exhibit. The exact location hasn't been proscribed yet. Where this property ends on the north side, there will be a required connector to the next northern property. They want the accessibility but don't want the roads too close to each other, so this is being worked out.

Attachment: 4. Minutes (Olive Tree District Framework)

Mr. Brocious asked if the TOD road cross-sections are the same as the master plan cross-sections. Mr. Hunter said that 350 South and 1100 West are the same, they were what was approved by city council. The other proposed thoroughfares meet the city requirements.

Public Hearing Opened

Public Hearing Closed

Mr. Mike Hathorne, representing Olive Tree and Keystone Construction, stated that they have worked hard to make sure they were clear in terms of what approvals they needed. Most issues were straightforward, but there were some that needed further guidance, i.e. connectivity inside the blocks. TOD code requires that blocks have a maximum size of 8 acres, some of their blocks exceed that and will have to be subdivided via a thoroughfare through the block. Final plans will address this subdivision to meet block size requirement. Also, we don't at this time have the detail to deal with open space requirements. There are different open space types allowed in different blocks. We're setting the stage by showing available choices. In Exhibit 16, some adjustments will need to be made regarding the size and ownership. Greater detail will come later, the property owner will work with what they have.

Chairman Woffinden suggested that more detail will follow, and Mr. Hathorne said that was the intention of the code. Operational overlays were intended to start conversations, the process is working as it was intended to.

Ms. Anderson asked if the city was ok with the last block adjustment request.

Mr. Hunter replied that their main concern was connectivity and making sure the blocks connect. By shifting blocks on the south end, 350 South would connect with the Willow Glen development. The Engineering Division is comfortable with the block adjustments.

Mr. Franson moved to recommend approval of the Olive Tree District Framework Plan, located in the area of 350 South 1000 West, with findings and conditions as listed in the staff report, and subject to any findings, conditions, and modifications listed in the engineering report.

Ms. Anderson seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**
Christine Anderson	**Aye**
Harold Dudley	**Aye**
Rod Brocious	**Aye**
Rebecca Staten	**Aye**
Eric Franson	**Aye**

The motion carried.

9. Review and action on a final plat for AF Med Properties Plat B located in the area of 200 North 1150 East in the PO-1 Professional Office and R-1-15,000 Residential zones

Attachment: 4. Minutes (Olive Tree District Framework)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Public Works **Director Approval** *Scott Sensanbaugher*

AGENDA ITEM Review and action on a resolution adopting the American Fork City Municipal Wastewater Planning Program for 2018.

SUMMARY RECOMMENDATION Staff recommends approval of the Resolution.

BACKGROUND Each year the City is required to complete a self-assessment of the sanitary sewer system report for the State of Utah, Department of Environmental Quality. The report addresses operations and maintenance, capital improvements projects, projected needs, history of sanitary sewer overflows, and staff certifications. The finalized document is attached.

BUDGET IMPACT N/A

SUGGESTED MOTION Mr. Mayor, I move we approve the resolution adopting the American Fork City Municipal Wastewater Planning Program for 2018.

SUPPORTING DOCUMENTS

05-28-19 - Wastewater Planning Program (DOCX)
2019 Annual Survey as submitted to DEQ 05-23-19 (PDF)

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE MUNICIPAL WASTEWATER PLANNING PROGRAM FOR 2018 FOR AMERICAN FORK CITY, UTAH.

BE IT RESOLVED that AMERICAN FORK informs the Water Quality Board the following actions were taken by the CITY COUNCIL

1. Reviewed the attached Municipal Wastewater Planning Program Report for 2018.
2. Have taken all appropriate actions necessary to maintain effluent requirements contained in the UPDES Permit (if applicable).

Passed by the American Fork City Council on May 28, 2019

Bradley J. Frost, Mayor

Terilyn Lurker, City Recorder

Attachment: 05-28-19 - Wastewater Planning Program (Municipal Wastewater Planning Program Resolution 2018)

Municipal Wastewater Planning Program (MWPP)
Annual Report
for the year ending 2018
AMERICAN FORK CITY

Thank you for filling out the reqested information. Please let DWQ know when it is approved by the Council.

Below is a summary of your responses

Download PDF

SUBMIT BY MAY 31, 2019

Are you the person responsible for completing this report for your organization?

- (●) **Yes**
- ( ) No

This is the current information recorded for your facility:

Facility Name:	AMERICAN FORK CITY
Contact - First Name:	Scott
Contact - Last Name:	Sensanbaugher

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

Contact - Title	Public Works Dir.
Contact - Phone:	801-763-3060
Contact - Email:	ssensanbaugher@afcity.net

Is this information above complete and correct?

- (●) **Yes**
- ( ) No

Your wastewater system is described as Collection & Financial:

Classification: COLLECTION
Grade: III

(if applicable)

Classification: -
Grade: -

Is this correct?
WARNING: If you select 'no', you will no longer have access to this form upon clicking Save & Continue. DWQ will update the information and contact you again.

- (●) **Yes**
- ( ) No

Click on a link below to view examples of sections in the survey:
(Your wastewater system is described as Collection & Financial)

MWPP Collection System.pdf
MWPP Discharging Lagoon.pdf
MWPP Financial Evaluation.pdf

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

MWPP Mechanical Plant.pdf
MWPP Non-Discharging Lagoon.pdf

Will multiple people be required to fill out this form?

- ◯ Yes
- ◉ **No**

Please update the information for the person in charge of filling out each section.

	Email ex. john@email.com	Name (first and last)	Notes These notes will be sent in the invite email
Financial Evaluation	ssensanbaugher@afcity.net	Scott Sensanbaugher	Kyle will get us the information, then I can enter it in. Aaron
Collection System	ahardy@afcity.net	Ashton Hardy	Please fill out your information on the form.
Review, sign and submit	ssensanbaugher@afcity.net	Scott Sensanbaugher	

Click 'Yes' to send an email to each responsible person with the notes you've included (if any) with a link to the forms and to receive updates

- ◉ **Yes, send the link to this form for the next person to fill out.**
- ◯ Continue filling out the form myself and send the link to others later.

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

Form completed by:

Scott Sensanbaugher

What was the User Charge[16] for 2018?

616.68

Part 1: OPERATION AND MAINTENANCE

	Yes	No
Are property taxes or other assessments applied to the sewer systems[15]?	○	◉
Are sewer revenues[14] sufficient to cover operations & maintenance costs[9], and repair & replacement costs[12] (OM&R) at this time?	◉	○
Are projected sewer revenues sufficient to cover OM&R costs for the ***next five years***?	◉	○
Does the sewer system have sufficient staff to provide proper OM&R?	◉	○
Has a repair and replacement sinking fund[13] been established for the sewer system?	○	◉
Is the repair & replacement sinking fund sufficient to meet anticipated needs?	◉	○

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

Part II: CAPITAL IMPROVEMENTS

	Yes	No
Are sewer revenues sufficient to cover all costs of current capital improvements[3] projects?	◉	○
Has a Capital Improvements Reserve Fund[4] been established to provide for anticipated capital improvement projects?	○	◉
Are projected Capital Improvements Reserve Funds sufficient for the ***next five years***?	◉	○
Are projected Capital Improvements Reserve Funds sufficient for the ***next ten years***?	◉	○
Are projected Capital Improvements Reserve Funds sufficient for the ***next twenty years***?	◉	○

Part III: GENERAL QUESTIONS

	Yes	No
Are sewer revenues maintained in a dedicated purpose enterprise/district account?	◉	○
Are you collecting 95% or more of your anticipated sewer revenue?	◉	○
Are Debt Service Reserve Fund[6] requirements being met?	◉	○

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

Part IV: FISCAL SUSTAINABILITY REVIEW

	Yes	No

	Yes	No
Have you completed a Rate Study[11] within the last five years?	◉	○
Do you charge Impact fees[8]?	◉	○
Have you completed an Impact Fee Study in accordance with UCA 11-36a-3 within the last five years?	◉	○
Do you maintain a Plan of Operations[10]?	◉	○
Have you updated your Capital Facility Plan[2] within the last five years?	◉	○
Do you use an Asset Management[1] system for your sewer systems?	○	◉
Do you know the total replacement cost of your sewer system capital assets?	○	◉
Do you fund sewer system capital improvements annually with sewer revenues at 2% or more of the total replacement cost?	○	◉

Part IV: PROJECTED NEEDS

Cost of projected capital improvements

Please enter a valid numerical value.

2019	537,904
2020	1,587,303
2021	852,000
2022	865,800

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

2023	900,432
2024	936,929

This is the end of the Financial questions

To the best of my knowledge, the Financial section is completed and accurate.

- [x] **Yes**

Collection System Section

Form completed by:

May Receive Continuing Education /units (CEUs)

Scott Sensanbaugher

Part I: SYSTEM AGE

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

What year was your collection system first constructed (approximately)?

What year was your collection system first constructed (approximately)?

4.14.b

1950

What year was the the oldest part of your collection system constructed, replaced, or renewed?

1950

PART II: DISCHARGES

How many days last year was there a sewage bypass, overflow or basement flooding in the system due to rain or snowmelt?

0

How many days last year was there a sewage bypass, overflow or basement flooding due to equipment failure (except plugged laterals)?

0

The Utah Sewer Management Program defines two classes of sanitary sewer overflows (SSOs):

Class 1- a Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that:

(a) affects more than five private structures;

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

(b) affects one or more public, commercial or industrial structure(s);
(c) may result in a public health risk to the general public;
(d) has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or
(e) discharges to Waters of the state.

Class 2 - a Non-Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that does not meet the Class 1 SSO criteria.

Below include the number of SSOs that occurred in year: 2018

	Number
Number of Class 1 SSOs in Calendar year	0
Number of Class 2 SSOs in Calendar year	0

Please indicate what caused the SSO(s) in the previous question.

None.

Please specify whether the SSOs were caused by contract or tributary community, etc.

None.

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

Part III: NEW DEVELOPMENT

Did an industry or other development enter the community or expand production in the past two years, such that flow or wastewater loadings to the sewerage system increased by 10% or more?

- ○ Yes
- ◉ **No**

Are new developments (industrial, commercial, or residential) anticipated in the next 2 - 3 years that will increase flow or BOD5 loadings to the sewerage system by 25% or more?

- ○ Yes
- ◉ **No**

Number of new commercial/industrial connections in the last year

89

Number of new residential sewer connections added in the last year

257

Equivalent residential connections[7] served

9,468

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

Part IV: OPERATOR CERTIFICATION

How many collection system operators do you employ?

4

Approximate population served

29,000

State of Utah Administrative Rules requires all public system operators considered to be in Direct-Responsible-Charge (DRC) to be appropriately certified at lease at the Facility's Grade.

List the designated Chief Operator/DRC for the Collection System below:

	Name First and Last Name	Grade	Email Please enter full email address
Chief Operator/DRC	Ashton Hardy	IV	ahardy@afcity.net

List all other Collection System operators with DRC responsibilities in the field, by certification grade, separate names by commas:

	Name separate by comma

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

	Name separate by comma
SLS[17] Grade I:	None
Collection Grade I:	None
Collection Grade II:	None
Collection Grade III:	None
Collection Grade IV:	Taylor Welcker

4.14.b

List all other Collection System operators by certification grade, separate names by commas:

	Name separate by comma
SLS[17] Grade I:	None
Collection Grade I:	None
Collection Grade II:	None
Collection Grade III:	None
Collection Grade IV:	Clayton Oxborrow, Barry Dayton, John Varney

Is/are your collection DRC operator(s) currently certified at the appropriate grade for this facility?

- (●) **Yes**
- ( ) No

Part V: FACILITY MAINTENANCE

	Yes	No
Have you implemented a preventative		

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

	Yes	No
maintenance program for your collection system?	◉	○
Have you updated the collection system operations and maintenance manual within the past 5 years?	○	◉
Do you have a written emergency response plan for sewer systems?	◉	○
Do you have a written safety plan for sewer systems?	◉	○

Part VI: SSMP EVALUATION

	Yes	No
Has your system completed a Sewer System Management Plan (SSMP)?	◉	○
Has the SSMP been adopted by the permittee's governing body at a public meeting?	◉	○
Has the completed SSMP been public noticed?	◉	○
During the annual assessment of the SSMP, were any adjustments needed based on the performance of the plan?	○	◉

Date of Public Notice

08/27/2013

During 2018, was any part of the SSMP audited as part of the five year

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

audit?

4.14.b

- ○ Yes
- ◉ **No**

Have you completed a System Evaluation and Capacity Assurance Plan (SECAP) as defined by the Utah Sewer Management Program?

- ◉ **Yes**
- ○ No

Part VII: NARRATIVE EVALUATION

This section should be completed with the system operators.

Describe the physical condition of the sewerage system: (lift stations, etc. included)

The system in very good condition as noted in our 2017 Master Plan. We have done many improvements over the last several years.

What sewerage system capital improvements[3] does the utility need to implement in the next 10 years?

Continue with sewer improvements based on the 2017 master plan. These include pipe upsizing and infiltration reduction measures.

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

What sewerage system problems, other than plugging, have you had over the last year?

4.14.b

None.

Is your utility currently preparing or updating its capital facility plan[2]?

- (●) **Yes**
- ( ) No

Does the municipality/district pay for the continuing education expenses of operators?

- (●) **100% Covered**
- ( ) Partially cover
- ( ) Does not pay

Is there a written policy regarding continuing education and training for wastewater operators?

- (●) **Yes**
- ( ) No

Any additional comments?

None.

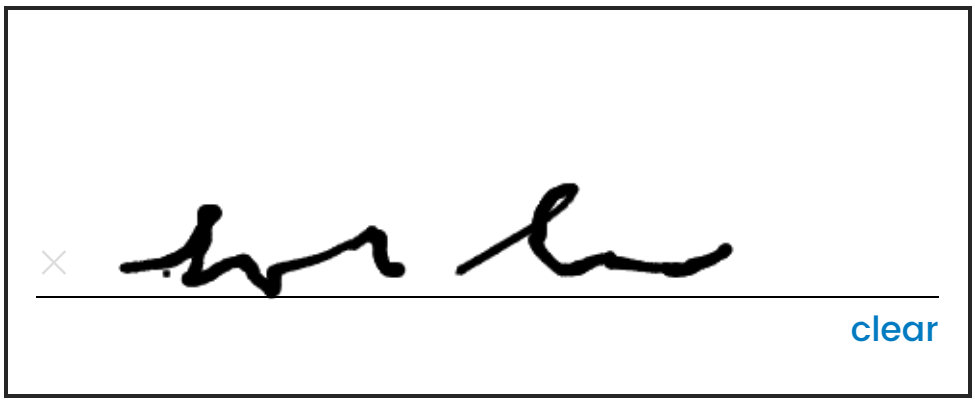
Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

This is the end of the Collection System questions

To the best of my knowledge, the Collection System section is completed and accurate.

- [x] **Yes**

I have reviewed this report and to the best of my knowledge the information provided in this report is correct.



Has this been adopted by the council? If no, what date will it be presented to the council?

- ○ Yes
- ◉ **No**

What date will it be presented to the council?

Date format ex. mm/dd/yyyy

05/28/2019

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

Please log in.

Email ssensanbaugher@afcity.net

PIN ••••

NOTE: This questionnaire has been compiled for your benefit to assist you in evaluating the technical and financial needs of your wastewater systems. If you received financial assistance from the Water Quality Board, annual submittal of this report is a condition of that assistance. Please answer questions as accurately as possible to give you the best evaluation of your facility. If you need assistance, please send an email to wqinfodata@utah.gov and we will contact you as soon as possible. You may also visit our Frequently Asked Questions page.

