

AMERICAN FORK CITY COUNCIL
JUNE 30, 2020
REGULAR SESSION MINUTES

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Staci Carroll	Council Member
Barbara Christiansen	Council Member
Rob Shelton	Council Member
Clark Taylor	Council Member

Staff Present:

David Bunker	City Administrator
Wendelin Knobloch	Associate Planner
Terilyn Lurker	City Recorder
Anna Montoya	Finance Officer
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Josh Christensen	Police Lieutenant
Scott Sensanbaugher	Public Works Director

Also present: Wade Budge, Doug Clements, Dan McDonald, Mike Roderick, Preston Kirk, Matt Dugdale, and Randy Larsen.

The American Fork City Council held a public hearing in conjunction with the special session on Tuesday, June 30, 2020, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

PUBLIC HEARING

- Receiving public comment on the declaration of a 1998 Ambulance to be surplus and disposed of.

There were no public comments.

- Receiving public comment on the Fiscal Year Ending 2021 (July 1, 2020, to June 30, 2021) City Budget.

There were no public comments.

REGULAR SESSION

The American Fork City Council held the special session electronically. Mayor Frost stated that because of the surging COVID-19 numbers, it had been decided to keep meetings as Zoom events and he explained how to submit comments.

1. Pledge of Allegiance; Invocation by Council Member Shelton; roll call.

The Pledge of Allegiance was recited and an invocation was offered by Council Member Shelton. Roll call was taken.

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

Mayor Frost read one comment. The comment by Joel Kester stated that Mr. Kester wished to voice his disapproval of Action Item 2 on the agenda. He pointed that he was planning a KOA Camping ground just West of the AERM location. Heavy truck traffic would prevent his project because of the noise as well as environmental pollution. He asked for a decision that would be good for the citizens.

3. City Administrator's Report

David Bunker invited the public to a ribbon cutting ceremony on Wed July 8, 2020, 5:30 p.m., at the newly completed Art Dye Baseball Field. He pointed that the park was stunning and that the inclusions had made the park very usable. He noted that the ribbon cutting ceremony would take place in advance of the kickball tournament which started at 6 p.m.

Mr. Bunker stated he wanted to echo what Council Member Shelton had stated about first responders during the invocation. He wanted to thank the City's Fire Department for helping Lehi and Saratoga Springs during the fires. He pointed that no structure had been lost and mentioned that he had received notes of appreciation from these cities.

4. Council Reports

Council Member Christiansen stated that there was an opening on the Library Board and added there would be information online on how people could apply for the position. She added that it was a good place to serve the community.

Council Member Shelton stated that in the last North Pointe meeting, he had sent out information on green waste. He added that staff had opened up the scale house on the East side for green waste only as they were trying to get the lines to move quickly. He continued that they had talked about options on handling green waste. The Council, he added, may want to discuss how they could handle green waste disposal as well as reduce cost and whether the City wanted to offer a solution beyond green waste going to North Pointe. North Pointe, he went on, had also talked about an app labeling what was recyclable and when it could be recycled: Recycle Coach. He continued that the district was considering purchasing the application. He further mentioned that he had had a great meeting with dispatch and approved the budget; he believed the enhancements had almost been completed. He concluded that the past weekend, he had the opportunity to spend time with the Lehi, Saratoga Springs, and Eagle Mountain Mayors. He further stated that he wished to thank Fire Personnel.

Council Member Barnes stated he had nothing to report on assignments. However, he wished to thank and acknowledge the city's Public Safety departments as they did a wonderful job. He mentioned that he had noticed the water department was fixing a leak in his neighborhood. He also seconded Council Member Christiansen about good people serving the community and continued that there were many boards allowing individuals to serve.

Council Member Carroll stated that Steel Days was still happening in some form but they were continually making adaptations based on recommendations from the Health Department. At the

moment, she explained, the magazine was being printed, but pointed out some information was now out of date. She recommended that residents check the website for current news. She added that she was excited to be able to do some things.

Council Member Taylor reiterated his appreciation for Public Safety personnel and added he had high hopes for Steel Days. He mentioned that he loved to see that even during this time, everyone was still actively engaged.

5. Mayor's Report

Mayor Frost stated that he had woken up at 3 a.m. with the emergency alert to see that Lehi was on fire. He pointed that he was quite glad that no one was hurt, nor any residents property destroyed. He added that he knew all could count on other cities in case of emergency.

Mayor Frost stated he chaired the Utah Lake Commission. He mentioned that the commission was there to encourage and dispel myths and get people back to the lake. He explained that he would keep the council informed on this. Mayor Frost also stated that he was part of the economic recovery with six other city mayors. He explained that they would be in charge of disbursing \$20 million for economic recovery and explained that the group was discussing criteria on how to best disburse the funds with easy applications.