Powered by Qualtrics

Attachment: 2019 Annual Survey as submitted to DEQ 05-23-19 (Municipal Wastewater Planning Program Resolution 2018)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Finance **Director Approval** *Kyle Maurer*

AGENDA ITEM Review and Approval of Fund Balance Policy for the General Fund

SUMMARY RECOMMENDATION
Staff would recommend approval.

BACKGROUND
The need for an updated General Fund balance policy was discussed at this year's City Council and staff budget retreat. A draft policy was discussed during the May 7, 2019, City Council work session. Based on feedback, an updated fund balance policy has been created. This policy would replace Resolution 2011-01-01R, which was passed on January 25, 2011.

BUDGET IMPACT
Passage of this resolution will require a contribution to the General Fund's fund balance of 10% in fiscal years when revenues exceed expenditures.

SUGGESTED MOTION
I move to repeal Resolution 2011-01-01R, a Resolution Stabilizing the Allowable General Fund Fund Balance, and replace with this fund balance policy resolution.

SUPPORTING DOCUMENTS

Fund Balance Policy (PDF)
2011-01-01R - Fund Balance

American Fork City

Fund Balance Policy for the General Fund

Purpose

This policy strives to ensure the City maintains adequate fund balances and reserves in the General Fund in order to:

- Provide sufficient cash flow for daily financial needs.
- Secure and maintain investment grade bond ratings.
- Offset significant economic downturns or revenue shortfalls.
- Provide funds for unforeseen expenditures related to emergencies.

For purposes of this Policy, the definition of "reserves" is limited to committed, assigned, and unassigned fund balance categories as defined by Generally Accepted Accounting Principles (GAAP).

Amounts Held in Reserve

The City will strive to maintain a minimum level of reserves in the General Fund equivalent to 2 months of regular operating revenues and a maximum reserve as allowed by state law (currently 25% of revenues, excluding other financing sources). This amount will be calculated by taking the General Fund revenues for the year (excluding other financing sources) and dividing by 6. Under no circumstances will fund balance be lower or higher than allowed by state law (currently 5% minimum and 25% maximum).

The amount in reserves will be calculated by adding the fiscal year ending committed, assigned, and unassigned fund balances less fund balance appropriated in the subsequent fiscal year.

The City will seek to achieve recommended minimum and maximum fund balances by increasing fund balance 10% a year until the 25% maximum is reached. Fund balance will be increased in years when revenues exceed expenditures, or when the City has excess one-time revenues. In the case of revenues exceeding expenditures in excess of the 10% contribution, or if the City is at the 25% maximum, the difference will be transferred to the Capital Projects fund for future City Council appropriation.

In the event reserves are used resulting in a balance below the 2-month minimum, a plan for replenishment will be developed and included in the five-year financial forecast presented during the annual budget process.

Conditions for Use of Reserves

The use of reserves shall be limited to unanticipated, non-recurring needs, or anticipated future obligations. Fund balances shall not be used for normal or recurring annual operating expenditures.

The City Administrator is authorized to make recommendations to the City Council for use of reserves. A majority vote of the City Council will be required to use reserves. Any recommendation shall be accompanied by a proposal for the replacement of reserves to the City Council.

Attachment: Fund Balance Policy (General Fund Balance Policy)

American Fork City

Fund Balance Policy for the General Fund

Purpose

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Attachment: Fund Balance Policy (General Fund Balance Policy)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Public Works **Director Approval** *Scott Sensanbaugher*

AGENDA ITEM Review and action on the award of a Janitorial Contract for City buildings

SUMMARY RECOMMENDATION The City Engineer recommends approval of the janitorial contract award to Absolute Janitorial Services, based on their proposal of $169,989.12, annually, submitted in accordance with a request for proposals advertised on December 20, 2018.

BACKGROUND

Under the direction of the City Administrator, staff from Public Works prepared a Request for Proposals (RFP) and advertised this RFP on December 20, 2018. RFPs were advertised electronically through the SciQuest website. On January 7, 2019, ten (10) proposals were received for this work.

A committee of five (5) completed a review of the proposals and combined the scores. Of the proposals, it was unanimous that the top scoring company was Absolute Janitorial Services.

BUDGET IMPACT Funding for this project has been allocated in Building Maintenance 10-4160-800.

SUGGESTED MOTION Mr. Mayor, I move that we accept the bid submitted by Absolute Janitorial Services for a janitorial contract in the amount of $169,989.12, and approve the contract as presented.

SUPPORTING DOCUMENTS

Janitorial Services Contract (PDF)

Exhibit "F"
AGREEMENT FOR JANITORIAL SERVICES

Janitorial Services

This Agreement (hereinafter referred to as "Agreement") is entered into this ____ day of _____, 20__ by and between Absolute Janitorial Services, with its principal place of business at 1296 West 635 South, Orem, Utah 84058 (hereinafter referred to as "Engineer"), and American Fork City, a municipal corporation with its principal place of business at 51 East Main Street, American Fork, Utah 84003 (hereinafter referred to as "City") (collectively referred to herein as the "Parties").

RECITALS

WHEREAS, Company is engaged in the business and profession of janitorial services;

WHEREAS, City desires to contract with Company for certain professional janitorial services.

WHEREAS, Company has the necessary expertise and experience to perform the said janitorial services for City and Company and is properly qualified and licensed in the State of Utah;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

AGREEMENT

1. Term; Termination.

a. The term of this Agreement shall be one year from the Effective date of this Agreement.

b. Notwithstanding anything contrary contained herein, City may terminate this Agreement at any time by giving Company written notice in accordance with the notice provisions set forth herein. Upon receipt of such notice, Company shall cease all work undertaken hereunder. In the event City terminates this Agreement without cause prior to the conclusion of the term, City shall pay to Company a sum of $169,989.12.

c. Company may terminate this Agreement at any time with thirty (30) day written notice to City in accordance with the notice provisions set forth herein. Upon City's receipt of notice of termination from Company, City may request the stop of services prior to the conclusion of the thirty (30) day period without penalty.

d. Upon termination of this Agreement by either party, Company shall provide a final invoice to City, showing all costs incurred but unpaid, and the City shall pay such costs. Payment of final invoice shall be made consistent with Section 4 herein.

2. Scope of Services. The scope of services pursuant to this Agreement shall be limited to janitorial services. Specific Services shall be as set forth in Attachment A.

Attachment: Janitorial Services Contract (Janitorial Contract)

3. Compensation. In consideration of the services provided to City by Company, City shall pay Company in accordance with the Service and Fee Schedule set forth in Attachment B.

4. Invoice; Payment.

a. For services rendered hereunder, Company shall invoice monthly for services provided in accordance with the approved Service and Fee Schedule. Company shall submit monthly invoices to City showing the work completed and the amount of compensation due. Company shall submit invoices for work done in a timely manner. City shall not be required to pay for work that is invoiced more than 60 days after it was performed.

b. Payment of undisputed amounts shall be due and payable thirty (30) days after the City's receipt of the invoice.

c. In the event amounts are not paid in full within thirty (30) days of City's receipt of the invoice, City agrees to pay interest at the rate of one and one-half percent (1.5%) per month on any and all unpaid balance of services, costs, and expenses.

d. City consents to Company's immediate withdrawal and termination of this Agreement should the account become more than thirty (30) days delinquent. Further, in the event of default, Company may pursue any and all remedies available at law or in equity.

e. In the event an amount is disputed, City shall notify Company in writing of its dispute within thirty (30) days. The parties shall make a good faith effort to resolve the disputed amount. If correspondence does not resolve the dispute, the parties or their respective representatives shall meet in person on at least one occasion and attempt to resolve the matter prior to pursuing litigation.

5. Relationship of Parties.

Company, its agents, and employees shall be an independent contractor performing janitorial services for the City. Nothing contained in this Agreement shall be construed to create a relationship of employer and employee, principal and agent, or partners or co-venture between City and Company. As independent contractors, Company, its agents, and employees shall not qualify for or receive any employee benefits from the City, including but not limited to, leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to City employees.

6. Employees and Subcontractors.

Company shall be solely responsible for the payment of wages, salary or benefits to any and all employees or contractors retained by Company in the performance of the services under this Agreement. Company agrees to abide by all applicable employment laws and regulations and to indemnify, defend and hold harmless City from any and all claims that may arise from the Company's relationship to its employees and subcontractors.

7. Indemnification.

Company shall indemnify the City and hold it harmless against any and all claims, liabilities, or causes of action relating to or arising out of the Company's failure to perform the services described herein, or the intentional or negligent acts of its employees, in the course of performing under this contract.

8. Standard of Performance; Licenses.

Company agrees and represents that it has the personnel, experience, and knowledge necessary to qualify it for the particular duties to be performed under this Agreement. Company shall maintain all required licenses throughout the term of this Agreement. Company shall require and ensure that all of Company's employees and subcontractors maintain all required licenses.

9. Insurance.

Company shall maintain liability insurance, at its own expense, to protect City from any negligent acts, errors, or omissions on the part of Company. Notwithstanding the existence of professional liability insurance, the total aggregate of Company's liability to all parties related to this Agreement shall not exceed one million dollars ($1,000,000.00).

10. Time is of the Essence; Liquidated Damages.

City and Company agree that time is of the essence with regard to this agreement as to each covenant, term, condition, representation, warranty and provision hereof.

11. Notice.

All notices under this Agreement will be in writing and will be deemed to have been duly given if delivered personally or by a nationally recognized courier service or mailed by registered or certified national mail service, return receipt requested, postage prepaid, to the Parties at the addresses set forth below. All notices under this Agreement that are addressed as provided in this Section. If delivered personally or by nationally recognized courier service, notice will be deemed given upon delivery. If delivered by mail in the manner described above, notice will be deemed given on the date received by the recipient as reflected in the return receipt. All notices shall be directed to the Parties hereto as follows:

CITY:

American Fork City
Attn: David Bunker
51 East Main Street
American Fork, Utah 84003
Phone: (801) 763-3000
Email: dbunker@afcity.net

With a copy to (which shall not constitute notice):

American Fork City Public Works
Attn: Scott Sensanbaugher
275 East 200 North
American Fork, Utah 84003
Phone: (801) 763-3060
ssensanbaugher@afcity.net

COMPANY:

12. Waiver.

Unless otherwise indicated herein, failure by any party to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement, or to exercise any right or remedy consequent upon a breach thereof, shall not constitute a waiver of any such breach of any other covenant, agreement, term, or condition. Any party, by notice delivered in the manner provided in this Agreement, may, but shall be under no obligation to waive any of its rights and any conditions to its obligation hereunder, or any duty, obligation, or covenant of any other party. No waiver shall affect or alter the remainder of this Agreement, but each and every covenant, agreement, term, and condition shall continue in full force with respect to any other then existing or subsequently occurring breach. To be effective a waiver must be signed by both parties hereto.

13. Compliance with Laws and Policies.

In the performance of their obligations hereunder, the parties shall obey and abide by all applicable laws, rules and regulations, and with all applicable ordinances, policies and procedures. Both parties shall abide by all applicable federal and state laws, rules, regulations, and executive orders pertaining to equal employment opportunity; pursuant thereto, shall assure that no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from employment with, participation in, be denied the benefits of or be otherwise subjected to discrimination under, any program or activity performed under this Agreement; and to promptly take appropriate steps to correct any deficiency that may be found to occur in compliance with such laws and rules.

14. Rights and Remedies.

The rights and remedies of any of the parties hereto shall not be exclusive. In general, the respective rights and obligations hereunder shall be enforceable by specific performance, injunction, or other equitable remedy, but nothing herein contained is intended to or shall limit or affect any rights at law or by statute or otherwise of any party aggrieved as against the other party for a breach or threatened breach of any provisions hereof, it being the intention of this Paragraph to make clear the agreement of the parties that the respective rights and obligations of the parties hereunder shall be enforceable in equity as well as to law or otherwise.

15. Entire Agreement.

This Agreement and the exhibits attached hereto constitute the entire agreement between the Parties on the Subject matter covered herein and this Agreement supersedes any and all prior agreements between the Parties related to the services. The Parties represent and acknowledge that they have not relied on any statements or promises of any kind other than those specifically set forth in this Agreement.

16. Amendments.

This Agreement may only be amended in writing signed by each of the Parties hereto. If, as the result of legislative action or rule-making, any of the provisions of this Agreement becomes inconsistent with Utah law, the Parties will promptly meet to negotiate in good faith such amendments as may be necessary to comply with Utah law.

17. Force Majeure.

Neither City nor Company shall be liable for any delay in the performance of this Agreement, nor for any other breach, nor for any loss or damage arising from uncontrollable forces such as fire, theft, storm, war, or any other force majeure that could not have been reasonably avoided by exercise of due diligence.

18. Section Headings.

The headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.

19. Severability.

In any provision of this Agreement shall be held or deemed to be, or shall in fact be, invalid, inoperative or unenforceable to any extent, the remainder of this Agreement shall not be impaired and shall be enforced to the fullest extent permitted by law.

20. Counterparts.

This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed an original, but all of which together shall constitute one instrument.

21. Choice of Law.

The interpretation of this Agreement and any claim or controversy arising out of or related to this Agreement shall be governed by the laws of the State of Utah. Jurisdiction and venue for the enforcement of this Agreement shall be found exclusively in the courts of Utah County, State of Utah. Each of the parties irrevocably submits to the exclusive jurisdiction of such courts in any proceeding, waives any objection it may now or hereafter have to venue or to convenience of forum, agrees that all claims in respect of any proceeding shall be heard and determined only in any such court and agrees not to bring any proceeding arising out of or relating to this Agreement in any other court

22. Confidentiality.

Any confidential information provided to or developed by the Consultant in the performance of this Agreement shall be kept confidential and shall not be revealed or made available to any person by the Consultant without the prior written approval of the City. This provision shall survive any termination of this Agreement.

23. Assignment.

This Agreement may not be assigned by either party without the written consent of the other party. If consent to an assignment is obtained, this Agreement is binding on the successors and assigns of the Parties to this Agreement.

24. Attorney Fees; Costs.

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

25. Authority.

The individual(s) executing this Agreement on behalf of, or as a representative for a corporation or other person, firm, partnership or government entity, represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of the corporation, person, firm, partnership or government entity and that this Agreement is binding upon the entity in accordance with its terms.

Signature Page Follows

Attachment: Janitorial Services Contract (Janitorial Contract)

IN WITNESS WHEREOF, the Parties have duly executed this Agreement as of the Effective Date.

AMERICAN FORK CITY

_____
David Bunker
City Administrator

Date: _____

Company

_____
By:
Its:

Date: _____

Attest:

_____
Recorder

Approved as to content:

_____
City Engineer

Approved as to form:

_____
City Attorney

Attachment: Janitorial Services Contract (Janitorial Contract)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on approval of an ordinance creating Chapter 12.02 of the city code pertaining to Time, Place and Manner Regulation.

SUMMARY RECOMMENDATION
Staff would recommend approval.

BACKGROUND
In 2018 the Utah State Legislature passed the Free Expression Regulation Amendments bill (H.B. 36), which became effective on May 14, 2019. The new law requires cities to pass an ordinance to ensure that its policies and practices enacting time, place and manner restrictions on free speech are constitutional. This ordinance will comport with state and constitutional law.

BUDGET IMPACT
NA

SUGGESTED MOTION
I move to adopt the ordinance creating Chapter 12.02 of the city code pertaining to Time, Place, and Manner regulation.

SUPPORTING DOCUMENTS

05-28-19-- AF Time Place Manner Ordinance 4.11.19 (DOCX)
05-28-19 - H.B. 36 - Free Speech Bill (PDF)

ORDINANCE NO. _____

AN ORDINANCE CREATING CHAPTER 12.02 OF THE CITY CODE ENACTING A FREE EXPRESSION REGULATION ORDINANCE IN ACCORDANCE WITH THE REQUIREMENTS OF STATE LAW.

WHEREAS, Utah Code Title 11, Chapter 61 requires that political subdivisions ensure that time, place, or manner restrictions on expressive activity on public grounds comply with certain requirements;

WHEREAS, Utah Code §11-61-104 provides that cities may not impose certain restrictions on expressive activity unless the city has has adopted an ordinance to guide the adoption, by policy or practice, of restrictions on expressive activity on public grounds;

WHEREAS, it is proposed that American Fork City provide time, place, and manner restrictions on expressive activity that comport with state and constitutional law;

WHEREAS, according to the United States Supreme Court "traditional public forum" refers to: a public park or street, *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 45 (1983), or a public sidewalk, as defined by *United States v. Grace*, 461 U.S. 171, 179 (1983); and *United States v. Kokinda*, 497 U.S. 720, 727-29, 110 S. Ct. 3115, 3120-21 (1990);

WHEREAS, in those decisions the Supreme Court clarified that not all sidewalks built with public funds are "public sidewalks" or traditional public forums;

WHEREAS, to promote the health, safety and general welfare of the citizens of American Fork City, the Council finds it necessary to enact the Ordinance below;

NOW, THEREFORE, be it ordained by the City Council of American Fork, Utah, as follows:

1. Chapter 12.02 shall read as follows:

Section 12.02.010 – Free Expression Regulation

A. It is the declared public policy of American Fork City that persons and groups have a right to organize and participate in peaceful expressive activities including demonstrations, rallies, parades, signature gathering, marches, picketing or other similar actions conducted for the purpose of persons expressing their political, social, religious, or other views, and to do so on the public grounds of the City, as defined herein, near the object of their protest or action so they may be seen and heard, subject to reasonable restrictions designed to protect public safety, persons, and property and to accommodate the interests of persons not participating in the assemblies, including their interests in using the streets and sidewalks to travel to their intended destinations, and to use the parks and park facilities for recreational purposes.

Attachment: 05-28-19-- AF Time Place Manner Ordinance 4.11.19 (Free Expression Regulation)

B. In accordance with Utah Code §11-61-104, American Fork City shall only impose a generally applicable time, place, and manner restriction on expressive activity on public grounds by ordinance or by policy or practice that comports with this Section.

C. For purposes of this Section:

1. "Public grounds" means the area outside of a public building, as that term is defined in Utah Code Section 11-61-102(5), that is a traditional public forum where members of the public may safely gather to engage in expressive activity.

i. "Public grounds" do not include:

(a) the interior of a public building; or

(b) any public property that is not a traditional public forum, such as, but not limited to, sidewalks constructed primarily to assist patrons to negotiate the space between the parking lot and the door, and not to facilitate the daily commerce and life of the neighborhood, and other areas as defined in accordance with the rulings of the United States Supreme Court.

2. "Traditional public forum" refers to: a public park or street, or a public sidewalk, as defined by the United States Supreme Court, or as that Court may later define it.

D. In accordance with Utah Code Section 11-61-103, this Section does not apply to:

1. A restriction on expressive activity on public grounds that is imposed in order to comply with Utah Code Title 20A Election Code;

2. Property that American Fork owns or leases that is closed to public access or where state or federal law restricts expressive activity; or

3. A limited or nonpublic forum.

E. A generally applicable or individually applicable time, place, and manner restriction on expressive activity on public grounds imposed by ordinance, policy, or practice must comport with state law, constitutional law, and case law, and, in accordance with Utah Code Section 11-61-104, must be:

1. Narrowly tailored to serve an important governmental interest, including public access to the public building, public safety, and protection of public property;

Attachment: 05-28-19-- AF Time Place Manner Ordinance 4.11.19 (Free Expression Regulation)

2. Unrelated to the suppression of a particular message or the content of the expressive activity that the restriction addresses; and

3. Leave open reasonable alternative means for the expressive activity.

F. This ordinance is not intended to infringe on the rights individuals have to use public forums in accordance with state law.

SEVERABILITY

If any provision or clause of this chapter or its application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this chapter are declared to be severable.

EFFECTIVE DATE

This amendment to the ordinance shall become effective on the date passed by the City Council of American Fork.

PASSED AND ADOPTED BY THE AMERICAN FORK CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2019.

AMERICAN FORK CITY:

_____
MAYOR BRADLEY J. FROST

ATTEST:

_____
TERILYN LURKER
CITY RECORDER

Attachment: 05-28-19-- AF Time Place Manner Ordinance 4.11.19 (Free Expression Regulation)

Enrolled Copy **H.B. 36**

FREE EXPRESSION REGULATION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill addresses local government regulation of expressive activity.

Highlighted Provisions:

This bill:

- requires that a political subdivision ensure that any generally or individually applicable time, place, or manner restriction on expressive activity on public grounds complies with certain constitutional requirements;
- requires that, if a political subdivision imposes a generally applicable time, place, or manner restriction on expressive activity on public grounds, the political subdivision must impose the restriction by ordinance or adopt the restriction in accordance with a general ordinance;
- prevents a political subdivision from prohibiting political activities on public grounds; and
- exempts compliance with Title 20A, Election Code, and certain property that a political subdivision owns or leases.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

11-58-101, Utah Code Annotated 1953

Attachment: 05-28-19 - H.B. 36 - Free Speech Bill (Free Expression Regulation)

11-58-102, Utah Code Annotated 1953

11-58-103, Utah Code Annotated 1953

11-58-104, Utah Code Annotated 1953

11-58-105, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **11-58-101** is enacted to read:

CHAPTER 58. EXPRESSIVE ACTIVITY REGULATION BY LOCAL GOVERNMENT ACT

11-58-101. Title.

This chapter is known as the "Expressive Activity Regulation by Local Government Act."

Section 2. Section **11-58-102** is enacted to read:

11-58-102. Definitions.

As used in this chapter:

(1) "Expressive activity" means:

(a) peacefully assembling, protesting, or speaking;

(b) distributing literature;

(c) carrying a sign; or

(d) signature gathering or circulating a petition.

(2) "Generally applicable time, place, and manner restriction" means a content-neutral ordinance, policy, practice, or other action that:

(a) by its clear language and intent, restricts or infringes on expressive activity;

(b) applies generally to any person; and

(c) is not an individually applicable time, place, and manner restriction.

(3) (a) "Individually applicable time, place, and manner restriction" means a content-neutral policy, practice, or other action:

(i) that restricts or infringes on expressive activity; and

Attachment: 05-28-19 - H.B. 36 - Free Speech Bill (Free Expression Regulation)

(ii) that a political subdivision applies:

(A) on a case-by-case basis;

(B) to a specifically identified person or group of persons; and

(C) regarding a specifically identified place and time.

(b) "Individually applicable time, place, and manner restriction" includes a restriction placed on expressive activity as a condition to obtain a permit.

(4) (a) "Political subdivision" means a county, city, town, or metro township.

(b) "Political subdivision" does not mean:

(i) a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts;

(ii) a special service district under Title 17D, Chapter 1, Special Service District Act; or

(iii) a school district under Title 53G, Chapter 3, School District Creation and Change.

(5) (a) "Public building" means a building or permanent structure that is:

(i) owned, leased, or occupied by a political subdivision or a subunit of a political subdivision;

(ii) open to public access in whole or in part; and

(iii) used for public education or political subdivision activities.

(b) "Public building" does not mean:

(i) a building owned or leased by a political subdivision or a subunit of a political subdivision:

(A) that is closed to public access;

(B) where state or federal law restricts expressive activity; or

(C) when the building is used by a person, in whole or in part, for a private function; or

(ii) a public school.

(6) (a) "Public grounds" means the area outside a public building that is a traditional public forum where members of the public may safely gather to engage in expressive activity.

(b) "Public grounds" includes sidewalks, streets, and parks.

Attachment: 05-28-19 - H.B. 36 - Free Speech Bill (Free Expression Regulation)

(c) "Public grounds" does not include the interior of a public building.

Section 3. Section **11-58-103** is enacted to read:

11-58-103. Exceptions.

This chapter does not apply to:

(1) a restriction on expressive activity on public grounds that a political subdivision imposes in order to comply with Title 20A, Election Code;

(2) property that a political subdivision owns or leases:

(a) that is closed to public access; or

(b) where state or federal law restricts expressive activity; or

(3) a limited or nonpublic forum.

Section 4. Section **11-58-104** is enacted to read:

11-58-104. Time, place, and manner restrictions -- Generally applicable restrictions by ordinance.

(1) If a political subdivision imposes a generally applicable or individually applicable time, place, and manner restriction on expressive activity on public grounds, the political subdivision shall ensure that the restriction:

(a) is narrowly tailored to serve an important governmental interest, including public access to the public building, public safety, and protection of public property;

(b) is unrelated to the suppression of a particular message or the content of the expressive activity that the restriction addresses; and

(c) leaves open reasonable alternative means for the expressive activity.

(2) A political subdivision may not impose a generally applicable time, place, and manner restriction on expressive activity on public grounds unless the political subdivision:

(a) imposes the restriction by ordinance; or

(b) (i) adopts an ordinance to guide the adoption, by policy or practice, of restrictions on expressive activity on public grounds; and

(ii) adopts, by policy or practice, the restriction in accordance with the ordinance described in Subsection (2)(b)(i) and with the constitutional safeguards described in Subsection

Attachment: 05-28-19 - H.B. 36 - Free Speech Bill (Free Expression Regulation)

(1).

Section 5. Section **11-58-105** is enacted to read:

11-58-105. Political activity outside a public building.

(1) Except as provided in Section 11-58-103 and Subsection (2), a political subdivision may not prohibit a political activity, including signature gathering or petition circulation, on public grounds.

(2) A political subdivision may impose a time, place, and manner restriction on political activities outside a public building in accordance with Section 11-58-104.

Section 6. **Effective date.**

This bill takes effect on May 14, 2019.

Attachment: 05-28-19 - H.B. 36 - Free Speech Bill (Free Expression Regulation)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on a resolution adopting an invocation policy for City Council meetings.

SUMMARY RECOMMENDATION
Staff would recommend approval.

BACKGROUND
The City currently does not have a formal policy regarding prayers in our public meetings. In order to respond to requests from individuals, churches, or organizations about participation in prayer, which constitutes a religious exercise, it is recommended the Council adopt a policy.

The United States Supreme Court has upheld public prayer, noting that ceremonial prayer is part of our Nation's heritage and willing participation in civic affairs can be consistent with a brief acknowledgment of people's belief in a higher power, always with due respect for those who adhere to other beliefs.

The Utah Supreme Court has instructed cities who have an opening prayer to make sure that their policy is administered on a non-discriminatory basis without regard to the presenter's belief system, and be neutral between religious and non-religious sentiments.

The Constitution, as interpreted by the Utah Supreme Court, requires that if we open our meetings with prayer we must provide equal access to anyone who wishes to participate. The proposed policy is modeled after Salt Lake City's policy (when they used to have prayer) which was upheld in *Society of Separationists v. Whitehead*, 870 P.2d 916 (1993).

BUDGET IMPACT
NA

SUGGESTED MOTION
I move to approve the resolution adopting an invocation policy for City Council meetings.

SUPPORTING DOCUMENTS

AF Resolution Adopting Prayer Policy 5.2.19 (DOC)

RESOLUTION NO.

A RESOLUTION ADOPTING AN INVOCATION POLICY FOR CITY COUNCIL MEETINGS IN AMERICAN FORK, UTAH.

WHEREAS, the United States Supreme Court has noted[1] that ceremonial prayer is part of our Nation's heritage and willing participation in civic affairs can be consistent with a brief acknowledgement of people's belief in a higher power, always with due respect for those who adhere to other beliefs; and

WHEREAS, the Utah Supreme Court has upheld the practice of prayer at City Council meetings under State law[2]; and

WHEREAS, the City wishes to adopt a written policy governing the practice of prayer at City Council meetings that comports with the requirements of the Constitution of the United States as well as the Constitution of the State of Utah; and

WHEREAS, the City is committed to maintaining neutrality in the public sphere, such that residents of American Fork of any or no faith have equal access to presenting thoughts, readings and invocations at City Council meetings pursuant to the City's policy, which is administered on a non-discriminatory basis;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH, THAT THE FOLLOWING INVOCATION POLICY BE ADOPTED:

American Fork has traditionally welcomed the presentation of thoughts, supplications, praise, thanksgiving, readings and invocations, along with the Pledge of Allegiance to the Flag, and also the recognition of community members, at the beginning of its regularly scheduled City Council meetings.

These ceremonial presentations are secular in purpose and are intended to (1) provide a moment during which Council members and the audience can reflect on the importance of the business before the Council; (2) promote an atmosphere of civility; (3) encourage lofty thought and high-mindedness; (4) recognize cultural diversity; (5) foster sensitivity for and recognize the uniqueness of all segments of our community; and (6) and show appreciation for the contributions made by members of the community. The City welcomes a wide variety of community organizations, churches, and individuals to participate in order to achieve these goals.

It is the formal policy of the City that all American Fork organizations, churches, and residents have equal access to participate in offering thoughts, supplications, praise, thanksgiving, readings and invocations when such is included on the agenda, and that this policy will be administered on a nondiscriminatory basis without regard to the belief system of the presenter. The City is neutral and does not discriminate between religious and nonreligious sentiments.

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[1] *Town of Greece, N.Y. v. Galloway*, 572 U.S. 565, 591 (2014).
[2] *Society of Separationists, Inc. v. Whitehead*, 870 P.2d 916 (1993); see also, *Snyder v. Murray City Corp*., 73 P.3d 325 (2003).

Attachment: AF Resolution Adopting Prayer Policy 5.2.19 (Prayer Policy)

Invocations shall be done on a volunteer basis under the direction of the Mayor and without cost to the City. Those who wish to participate may contact the City to be included on a future agenda. Invocations are intended to be non-denominational and non-proselytizing in character; however, the City will not dictate the form or content of any such presentation. Presentations should be brief (no longer than five minutes). In respect for audience members, the public should not be directed or solicited to gesture (such as bowing heads or raising hands). Each member of the audience may participate, or not participate, according to their own conscience.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2019.

MAYOR OF AMERICAN FORK:

_____
BRADLEY J. FROST

ATTEST:

_____
TERILYN LURKER
CITY RECORDER

Attachment: AF Resolution Adopting Prayer Policy 5.2.19 (Prayer Policy)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on an ordinance amending various sections of the City Code relating to codification authority, meetings, restrictions on appointments and salaries, written minutes, election dates, terms of office and conduct of elections, oath and bond requirements, bond for treasurer, and appointment of city administrator.

SUMMARY RECOMMENDATION
Staff would recommend approval.

BACKGROUND
This ordinance proposes some modifications to the city code to clean up some areas and to bring the city into compliance with state law. The main changes deal with the Oath and Bond Requirements for the mayor, council, and staff; state law changed this year to allow theft or crime insurance coverage to be acquired for municipal officers.

BUDGET IMPACT
NA

SUGGESTED MOTION
I move to adopt the ordinance amending various sections of the city code.

SUPPORTING DOCUMENTS

05-28-19 - Code Amendments (DOCX)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 1.01.030 OF THE AMERICAN FORK MUNICIPAL CODE RELATING TO CODIFICATION AUTHORITY; SECTION 2.04.010 REGARDING REGULAR MEETINGS; SECTION 2.04.100 REGARDING WRITTEN MINUTES; SECTION 2.08.030 REGARDING ELECTION DATES, TERM OF OFFICE AND CONDUCT OF ELECTIONS; SECTION 2.08.090 REGARDING OATH AND BOND REQUIREMENTS; SECTION 2.08.100 REGARDING BOND FOR TREASURER; AND SECTION 2.22.010 REGARDING APPOINTMENT OF CITY ADMINISTRATOR.

WHEREAS, the City is authorized to enact ordinances as are necessary and property to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork City; and

WHEREAS, the City will periodically update city code to comply with state law.

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

PART I
TEXT OF ORDINANCE

1. Section 1.01.030 shall be amended to read as follows:

Sec. 1.01.030. - Codification authority.

This code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances of the city~~, except the development code of American Fork,~~ codified pursuant to the provisions of Sections 10-3-706 through 10-3-710 of the Utah Code Annotated, 1953, as amended.

2. Section 2.04.010 shall be amended to read as follows:

Sec. 2.04.010. - Regular meetings.

The city council shall hold regular meetings, insofar as practicable, pursuant to ~~state law~~ Utah Code §10-3-502. ~~The regular hour of the meeting shall be set by resolution~~. All meetings of the city council shall be held in compliance with the provisions of Utah Code Annotated Title 52, Chapter 4, as amended, relating to open and public meetings.

The city council regular meetings shall be held on the 2nd and 4th Tuesday of the month. The location of the regular meetings will be at City Hall, 31 North Church Street, unless noted on the agenda.

Attachment: 05-28-19 - Code Amendments (City Code Amendments)

3. Section 2.04.060 shall be amended to read as follows:

Sec. 2.04.060. - Restrictions on appointments and salaries.

A. No member of the city council shall hold or be appointed to any office which was created during the term for which he/she was elected.

B. City council members shall receive such compensation for their services as the city council may fix by resolution after public hearing. In the event that the city council determines that compensation or compensation schedules applicable to the city council should be adopted, changed or amended, it shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard. Notice of the time, place and purpose of said hearing shall be published at least seven days prior thereto by publication in at least one newspaper of general circulation within the city. After the conclusion of the public hearing, as herein provided, the city council may enact a resolution fixing changing or amending the compensation that its members may receive.

C. Compensation, as used herein, shall include such salaries, wages and other emoluments, perquisites and financial benefits of office, including but not limited to insurance benefits, retirement benefits, deferred income benefits, club memberships and discounts, as are or may be offered or made available by the city in recognition of one's service to the community as a member of the city council. Compensation does not, however, include plaques, certificates of appreciation, or other service awards of minimal financial value; nor does it include reimbursements to members of the city council for actual out-of-pocket expenses incurred in the course of their official duties.

D. As of January 1, 2020, an individual who holds a county elected office may not, at the same time, hold a municipal elected office.

E. No member of the City Council shall hold a full time or salaried position as a city employee during the term for which he/she was elected.

4. Section 2.04.100 shall be amended to read as follows:

Sec. 2.04.100. - Written minutes.

A. *Definitions.* For purposes of this section the following definitions shall apply so long as they are consistent with the definitions of the same terms found in the Utah Open and Public Meetings Act. If a term is defined differently in the Utah Open and Public Meetings Act, the definition found in that Act shall apply:

1. *Convening* means the calling of a meeting of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.

Attachment: 05-28-19 - Code Amendments (City Code Amendments)

2. a. *Meeting* means the convening of a public body, with a quorum present, including a workshop or an executive session whether the meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power.

b. "Meeting" does not mean:

i. A chance ~~meeting~~ gathering;

ii. A social ~~meeting~~ gathering; or

iii. The convening of a public body that has both legislative and executive responsibilities where no public funds are appropriated for expenditure during the time the public body is convened and:

(A) The public body is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the public body is required; or

(B) The public body is convened solely for the discussion or implementation of administrative or operational matters that would not come before the public body for discussion or action.

3. *Meeting clerk* shall mean the city recorder or deputy recorder ~~town clerk (or their acting deputies)~~ for ~~a~~ the city ~~or town~~ council, or shall mean the person assigned by a public body, other than ~~a~~ the city ~~or town~~ council, to record and to take the written minutes of a meeting of a public body of this municipality.

4. *Minutes* of a meeting is a written record of the meeting that shall include:

a. The date, time, and place of the meeting;

b. The names of members present and absent;

c. The substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;

d. A record, by individual member, of each vote taken by the public body;

e. The name of each person who:

i. Is not a member of the public body; and

ii. After being recognized by the presiding member of the public body, provided testimony or comments to the public body;

f. The substance, in brief, of the testimony or comments provided by the public under subsection ~~2~~4.e.; and

g. Any other information that is a record of the proceedings of the Meeting that any member requests be entered in the minutes or recording.

5. *Proposed minutes* shall mean the written minutes prepared by the meeting clerk that have been given to the members of a public body for their review and approval.

Attachment: 05-28-19 - Code Amendments (City Code Amendments)

6. a. *Public body* means any administrative, advisory, executive, or legislative body of this municipality that:

   i. Is created by the Utah Constitution, statute, rule, ordinance, or resolution;

   ii. Consists of two or more persons;

   iii. Expends, disburses, or is supported in whole or in part by tax revenue; and

   iv. Is vested with the authority to make decisions regarding the public's business.

B. *Policy for approval of minutes.* The following shall be the policy and procedure for the approval of minutes for this municipality.

1. Written minutes shall be taken for all public meetings of any public body of this municipality. The minutes of all public meetings of any public body of this municipality shall be recorded and taken down by the meeting clerk during the course of any public meeting of the public body.

2. Within a reasonable time from the end of the meeting, the meeting clerk shall prepare proposed minutes for the meeting and give a copy of the proposed minutes to each member of the public body for his or her review and comments.

3. ~~Once the proposed minutes have been given to the members of the public body, the meeting clerk~~ Within 30 days after holding an open meeting, the proposed minutes shall ~~immediately make~~ be made available to the public and ~~the proposed written minutes, which~~ shall be a clearly identified as "awaiting formal approval" or "unapproved" or with some other appropriate notice that the proposed minutes are subject to change until formally approved and they shall become a public document available to any member of the public who requests to read or copy the proposed minutes.

4. Members of the public body wishing to propose changes to the unapproved minutes shall submit such changes to the meeting clerk by 5:00 p.m. on the day preceding the approval of the minutes. As soon thereafter as possible, and no later than noon of the day of the meeting, the meeting clerk shall provide by e-mail a red-lined copy showing the proposed changes. Public bodies other than the American Fork City Council may adopt these rules or shall establish their own rules for approval of minutes.

5. The public body shall consider the proposed minutes for approval at the first meeting of the public body that immediately follows the meeting clerk giving the proposed minutes to the members of the public body. The members of the public body shall either approve the proposed written minutes as presented; or vote to correct and amend the proposed written minutes and approve the corrected and amended written minutes at that meeting.

6. Once the proposed minutes have either been approved by the public body, or have been deemed to have been approved by the inaction of the public body, they shall become the official record of the proceedings of the public body and shall be signed by the clerk of the meeting and shall be retained in the official records of this municipality and shall be a public document available for the inspection and copying by members of the public as appropriate under Utah law. Within three (3) business days after approving the written minutes of an open meeting, post on the Utah Public Notice Website and make available a copy of the approved minutes and any public materials distributed at the meeting.

7. Within three (3) business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

Attachment: 05-28-19 - Code Amendments (City Code Amendments)

5. Section 2.08.030 shall be amended to read as follows:

Sec. 2.08.030. - Election dates, term of office and conduct of elections.

A. On the Tuesday after the first Monday in November, 1977, and biennially thereafter, an election shall be held in the city to fill all elective offices vacated by twelve noon on the first Monday in January following the election. The officers elected shall continue in office which they were elected for four years, except in the case of death, resignation, removal, or disqualification from office. The officers so elected shall begin their term of office at twelve noon on the first Monday in January following their election.

B. The offices of mayor and two councilmen shall be filled in a city election held in 1977. The term shall be for four years. These offices shall be filled every four years in city elections.

C. The offices of the other three councilmen shall be filled in a city election held in 1979. The term shall be for four years. These offices shall be filled every four years in city elections.

D. The officers shall be elected in at-large elections which are held at the time and in the manner provided for electing city officers.

E. All city elections shall be conducted in compliance with the Utah Municipal Election Code, as contained in Chapter V of Title 20A of the Utah Code Annotated, 1953, as amended.

6. Section 2.08.090 shall be amended to read as follows:

Sec 2.08.090 – Oath and bond requirements

All municipal officers, as defined in Utah Code 10-3-831, ~~whether elected or appointed shall~~, before they enter upon the duties of their respective offices will take, subscribe and file the constitutional oath of office~~; and every such officer shall, before entering upon the duties of his office, execute a bond with good and sufficient securities, payable to the city, in such penal sum as may by resolution or ordinance be directed, and conditioned for the faithful performance of the duties of his office and the payment of all money received by such officer according to law, this code, and the ordinances and resolutions of the city.~~ Before a municipal officer may discharge the duties of office, the municipality shall have in place a bond or theft or crime insurance covering the municipal officer in the amounts the legislative body of the municipality prescribes. A municipal legislative body may acquire a fidelity bond or theft or crime insurance on all municipal officers and the municipal treasurer as a group rather than individually. The municipal legislative body shall pay the cost of each fidelity bond and theft or crime insurance policy from municipal funds. If a fidelity bond is acquired, the municipal recorder shall file and maintain said fidelity bond.

7. Section 2.08.100 shall be amended to read as follows:

Sec 2.08.100 – Bond for Treasurer ~~– Council approval of all bonds~~.

Attachment: 05-28-19 - Code Amendments (City Code Amendments)

A. ~~The treasurer's bond shall be fixed in an amount not less than two thousand five hundred dollars~~. Before the treasurer may discharge the duties of the treasurer's office, the municipality shall have in place a bond or theft or crime insurance covering the treasurer in an amount not less than the amount the State Money Management Council, created in Utah Code Annotated 51-7-16, prescribes.

B. ~~The bonds of councilmen shall be approved by the mayor, and the bonds of all other officers shall be approved by the city council~~. The municipal legislative body shall pay the cost of each bond and theft or crime insurance policy from municipal funds.

~~C. The premium charge by a corporate surety for any official bond shall be paid by the city.~~

8. Section 2.22.010 shall be amended to read as follows:

Sec. 2.22.010. - Appointment of city administrator.

The mayor, with the advice and consent of the city council, shall appoint a city administrator, who shall qualify by taking and subscribing the constitutional oath ~~and filing with the city recorder a bond, as fixed by the city council by resolution~~. Once approved by the city council, the mayor shall sign the contract entered into with the city administrator on behalf of the city.

PART II
PROVISIONS AND ADOPTION

SEVERABILITY. If any provision or clause of this Chapter or its application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this chapter are declared to be severable.

EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication as prescribed by law.

Passed by the American Fork City Council this ___ day of May, 2019.

_____
BRADLEY J. FROST
Mayor

ATTEST:

_____
TERILYN LURKER
City Recorder

Attachment: 05-28-19 - Code Amendments (City Code Amendments)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Public Works **Director Approval** *Scott Sensanbaugher*

AGENDA ITEM Review and action on an ordinance approving various amendments to Section 15.01 of the city code relating to Detailed Drawings.

SUMMARY RECOMMENDATION
Staff recommends approval of the proposed changes to section 15.01-Detailed Drawings.

BACKGROUND
City Council adopted a policy that beginning May 1, 2019 all new connections to the city pressurized irrigation system would be metered in accordance with recently adopted laws for the State of Utah. A new pressurized irrigation meter detail has been prepared to facilitate builders, homeowners and developers in complying with this requirement.

Additionally, City Staff has historically had maintenance issues with many 1 1/2"-2" water meter vaults restricting accessibility and ability to properly maintain these larger culinary water meters. A new detail has been prepared with minimum installation requirements for larger meters to eliminate these previous issues.

BUDGET IMPACT
None.

SUGGESTED MOTION
I move to adopt the ordinance approving amendments to Section 15.01 relating to detailed drawings.

SUPPORTING DOCUMENTS

Detailed Drawings Code Amendment (PDF)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 15.01 OF THE AMERICAN FORK CITY CODE RELATING DETAILED DRAWINGS IN AMERICAN FORK.

WHEREAS, the City is authorized to enact ordinances as are necessary and proper to promote the heatlh, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, the City is authorized by law to enact ordinances establishing regulations for development within the city; and

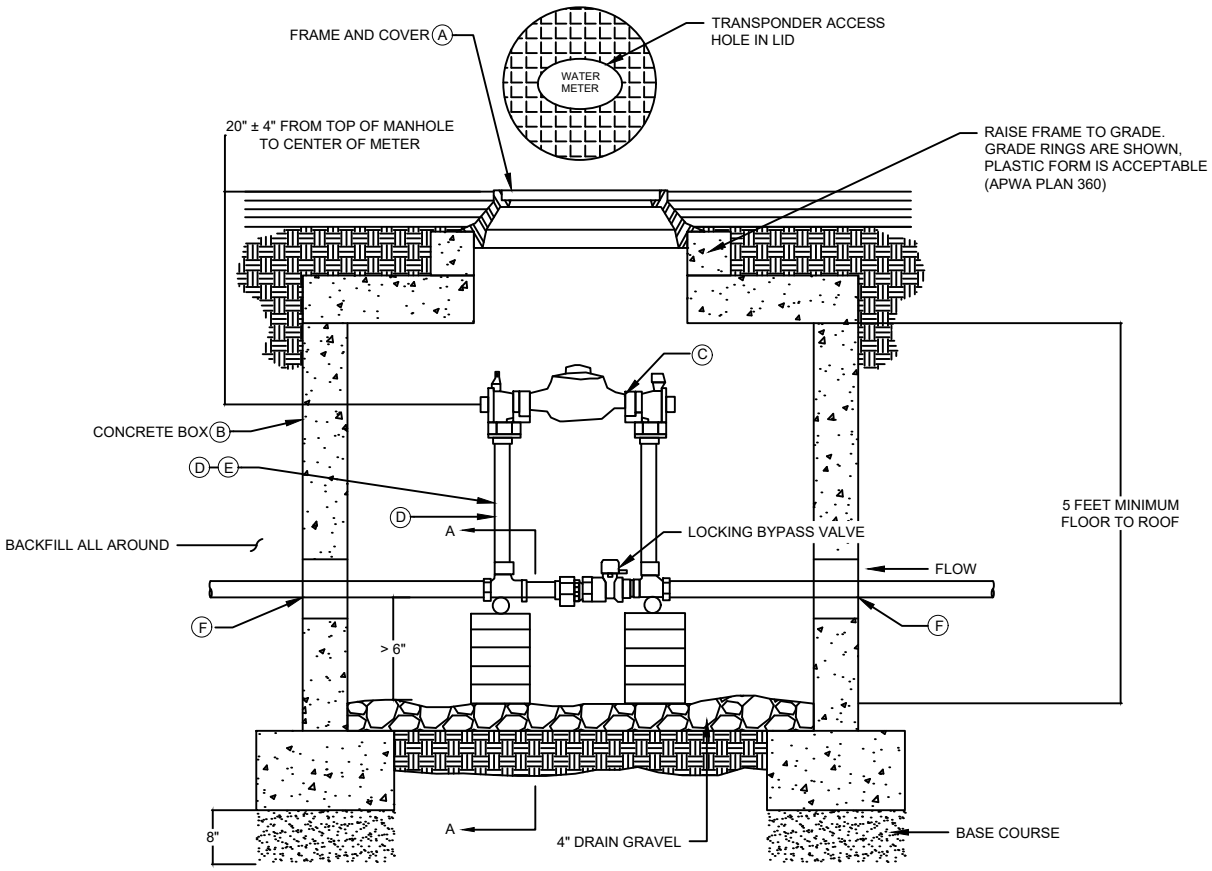
WHEREAS, it is in the best interest and general welfare of residents of American Fork to amend the city code relating to the conveyance of water for development.

NOW THEREFORE, be it ordained by the City Council of American Fork, Utah that;

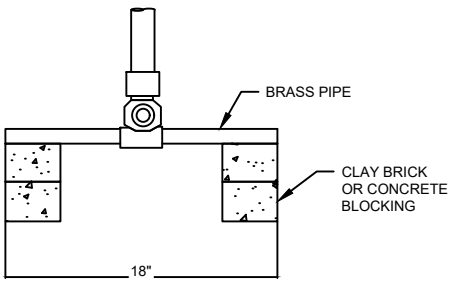
PART I
Text of Ordinance

1. Section 15.01 be amended to include the additional detail for meter vaults as Section 15.01.1418 – 1 ½" or 2" Meter Placement.

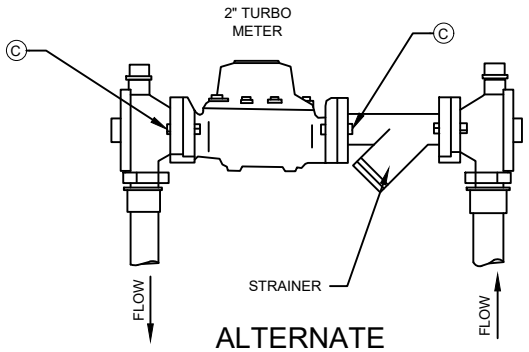
Attachment: Detailed Drawings Code Amendment (Amendments to Detail Drawings Ordinance)



SECTION



SECTION A-A



ALTERNATE

TURBO METER INSTALLATION FOR ALL SYSTEMS USED EXCLUSIVELY FOR IRRIGATION OR FIRE PROTECTION.

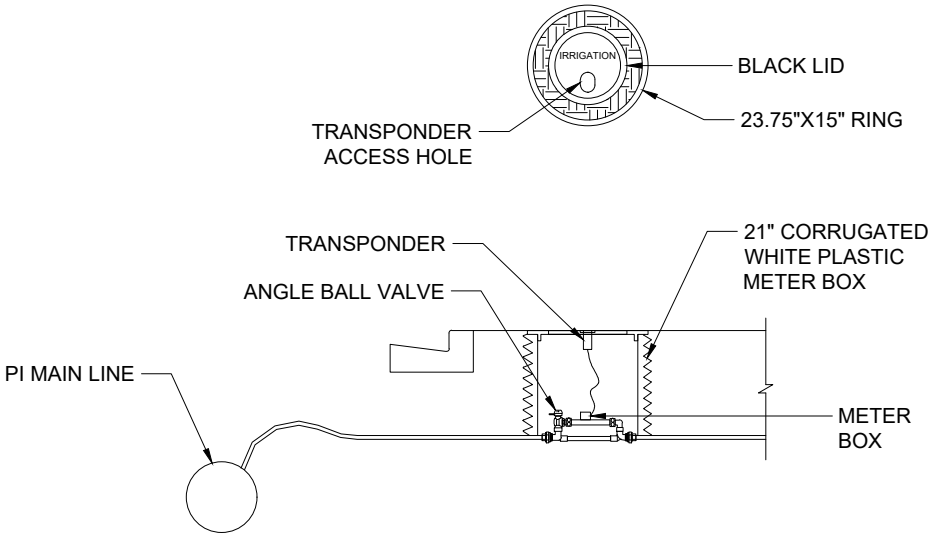
LEGEND			
NO.	*	ITEM	DESCRIPTION
(A)		27" FRAME AND COVER	APWA PLAN 502
(B)		CONCRETE BOX	APWA PLAN 505
(C)		STAINLESS STEEL METER BOLT WITH NUT	5/8" x 2 3/4" 304 SS
(D)		1 1/2" CUSTOM SETTER WITH LOCKING BYPASS	
(E)		2" CUSTOM SETTER WITH LOCKING BYPASS	
(F)		CORE/KNOCKOUT THROUGH VAULT WALL	PIPES PASSING THROUGH CONCRETE VAULT SHALL BE PROTECTED AGAINST EXTERNAL CORROSION BY SHEATHING OR WRAPPING OR ANY OTHER MEANS THAT WILL WITHSTAND ANY REACTION FROM LIME AND ACID FROM CONCRETE, CINDER OR OTHER CORROSIVE MATERIAL. SHEATHING OR WRAPPING SHALL ALLOW FOR MOVEMENT INCLUDING EXPANSION AND CONTRACTION OF PIPING (IPC 305.1). REMAINING HOLE SHALL BE SEALED.

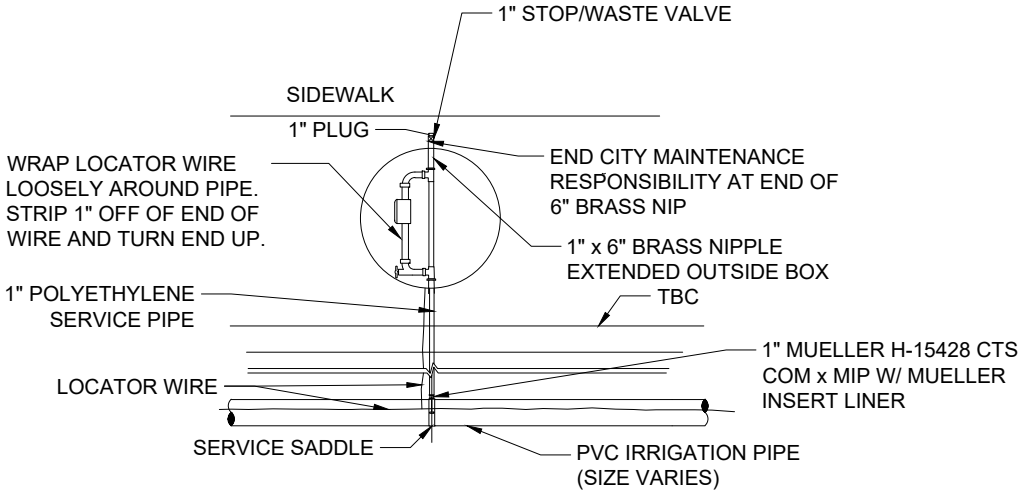
Attachment: Detailed Drawings Code Amendment (Amendments to Detail Drawings Ordinance)

DRAWN: ABW	AMERICAN FORK CITY PUBLIC WORKS 275 EAST 200 NORTH (801) 763-9030	STANDARD DETAIL FOR 1-1/2" OR 2" METER PLACEMENT	DRAWING NO.
REVISED:			
DATE: FEB 2019			
SCALE: VARIES			

2. Section 15.01 be amended to include the additional detail for PI Meter Detail as Section 15.01.1419 – PI Meter.

Attachment: Detailed Drawings Code Amendment (Amendments to Detail Drawings Ordinance)





1" PLAN VIEW
NTS

DRAWN: ABW REVISED: DATE: APR 2019 SCALE: VARIES	AMERICAN FORK 1853	AMERICAN FORK CITY PUBLIC WORKS 275 EAST 200 NORTH (801) 763-9030	STANDARD DETAIL FOR PI METER DETAIL	DRAWING NO. 15.5D

Attachment: Detailed Drawings Code Amendment (Amendments to Detail Drawings Ordinance)

PART II
Penalty and Adoption

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

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

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

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

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

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH THIS ____ DAY OF _____, 2019.

AMERICAN FORK CITY

_____
BRADLEY J. FROST, MAYOR

ATTEST:

_____
CITY RECORDER

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Public Works **Director Approval** *Scott Sensanbaugher*

AGENDA ITEM Review and action on an ordinance approving amendments to Section 17.8.403 of the city code relating to water mains.

SUMMARY RECOMMENDATION
Staff recommends approval of the proposed amendments to section 17.8.403-Water Mains as proposed.

BACKGROUND
Upon review of section 17.8.403 of the city code and analysis of the pressurized irrigation system, a minimum 8 inch size pipe is needed to facilitate irrigation system needs.

BUDGET IMPACT
None.

SUGGESTED MOTION
I move to adopt the ordinance approving amendments to Section 17.8.403 relating to water mains.

SUPPORTING DOCUMENTS

Water Mains Code Amendment (PDF)
Water Mains Code Amendment (DOC)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 17.8.403 OF THE AMERICAN FORK CITY CODE RELATING TO WATER MAINS IN AMERICAN FORK.

WHEREAS, the City is authorized to enact ordinances as are necessary and proper to promote the heatlh, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, the City is authorized by law to enact ordinances establishing regulations for development within the city; and

WHEREAS, it is in the best interest and general welfare of residents of American Fork to amend the city code relating to the conveyance of water for development.

NOW THEREFORE, be it ordained by the City Council of American Fork, Utah that;

PART I
Text of Ordinance

1. Section 17.8.403.2 be amended to read as follows:

Secondary water mains (pressurized irrigation system). On-site water mains shall be installed within the boundaries of the subdivision in such a way that each lot can be served therefrom. The size of water lines shall be of a diameter required to meet the irrigation needs of the proposed subdivision, but not less than ~~six~~eight inches in diameter. The type of pipe and fittings, location of lines, method of construction, and other particulars relating to the actual construction shall be in accordance with city standards

PART II
Penalty and Adoption

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

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

SECTION 3 – Amendment to be Added to the Development Code. The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be

Attachment: Water Mains Code Amendment (Amendments to Water Mains Ordinance)

made and placed in the Official copies of the American Fork Development Code in the office of the City Recorder.

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

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

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH THIS ____ DAY OF _____, 2019.

AMERICAN FORK CITY

_____
BRADLEY J. FROST, MAYOR

ATTEST:

_____
CITY RECORDER

Attachment: Water Mains Code Amendment (Amendments to Water Mains Ordinance)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 17.8.403 OF THE AMERICAN FORK CITY CODE RELATING TO WATER MAINS IN AMERICAN FORK.

WHEREAS, the City is authorized to enact ordinances as are necessary and proper to promote the heatlh, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, the City is authorized by law to enact ordinances establishing regulations for development within the city; and

WHEREAS, it is in the best interest and general welfare of residents of American Fork to amend the city code relating to the conveyance of water for development.

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PART II
Penalty and Adoption

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

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH THIS ____ DAY OF _____, 2019.

AMERICAN FORK CITY

_____
BRADLEY J. FROST, MAYOR

ATTEST:

_____
CITY RECORDER

Attachment: Water Mains Code Amendment (Amendments to Water Mains Ordinance)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Administration **Director Approval** *David Bunker*

AGENDA ITEM Review and action on approval of the 2019 Utah County Recreation Grant application.

SUMMARY RECOMMENDATION Staff recommends approval.

BACKGROUND Each year, every city in Utah County is allocated funding from Utah County for a municipal recreation grant. This grant, which is funded through the county's Tourism, Recreation, Culture, Convention Tax, are dispersed to city's based on population. The grant tries to focus on more regional recreational opportunities.

This year staff will be focusing funds to finish purchasing 4 bleachers for the Art Dye baseball complex in addition to some nice trash cans that will be placed at key entrance points to the baseball fields.

While the initial application listed a deadline of May 20, the county revise the deadline to May 31.

BUDGET IMPACT We are eligible for $14,740.24. These are reimbursable funds, meaning they will pay us back after we purchase the products. We will need to submit request for reimbursement before October 25, 2018.

SUGGESTED MOTION I move to approve the city's application for the 2019 Utah County Municipal Recreation Grant application.

SUPPORTING DOCUMENTS

Application with project description and picture

SUPPORTING DOCUMENTS

Utah County Rec Grant Packet 2019 (PDF)

Utah County
HEART of UTAH

Utah County Commission

Bill Lee
Tanner Ainge
Nathan Ivie

100 East Center
Suite 2300
Provo, UT 84606

801-851-8136
Fax 801-851-8146
www.utahcounty.gov

2019 Municipal Recreation Grants

Available Funds
The Utah County Board of Commissioners has determined that the total available funding for the 2019 Municipal Recreation Grant program will be $300,000.00. As usual, funding allocations were determined by population (Mountainland Association of Governments 2017 Utah Census population estimates), with a $1,000.00 minimum grant awarded. Only those cities being awarded the minimum $1,000.00 are eligible to "roll over" funds for 2 consecutive years, with the intent to save the grant funds in preparation for funding a project that will cost more than the yearly grant of $1000.00. Any city wishing to "roll over" grant funds to the next year **must make a written request** to the Utah County Board of Commissioners **prior to the application deadline of Monday May 20, 2019 @ 5pm**. Unused grant funds will be forfeited if request is not received prior to the application deadline or if funds are not approved for "roll over" by the Board of Commissioners.

Funding Source
Funds for this grant program come from the Tourism, Recreation, Culture and Convention Tax (TRCC or Arestaurant tax@). This tax is imposed pursuant to Section 59-12-601 et seq., *Utah Code Annotated*, 1953 as amended, and Section 21-4-1 et seq., Utah County Code.

Project Eligibility
In order to be eligible for funding, a project must involve the development or construction of tourism, recreation, cultural, and/or convention facilities. All project applications must be for publicly owned or operated facilities and must be sponsored by a municipality within Utah County. Individuals and private organizations are not eligible to apply, nor may any municipality apply on their behalf. Per state statute, Utah County may not Aappropriate money in the aid of any private enterprise@ (Section 17-50-303, *Utah Code Annotated*, 1953 as amended).

Application Procedure
The Utah County Board of Commissioners will provide to each city an application form. Each city must complete this application and submit a detailed project description. The application and project description must be delivered to the Utah County Commission Office by 5:00 p.m. on Monday, May 20, 2019. **Applications received after the deadline will not be considered for approval for 2019 Recreation Grant funding.**

Approval of Projects
Each application, upon receipt by the County Commission Office, will be subject to review by the Utah County Attorney's Office for compliance with state statute. The Tourism Tax Advisory

Attachment: Utah County Rec Grant Packet 2019 (2019 Utah County Recreation Grant)

Utah County
HEART of UTAH

Utah County Commission

Bill Lee
Tanner Ainge
Nathan Ivie

100 East Center
Suite 2300
Provo, UT 84606

801-851-8136
Fax 801-851-8146
www.utahcounty.gov

Board will approve and rank all projects as outlined by statue as well. Final approval of each application will be awarded by the Utah County Board of Commissioners.

Agreement

Upon approval of each project, the Utah County Attorney's Office will draft an interlocal agreement between Utah County and the municipality. The agreement must be approved and signed by bother parties before any reimbursements will be made.

Disbursement of Funds

In order to receive funds for an approved project, a municipality must submit proof of payment (i.e. copy of check, invoice including amount paid and check number) and any other necessary supporting documentation to the Utah County Commission Office. These **claims for reimbursement** will be accepted through **5:00pm on Friday, October 25, 2019**. Claims received after the deadline will not be eligible for reimbursement. Cities requiring additional time for submission of proof of payment must submit a written request for extension to the Board of Commissioners. This **request for extension** must be submitted before **5:00pm on Friday, September 27, 2019** to the Commission Office.

Funds are available only on a *reimbursement* basis. All reimbursed expenses must meet statutory requirements. Payment of grant funds will be processed according to established Utah County Purchasing Rules and Regulations.

Audit

The Utah County Board of Commissioners reserves the right to review a municipality's records relating to the project at any time.

Attachment: Utah County Rec Grant Packet 2019 (2019 Utah County Recreation Grant)

Utah County
HEART of UTAH

Utah County Commission

Bill Lee
Tanner Ainge
Nathan Ivie

100 East Center
Suite 2300
Provo, UT 84606

801-851-8136
Fax 801-851-8146
www.utahcounty.gov

February 28, 2019

American Fork City
454 North Center Street
American Fork, UT 84003

Re: 2019 Municipal Recreation Grant Program
Dear Grant Administrator,

The Utah County Commission has determined that the total funding available for the 2019 Municipal Recreation Grant Program is $300,000.00. Available funds have been divided among municipalities based on the Mountainland Association of Governments 2017 Utah Census population estimates, with a minimum grant amount of $1,000. These funds are payable on a reimbursement basis only.

The 2019 grant amount available to your city is**: $14,740.24.**

Grant regulations are enclosed, along with an application form. Applications are due no later than 5:00 p.m. on Monday, May 20, 2019. **Applications received after the deadline will not be approved and funding will be forfeited**. Applications are to be delivered via email, in person, post, or fax:

Utah County Commission
Attn: Ezra Nair
100 E. Center St. Suite #2300
Provo, UT 84606
Fax: (801) 851-8146
ezran@utahcounty.gov

Upon approval of grant requests, the Utah County Attorney's office will prepare interlocal agreements and encumber funds that will be available for reimbursement through **Friday, October 25, 2019.** The County will disperse funds to municipalities upon receipt of payment verification and supporting documentation. **Reimbursement requests received after Friday, October 25, 2019 will not be accepted and funds will be forfeited.**

Your city may elect to carry forward its funding allocation for the next year if you meet the requirements. To declare an intent to do so, you must notify the Board of Commissioners by filling out a Funding Rollover Request and submitting it no later than the application deadline.

Please contact me with any questions at 801-851-8136 or ezran@utahcounty.gov.

Sincerely,
Ezra Nair
Utah County Commission Office
Encl.: Application, Guidelines

Attachment: Utah County Rec Grant Packet 2019 (2019 Utah County Recreation Grant)

Utah County
HEART of UTAH

Utah County Commission

Bill Lee
Tanner Ainge
Nathan Ivie

100 East Center
Suite 2300
Provo, UT 84606

801-851-8136
Fax 801-851-8146
www.utahcounty.gov

2019 Municipal Recreation Grant Application

Application deadline is May 20, 2019 @ 5:00PM.

Municipality: American Fork City

Name of Preparer/Contact Person: Camden Bird, Community Services Director

Mailing Address: 51 E Main St., American Fork, UT 84003

Phone: 801-854-5618 **E-mail:** cbird@afcity.net

Grant Amount Requested

2019: $ 14,740.24

2018: $ 0 (if eligible)

TOTAL: $ 14,740.24

Project Name: Art Dye Bleachers & Cans

Project Location: 1000 N 550 E St, American Fork, UT 84003

Project Type: (Please check all that apply.)

- ❒ Tourism Promotion
- ❒ Tourism Facility
- ❒ Cultural Facility
- ❒ Recreational Facility
- ❒ Convention Facility

*****Please submit a detailed project description with application*****

Date Approved by Municipal Council:

_____

_____ _____

Mayor Signature **Date**

FOR COMMISSION OFFICE USE ONLY

Application Received by Commission Office	County Attorney Review	Commission Approval/ Agreement #	Agreement Sent to Municipality	Signed Agreement Received by Commission Office	Receipts Received by Commission Office	PO Sent to County Auditor	Funds Paid

Attachment: Utah County Rec Grant Packet 2019 (2019 Utah County Recreation Grant)

2019 Municipal Recreation Grant
American Fork City Project Details





With last year's grant funding we were able to acquire six of our ten bleachers needed at our Art Dye Sports Complex. The new complex is currently under construction and is expected to be completed by end of the year. It will include 5 new baseball fields with two bleachers per field. This year's grant will allow us to finish the bleachers for the park (by getting another 4) and as well as purchase almost three decorative cans that will be placed at the entrance points to the baseball fields. The can design is consistent with the nicer cans we place throughout the city and already have at our pickle ball courts at Art Dye. The city will purchase the remaining cans needed for the park. The bleachers will be purchased thanks to the grant but assembled and installed by our parks employees.

Thank you so much!

Attachment: Utah County Rec Grant Packet 2019 (2019 Utah County Recreation Grant)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

Department Technology **Director Approval** *George Schade*

AGENDA ITEM Review and action on a Supplemental Agreement with the Utah Department of Transportation.

SUMMARY RECOMMENDATION Staff recommends approval of the Supplemental Agreement with the Utah Department of Transportation (UDOT).

BACKGROUND In June of 2017 the City Council approved a Master Services Agreement with UDOT for the Technology Corridor project. They have now submitted a supplemental agreement to that Master Services Agreement for utility work to move the bank of conduits on i15 that our fiber line is part of. UDOT will perform the work and there will be no cost to the city.

BUDGET IMPACT UDOT will pay the cost of moving our fiber lines so we will have no expenses under this agreement.

SUGGESTED MOTION I move to approve the Supplemental Agreement with the Utah Department of Transportation.

SUPPORTING DOCUMENTS

Tech Corridor Supplemental Agreement (PDF)

I-15 Technology Corridor
LEHI MAIN STREET TO S.R. 92

Project No. S- I-15-6(228)280, Utah County
UDOT I-15 Technology Corridor
American Fork City
Charge ID No. 72175 PIN 12158

AMERICAN FORK CITY
SUPPLEMENTAL AGREEMENT NO. 2-1

Supplement to UDOT Finance No.179095

THIS SUPPLEMENTAL AGREEMENT, made and entered into this _____ day of _____, 2019, **Utah Department of Transportation**, ("UDOT"), and **American Fork City, a** Municipal Corporation of the State of Utah, ("American Fork City") each as ("Party") and jointly as ("Parties").

The Parties hereto entered into a Master Utility Agreement (MUA) dated June 17th, 2017, UDOT Finance No.179095. All the terms of the MUA remain in full force and effect unless otherwise specified herein.

The Parties agree as follows:

1. UDOT will perform the following described Utility Work in accordance with the terms and conditions of the MUA:

   a. Plan sheets depicting the Utility Work are shown in Exhibit "A" that is incorporated by reference are described as:

      i. Location of Work: SR-92 east of the northbound I-15 onramp.

      ii. Company's existing 288 count fiber currently runs within UDOT's ATMS duct bank along SR-92.

      iii. Company's existing 288 count fiber will be relocated from the existing UDOT fiber box at Sta. 733+72.51 LT 62.86 to the new UDOT fiber box at Sta. 733+73.43 LT 77.97 approximately 520 feet west of Digital Drive in Lehi, Utah.

   b. The Utility Work will be completed between June 10, 2019 and June 17, 2019. A schedule for the Utility work is shown in Exhibit "B" that is incorporated by reference.

2. UDOT will notify the City's contact person, Micah Hunsaker, telephone number (801) 722-8160, and e-mail micah@afcity.net at least 48 hours in advance of beginning the Utility Work covered herein, or in accordance with the specific terms of the MUA.

Attachment: Tech Corridor Supplemental Agreement (Supplemental Agreement with UDOT)

I-15 | Technology Corridor
LEHI MAIN STREET TO S.R. 92

Project No. S- I-15-6(228)280, Utah County
UDOT I-15 Technology Corridor
American Fork City
Charge ID No. 72175 PIN 12158

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first written above.

ATTEST:

American Fork City

_____ _____

Title: _____ **Title:** _____

Date: _____ **Date:** _____

(Impress Seal)

. . . . . .

RECOMMENDED FOR APPROVAL:

_____
Title: Utility and Railroad Leader

Date: _____

UTAH DEPARTMENT OF TRANSPORTATION

_____
Title: Project Director

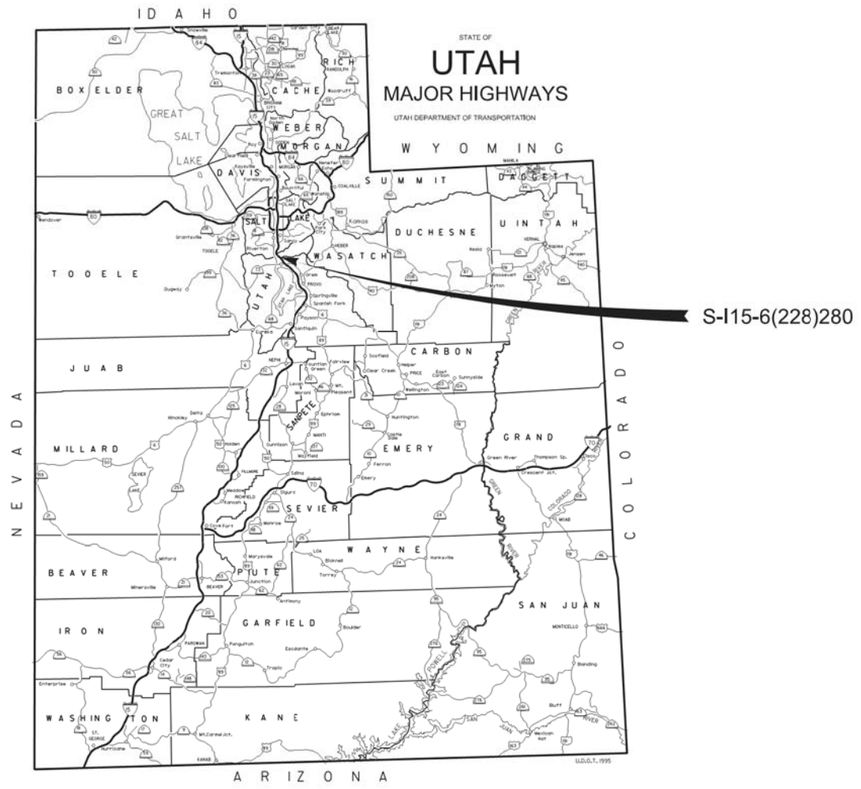
Date: _____

_____
UDOT Comptroller's Office
Contract Administrator

. . . . . .

Attachment: Tech Corridor Supplemental Agreement (Supplemental Agreement with UDOT)

EXHIBIT A



UTAH
DEPARTMENT OF TRANSPORTATION

SEE SHEET 1A FOR INDEX TO PLAN

SHEET NO.
1

U.S. Standard Units
(Inch-Pound Units)

ALL UNITS IN FEET UNLESS OTHERWISE NOTED

PLANS OF PROPOSED STATE ROAD
STATE FUNDED PROJECT

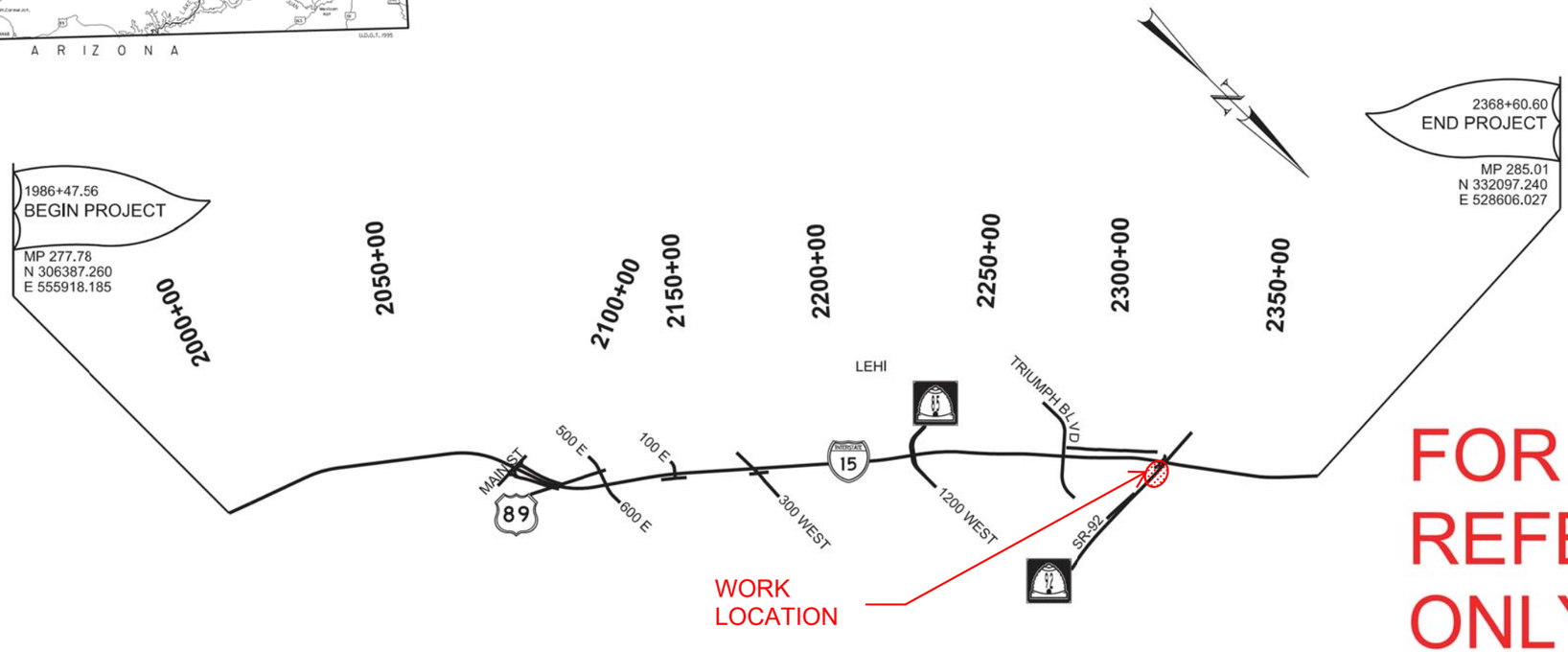
S-I15-6(228)280 PIN: 12158

I-15; LEHI MAIN TO SR-92, TECHNOLOGY CORRIDOR

WIDEN EXISTING FACILITY

UTAH COUNTY

LENGTH 7.237 MILES



FOR REFERENCE ONLY

Attachment: Tech Corridor Supplemental Agreement (Supplemental Agreement with UDOT)

4/23/2018 pw:\\wilsonbertleyconsultants-w.Documents\I-15 Tech Corridor\I-15 Lehi Tech Corridor\drawing files\General\12158_1.dgn

EXHIBIT A

ADJUST PULL BOX BY OTHERS
737+22.91 LT 58.23 (ZAYO)
737+33.72 LT 60.45 (CENTRACOM)
737+37.63 LT 64.59 (ATT)
737+43.36 LT 63.27 (UDOT)

ADJUST MANHOLE REQ'D
735+17.06 LT 26.04 (CENTURY LINK)

RELOCATE FIBER BOX REQD
733+72.51 LT 62.86 TO
733+73.43 LT 77.97
733+75.95 LT 62.50 TO
733+81.75 LT 77.20

INSTALL 2 INCH CONDUIT (BY COMCAST)
MATCH LINE LT 10.12 TO
734+86.12 LT 54.79
(SEE URC SHEETS)

INSTALL (1) 96 COUNT FIBER OPTIC (BY COMCAST)
MATCH LINE LT 10.12 TO
733+33.82 LT 99.44
(SEE URC SHEETS)

INSTALL FIBER VAULT (BY COMCAST)
733+33.82 LT 99.44
(SEE URC SHEETS)

INSTALL (2) 96 COUNT FIBER OPTIC (BY COMCAST)
733+33.82 LT 99.44 TO
EXISTING VAULT AT
ADOBE DRIVE NOT
SHOWN ON THESE
PLANS
(SEE URC SHEETS)

INSTALL (1) 48 COUNT FIBER OPTIC (BY COMCAST)
733+33.82 LT 99.44 TO
739+79.78 LT 82.90
(SEE URC SHEETS)

RELOCATE FIBER

RELOCATE FIBER BOX (BY OTHERS)
737+22.92 LT 58.23 TO
737+14.98 LT 65.29
(ZAYO)
739+79.38 LT 88.48 TO
739+79.78 LT 82.90
(COMCAST)

REMOVE FIBER VAULT (BY OTHERS)
734+86.12 LT 54.79
(COMCAST)
(SEE URC SHEETS)
733+72.45 LT 62.84
(SYRINGA)

INSTALL PULL BOX (BY OTHERS)
± 733+75 LT ± 90
(SYRINGA)
± 733+75 LT ± 90
(UDOT FIELD SET)
(SEE ATMS-38)

RECONSTRUCT FIRE HYDRANT REQ'D
RELOCATE WATER VENT REQ'D
RECONSTRUCT MANHOLE (2) REQ'D
RELOCATE PULL BOX (2) REQ'D

N

SEE UT-228
MATCH LINE 731+50.00

735+00

740+00

MATCH LINE 744+00.00
SEE UT-39

MATCH LINE
102+00.00
SEE UT-39

19+75.00
SEE UT-228

100+00

SSMH
SDMH
Existing Hwy R/W & L/A Line
LOOP CENTURYLINK (BY CENTURYLINK)
RETAINING WALL
Light Pole
Pull Box (XO)
Pull Box (ZAYO)
Junction Box
SDI
Pull Box (Utopia)
Fire Hydrant
Water Vent
Pull Box (ATT)
Pull Box (CentraCom)
Pull Box (ZAYO)
Existing Hwy R/W Line
Sectionalizer
Transformer
Switch Cabinet
Handhole (Utopia)
Pull Box (Century Link)
Pull Box (Comcast)
TE
R/W L/A
TH-111
TH#18
TH#30, 19
TH#35,36,37,38
TMH
Junction Box
SR-92
SR-92 COMMUTER LANE
TH-114
TH-112
Power Pole
Transformer
RECONSTRUCT MANHOLE (BY CENTURYLINK)
DIGITAL DRIVE
6" swr
8" swr
18" swr
12" swr
10" wtr
12" wtr
14" wtr
8" irr
10" irr
12" irr
6" g
8" g
4" g
12" sw
20" wtr
72"
36"

REVISIONS

DRAWN BY HJM
QC CHECKED BY XXX

UTAH DEPARTMENT OF TRANSPORTATION
COBBFENDLEY

APPROVED

I-15; LEHI MAIN TO SR-92,
TECHNOLOGY CORRIDOR

PIN 12158

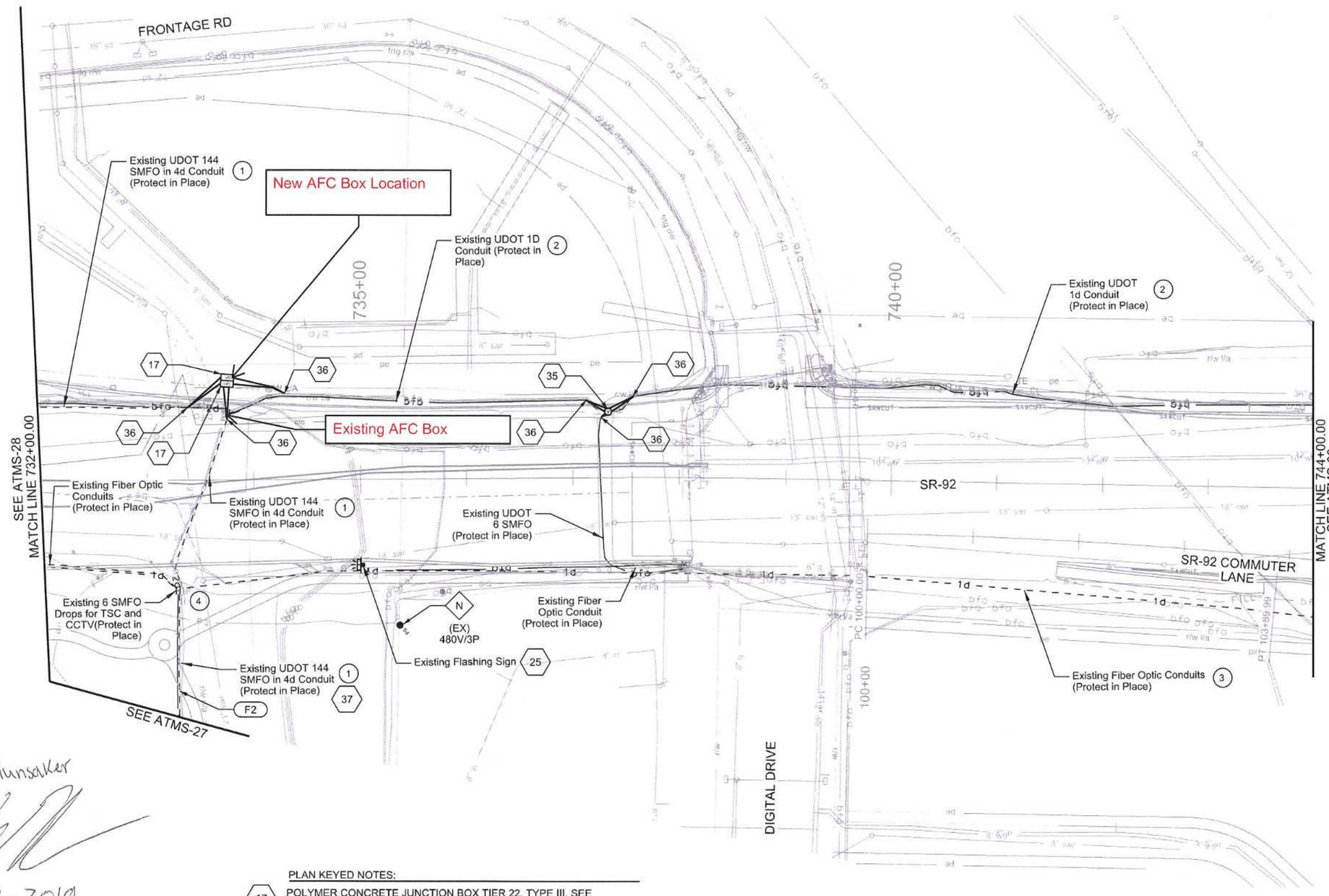
S-I15-6(228)280

UTILITY

PROJECT
PROJECT NUMBER

Attachment: Tech Corridor Supplemental Agreement (Supplemental Agreement with UDOT)

5/7/2019
pw:\\wilsonbentleyconsultants.pw\Documents\I-15 Tech Corridor\I-15 Lehi Tech Corridor\Drawing Files\Utilities\UT Sheets\SR92 731+50-744+00



Micah Hunsaker
5-10-2019

PLAN KEYED NOTES:

17 POLYMER CONCRETE JUNCTION BOX TIER 22, TYPE III, SEE UDOT STD DWG AT 7A.

25 PROTECT IN PLACE

35 CONCRETE FIBER VAULT WITH MANHOLE LID, BASED ON UDOT TYPE V-CV, SEE UDOT STD DWG AT 7B.

36 PROPOSED SPLIT POINT FOR NEW CONDUITS. SPLIT CONDUITS BETWEEN OPTION AND ATMS JUNCTION BOXES TO MATCH EXISTING CONDUIT LAYOUT.

37 REMOVE EXISTING UDOT FIBER ONCE COMMUNICATION HAS BEEN TRANSFERED TO THE NEW SMFO.

WIRE SCHEDULES:

FIBER OPTIC CABLES

F2 NEW 288 STRAND SMFO CABLE IN EXISTING FIBER OPTIC CONDUIT.

WORK NOTES:

1. EXISTING DUCT BANK WITH UDOT 144, EMERY 216, SYRINGA 144, CENTRACOM 288 & UTOPIA CABLE.
2. EXISTING 1d CONDUIT WITH UDOT 72, UTOPIA CABLE & CENTRACOM CABLE.
3. EXISTING CENTRACOM / AMERICAN FORK CITY 288 SMF CABLE.
4. PROVIDE 288 SMFO FULL SPLICE POINT AT THIS LOCATION.

REVISIONS

NO.	DATE	APPROVED BY	REMARKS
0	4/17/19	TWT	RFC 66 – ATMS

UTAH DEPARTMENT OF TRANSPORTATION
WILSON & COMPANY

DRAWN BY SRB
QC CHECKED BY JGH
DATE 5/1/2019

APPROVED
PROFESSIONAL ENGINEER
DATE 5/1/2019

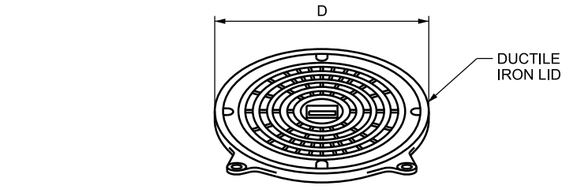
PROJECT I-15; LEHI MAIN TO SR-92, TECHNOLOGY CORRIDOR
PROJECT NUMBER S-I15-6(228)280 PIN 12158
ATMS PLAN

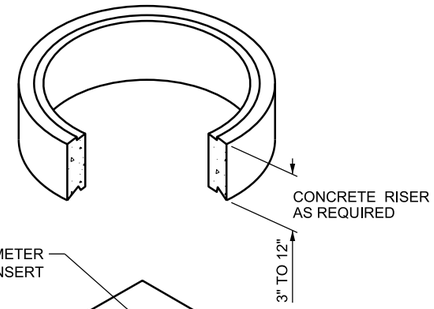
SHEET ATMS-38

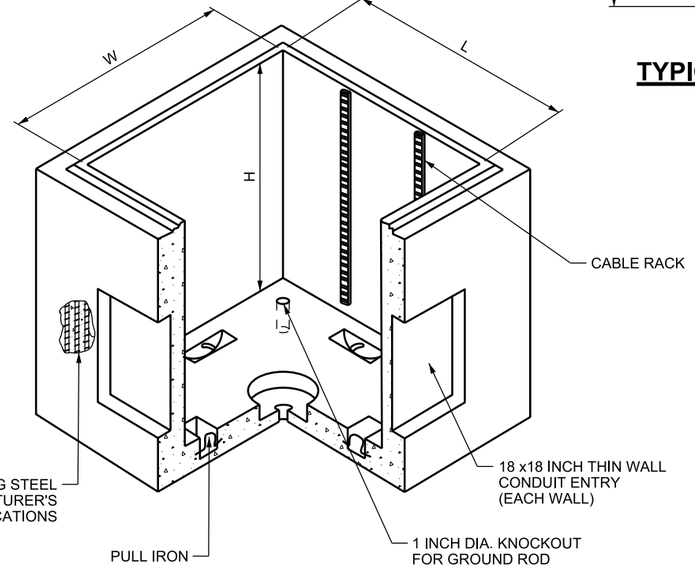
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Attachment: Tech Corridor Supplemental Agreement (Supplemental Agreement with UDOT)

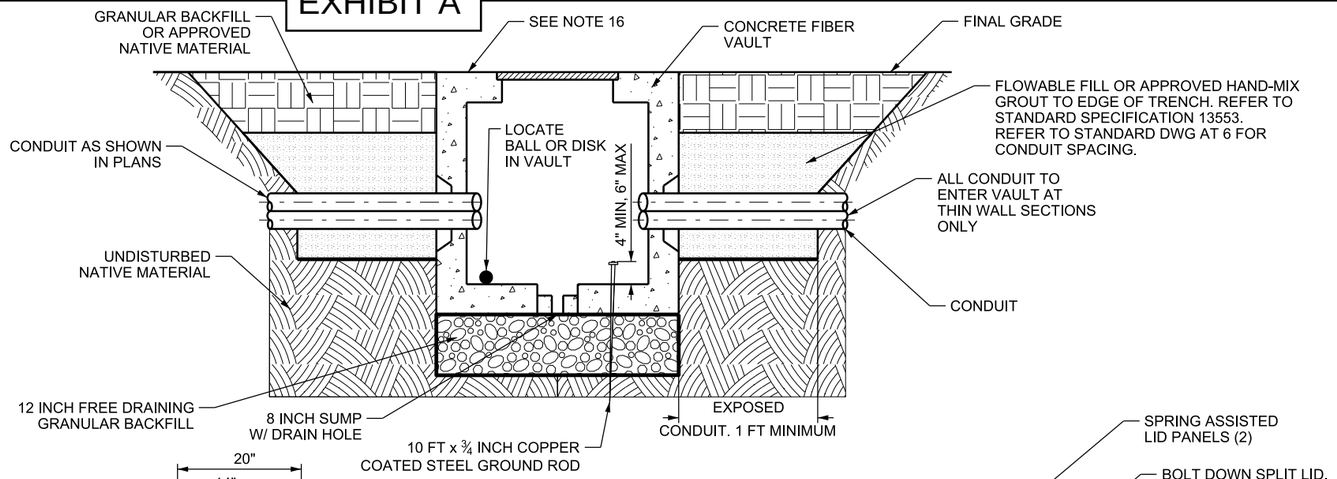
EXHIBIT A



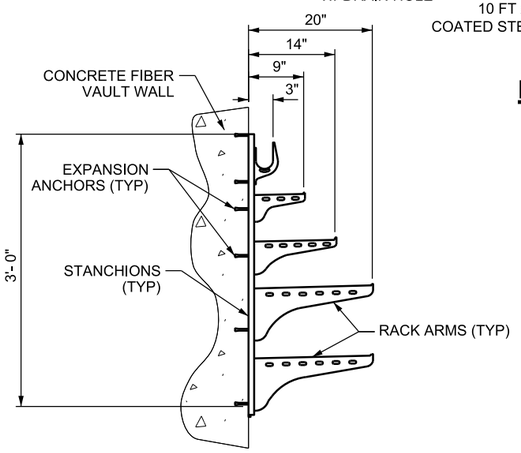




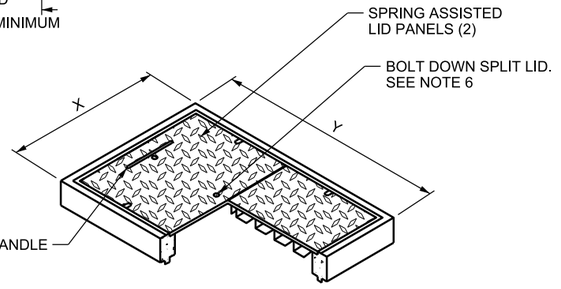
CONCRETE FIBER VAULT WITH MANHOLE LID



FIBER VAULT CONDUIT PENETRATION DETAL



TYPICAL CABLE RACK



METAL LID FOR TYPE IV-CV FIBER VAULT

VAULT DIMENSIONS

VAULT TYPE	"L" INCH	"W" INCH	"H" INCH	"T" INCH	LID	"X" INCH	"Y" INCH	"D" INCH
IV-CV	48	48	48	6 MIN	HINGED OR MANHOLE	24	36	36
V-CV	48	72	72	6 MIN	MANHOLE ONLY	N/A	N/A	36

NOTES:

1. SUPPLY TYPE IV FIBER VAULT WITH A TAMPERPROOF HINGED METAL LID FOR UNPAVED AREAS, OR A TAMPERPROOF HEAVY DUTY MANHOLE-STYLE LID IN PAVED AREAS. SUPPLY FIBER VAULTS, LIDS, AND COVERS RATED FOR AASHTO LRFD HL-93 LOADING.
2. SUPPLY TYPE V-CV FIBER VAULT WITH A MANHOLE-STYLE LID ONLY.
3. SUPPLY MANHOLE LIDS WITH A HOLE OR SLOT FOR REMOVAL WITH A LEVER OR HOOK. SUPPLY HINGED METAL LIDS WITH DROP HANDLES.
4. SUPPLY VAULTS WITH A PERMANENT INTERNAL LADDER.
5. PROVIDE FIBER VAULT LIDS MARKED, "UDOT FIBER OPTIC" USING MIN 3 INCH HIGH LETTERING WITH ⅛ INCH THICKNESS. FORM LETTERS BY ENGRAVING, CASTING, STAMPING, OR WITH A PRECISE WELD BEAD.
6. PROVIDE HINGED METAL LID WITH A MINIMUM OF 3/32 INCH HIGH DIAMOND PATTERN OR SIMILAR SURFACE.
7. PROVIDE FIBER VAULTS WITH A HEAVY-DUTY NON-METALLIC CABLE STORAGE RACK SYSTEM. PROVIDE RACK ARMS AND STANCHIONS CAPABLE OF SUPPORTING A MINIMUM OF 250 LB FOR TYPE IV-CV FIBER VAULT RACKS, INCLUDE A MINIMUM OF 36 INCH RACK STANCHIONS AND 4 RACK ARMS. FOR TYPE V-CV FIBER VAULTS, INCLUDE A MINIMUM OF 45 INCH RACK STANCHIONS AND 5 RACK ARMS.
8. CONDUITS PENETRATE FIBER VAULT AT THIN WALL SECTIONS ONLY. CORE DRILL HOLE IN THIN WALL SECTION TO CONDUIT SIZE PLUS ¼ INCH. DO NOT "KNOCK OUT" THE THIN WALL SECTION.
9. COMPLY WITH OSHA REQUIREMENTS FOR ENCLOSED WORK SPACES.
10. BOND AND GROUND ALL EXPOSED METALLIC COMPONENTS OF THE FIBER VAULT PER NEC 250 IF ARMORED FIBER OPTIC CABLE IS USED.
11. INSTALL CONDUIT PLUGS ACCORDING TO STANDARD SPECIFICATION 13553.
12. ALIGN ATMS CONDUIT BY COLOR ON EACH SIDE OF FIBER VAULT.
13. EXTEND GROUND ROD A MINIMUM OF 4 INCHES AND A MAXIMUM OF 6 INCHES ABOVE BOTTOM OF FIBER VAULT.
14. USE GROUND ROD BRIDGE CLAMP FOR BONDING TO GROUND ROD. ATTACH NOT MORE THAN 4 WIRES PER CLAMP.
15. DO NOT CUT GROUND RODS.
16. INSTALL VAULT PLUMB AND LEVEL. GRADE BACKFILL FLUSH WITH VAULT.

UTAH DEPARTMENT OF TRANSPORTATION
STANDARD DRAWINGS FOR ROAD AND BRIDGE CONSTRUCTION
SALT LAKE CITY, UTAH

RECOMMENDED FOR APPROVAL
CHAIRMAN STANDARDS COMMITTEE

JAN. 01, 2017
DATE

PRECAST CONCRETE FIBER OPTIC AND UTILITY VAULT DETAILS

STD. DWG. NO.
AH 7B

DGN File:L:\Standard_Drawings\Imperial\2017 Approved\1-All Drawings\AT07B.dgn
28-NOV-2016

Implementation 01-09-2017

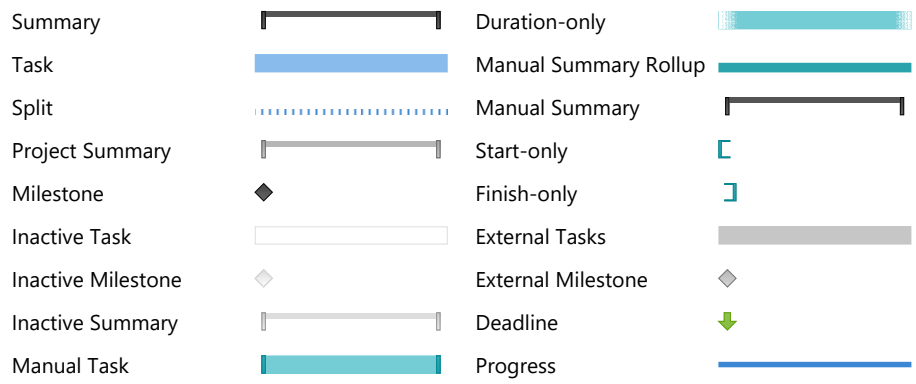
Attachment: Tech Corridor Supplemental Agreement (Supplemental Agreement with UDOT)

EXHIBIT B: American Fork City Supplemental Agreement UT2-1

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors
1		Install and Remove Fiber Box	6 days	Mon 6/10/19	Mon 6/17/19	
2		Relocate Fiber	6 days	Mon 6/10/19	Mon 6/17/19	



Project: S-I15-6(228)280
PIN 12158
I-15; LEHI MAIN TO SR-92



Attachment: Tech Corridor Supplemental Agreement (Supplemental Agreement with UDOT)

REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
MAY 28, 2019

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

AGENDA ITEM Review and action on 2019-2020 Health Insurance Programs.

SUMMARY RECOMMENDATION Staff recommends approval of an agreement with Select Health for the 2019-2020 Health Insurance Program and with Dental Direct for the 2019-2020 Dental and Vision Insurance Programs.

BACKGROUND Last year American Fork City contracted with Select Health for insurance coverage during FY 2018-2019. Magellan received proposals from several carriers. Renewal rates range from 6.81% to 18.76% increases for a 12-month renewal. Select Health and PEHP also provided an 18-month renewal rate. The 18-month renewal rates offer a smaller monthly increase for the additional 6 months.
Select Health offered a plan renewal with a $1500 deductible for the traditional plans which resulted in a decrease of 3% on the overall renewal. The deductible for the HDHP plans remained the same. Open enrollment will begin June 6th.

BUDGET IMPACT Varies depending on plan selection.

SUGGESTED MOTION I move to approve a contract with Select Health for an 18-month period beginning July 1, 2019 through December 31, 2020 which includes a $1500 deductible for the traditional plan, and a contract with Dentist Direct for Dental and Vision Insurance Programs.

SUPPORTING DOCUMENTS

2019 Health Insurance Renewal (PDF)
2019 Vision Renewal (PDF)
2019 Dental Renewal (PDF)

MAGELLAN Human Capital Management

American Fork City July 01, 2019 Renewal Options

		Select Health					PEHP		UofU	UHC
Tier	Enrolled	Current	12 Month Renewel	18 Month Renewel	12 Month Renewel	18 Month Renewel	12 Month	18 Month	12 Month	12 Month
Select med		$1000 Ded	$1000 Ded	$1000 Ded	$1500 Ded	$1500 Ded	$1000 Adv Traditional	$1000 Adv Traditional	Healthy Prem $1000	Choice+ $1000
Single	2	$537.10	$589.74	$600.48	$564.26	$575.54	$557.88	$576.40	$637.90	$634.00
2 Party	11	$1,020.40	$1,120.40	$1,140.81	$1,072.00	$1,093.44	$1,154.80	$1,193.12	$1,211.90	$1,204.00
Family	24	$1,530.60	$1,680.60	$1,711.21	$1,608.00	$1,640.16	$1,562.04	$1,613.88	$1,817.80	$1,806.90
Total Premium	37	$49,033.00	$53,838.23	$54,818.89	$51,512.42	$52,542.67	$51,307.52	$53,010.24	$58,233.90	$57,877.60
Select Value					1500 Ded	2000 Ded	$1000 Adv Traditional	$1000 Adv Traditional	Healthy Pref $1000	Navigate HMO $1000
Single	6	$494.10	$542.52	$552.40	$519.08	$529.47	$557.88	$576.40	$586.80	$585.04
2 Party	8	$938.80	$1,030.80	$1,049.58	$986.27	$1,006.00	$1,154.80	$1,193.12	$1,115.00	$1,111.58
Family	37	$1,408.20	$1,546.20	$1,574.37	$1,479.41	$1,509.00	$1,562.04	$1,613.88	$1,672.40	$1,667.36
Total Premium	51	$62,578.40	$68,711.08	$69,962.65	$65,742.76	$67,057.62	$70,381.16	$72,716.92	$74,319.60	$74,095.20
$3000 Select Med HDHP					3000 HDHP	3000 HDHP	$3000 Adv HealthSave	$3000 Adv HealthSave	Healthy Prem $3000 HDHP	Choice+ $3000 HDHP
Single	1	$446.70	$490.50	$499.41	$490.50	$500.31	$451.52	$466.50	$530.60	$445.38
2 Party	3	$848.60	$931.80	$948.73	$931.80	$950.44	$934.62	$965.62	$1,007.90	$846.22
Family	16	$1,272.80	$1,397.50	$1,422.99	$1,397.50	$1,425.45	$1,264.22	$1,306.16	$1,511.60	$1,269.33
Total Premium	20	$23,357.30	$25,645.90	$26,113.46	$25,645.90	$26,158.82	$23,482.90	$24,261.92	$27,739.90	$23,293.32
$3000 Select Value HDHP					3000 HDHP	3000 HDHP	$3000 Adv HealthSave	$3000 Adv HealthSave	Healthy Pref $3000 HDHP	Navigate HMO $3000 HDHP
Single	10	$411.00	$451.30	$459.50	$451.30	$460.33	$451.52	$466.50	$488.20	$399.98
2 Party	7	$780.80	$857.30	$872.93	$857.30	$874.45	$934.62	$965.62	$927.30	$759.96
Family	28	$1,171.20	$1,286.00	$1,309.40	$1,286.00	$1,311.72	$1,264.22	$1,306.16	$1,391.00	$1,139.94
Total Premium	45	$42,369.20	$46,522.10	$47,368.77	$46,522.10	$47,452.54	$46,455.70	$47,996.82	$50,321.10	$41,237.84
Total Monthly Premium	153	$177,337.90	$194,717.32	$198,263.77	$189,423.19	$193,211.65	$191,627.28	$197,985.90	$210,614.50	$196,503.96
Percentage Change From Current			9.80%	11.80%	6.81%	8.81%	8.06%	11.64%	18.76%	10.81%
Monthly Difference From Current			$17,379.42	$20,925.87	$12,085.29	$15,873.75	$14,289.38	$20,648.00	$33,276.60	$19,166.06
Annual Difference From Current			$208,553.01	$251,110.47	$145,023.44	$190,485.01	$171,472.56	$247,776.00	$399,319.20	$229,992.72

Attachment: 2019 Health Insurance Renewal (Health Insurance Programs - 2019)

American Fork City Vision Renewal 07/01/2019

MAGELLAN Human Capital Management

		Cigna		TDA	Dentist Direct	Life Map	Met Life	EMI
		Current	Renewal	Option 1	Option 2	Option 3	Option 4	Option 5
Employee	**Count**	**In-Network**		**In-Network**	**In-Network**	**In-Network**	**In-Network**	**In-Network**
Employee	19	$5.89	$6.24	$5.01	$5.50	$6.70	$8.04	$5.70
Employee + Spouse	26	$10.24	$10.85	$9.78	$10.70	$13.39	$15.12	$16.90
Family	47	$15.96	$16.92	$16.25	$17.02	$22.91	$21.51	$16.90
TOTAL PREMIUM	92	$1,128.27	$1,195.90	$1,113.22	$1,182.64	$1,552.21	$1,556.85	$1,342.00
Percentage Change From Current			5.99%	-1.33%	4.82%	37.57%	37.99%	18.94%
Monthly Savings				$15.05	-$54.37	-$423.94	-$428.58	-$213.73
Annual Savings				$180.60	-$652.44	-$5,087.28	-$5,142.96	-$2,564.76
Plan		Vision PPO		10-120 TDA	10-140DD	UT Choice Vision	M130 A	10-130
Network		Cigna		Opticare	Opticare	VSP	Met Life	VSP Choice Plus
Vision Exam		$10 Copay		$10 Copay	$10 Copay	$10 Copay	$10 Copay	$10 Copay
Frame Allowance		$130 Allowance		$120 Allowance	$140 Allowance	$130 Allowance	$130 Allowance	$130 Allowance
Lenses		$25 Copay		$10 Copay	$10 Copay	$25 Copay	$20 Copay	$10 Copay
Contact Lenses		$130 Allowance		$120 Allowance	$140 Allowance	$130 Allowance	$130 Allowance	$130 Allowance
Frequency		12 Months		12 Months	12 Months	12 Months	12 Months	12 Months

American Fork City Dental Renewal 07/01/2019

MAGELLAN Human Capital Management

Status	Total	Cigna Current In-Network	Cigna Renewal In-Network	TDA Option 1 In-Network	Dentist Direct Option 1 In-Network	Life Map Option 1 In-Network	Met Life Option 1 In-Network	EMI Option 1 In-Network
Employee	40	$34.17	$39.30	$35.39	$29.39	$37.57	$33.32	$35.90
Employee + SP (2 Party)	20	$104.67	$120.37	$108.39	$60.11	$115.10	$68.00	$111.00
Employee + CH(RN)	0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Family	84	$104.80	$120.52	$108.53	$116.94	$115.24	$120.44	$111.00
		$12,263.40	$14,103.08	$12,699.92	$12,200.76	$13,484.96	$12,809.76	$12,980.00
Percentage Change From Current			15.00%	3.56%	-0.51%	9.96%	4.46%	5.84%
Monthly Savings				$1,403.16	$1,902.32	$618.12	$109.84	-$779.24
Annual Savings				$16,837.92	$22,827.84	$7,417.44	$1,318.08	-$9,350.88
Benefits								
Plan		Cigna DPPO		PPO	Pinnacle PPO	PPO	PPO	PPO
Deductible		$50/$150		$50/$150	$50/$150	$50/$150	$50/$150	$50/$150
Annual Maximum		$1,500		$1,500	$1,500	$1,500	$1,500	$1,500
Class I-Preventative		100%/100%		100%/80%	100%/100%	100%/100%	100%/100%	100%/100%
Class II-Basic		80%/80%		80%/80%	80%/80%	80%/80%	80%/80%	80%/80%
Class III-Major		50%/50%		50%/50%	50%/50%	50%/50%	50%/50%	50%/50%
Class IV-Orthodontics		50%/50%		50%/50%	50%	50%	50%	50%
Ortho Lifetime Max		$1,000		$1,000	$1,000	$1,000	$1,000	$1,000
Endo/Perio		Class II		Class II	Class II	Class II	Class II	Class II

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