Mayor Frost reported the city had a great ribbon cutting ceremony with Avenue Bakery. He mentioned that the ceremony had been well attended as the business was well established.

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 June 2, 2020, work session minutes.
2. Approval of the June 9, 2020, city council minutes.
3. Approval of the June 16, 2020, special session minutes.
4. Approval of the authorization to release the Improvements Durability Retainer of \$962.25 for BROMLEY MEADOWS PLAT C, located at 85 West Timpview Drive.
5. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$33,198.00 and issue a Notice of Acceptance for the KESLER SUBDIVISION construction of public improvements located at 435 East 200 North.
6. Approval of the authorization to release the Improvements Durability Retainer of \$42,610.40 for MITCHELL FARMS PLAT A, located at 780 West 700 North.

Council Member Taylor moved to approve the common consent agenda. Council Member Carroll seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

ACTION ITEMS

1. Ratification of City payments (June 2, 2020 to June 23, 2020) and approval of purchase requests over \$25,000.

Council Member Carroll moved to ratify city payments and approve purchase requests over \$25,000. Council Member Christiansen seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

2. Review and action on an appeal of the American Fork City Planning Commission's action regarding the commercial site plan for American Eagle Ready Mix, located in the area of 1700 South 500 East in the I-1 Industrial zone.

Mayor Frost described how this action item would proceed. He explained that the Council would first hear from Wade Budge, legal counsel for American Eagle Ready Mix, with a time limit of 15 minutes followed by Dan McDonald, legal counsel for Michael Roderick, who would present some information for 15 minutes as well. Afterwards, Mr. Wade would take an additional 5 minutes. Mayor Frost stated he would keep track the time.

Wade Budge thanked the Council for making time in order to hear him. He stated he represented American Eagle Ready Mix and explained that the application was an important one as their client ran several different sites and looked forward to working in American Fork. He continued he wanted to talk about the project, the Planning Commission action, and why he felt they should approve the land use application.

Mr. Budge showed the parcel map from the county highlighting the property in question for the ready-mix site. As neighboring uses, he pointed to Mr. McDonald's client as well as the existing Alta View site, which had a similar use as American Eagle Ready Mix. He pointed that another neighbor was the sewer plant and showed the site plan which had been conceived and represented attempt to meet all code requirements. He stated he was confident AERM had met all requirements found in the City Code. He explained that this project was the kind that the Council was considering when they zoned this property I-1. Mr. Budge went over the site plan, noting the street, the fence, and the landscaping. He pointed out the location of the buildings and where the vehicles would go. He added that they had purchased prewashed dirt and sand off site: those materials, he clarified, were stockpiled and located into the bins. He explained the process of where the materials were. The materials were in bins, he continued, and went over a covered belt before being placed in a silo. He added that the material was then loaded into the barrel where it was mixed with water. He continued a truck would then go under the mixing barrel and receive the material. He further noted that there was a spot where the trucks were washed prior to leaving the job site.

Mr. Budge stated that Mr. Kesler was concerned about the trucks and noted that their trucks would most likely not go toward the proposed KOA.

Mr. Budge continued that this was the type of application that was anticipated when the Council had annexed the property. The Planning Commission Chairman, he added, felt it was an appropriate use. Mr. Budge further showed an artistic rendering of the project which, contrary to what had been communicated to the Planning Commission by their opponent, was a well-designed plan with a lot of landscaping, visual barriers, and lots of great technology.

Mr. Budge went over AERM's actions to address the performance standards. The entire lot, he explained, would be paved. He added that AERM was employing the most efficient and best materials for this project. He mentioned that they would be purchasing pre-washed aggregate and sand, and he added that they would have covered conveyor belts. He added that they would enclose the areas that needed to be. Furthermore, he explained that they had a truck washing station, had purchased a sweeper and water trucks, and that there would be six-foot concrete fence. He continued that their project was similar to the other project in the area and mentioned that they felt the truck washing station was important. Mr. Budge stated he wanted the Council to understand there were neighboring industrial uses. He added that AERM was within 500 feet of Alta View and 1700 feet from the sewer plant. He continued that the company would be willing to go to an eight-foot fence and taller trees if this were what the Council would prefer. He also added that they would install cattle gates and other things the Council mentioned.

Mr. Budge stated their opponent had represented them as trying to get around air quality regulations. He noted they were not required to register with the State of Utah but had registered so they could show their operation fell below what was required by the State. He added that they had hired a consultant who showed what could happen and continued that they were a smaller operation which did not need to get DAQs approval. He went on stating that they would be working well under the limits and were not crushing on site. If they had extra concrete, he continued, they would pour it into blocks and sell it.

Mr. Budge explained that he hoped they had overturned the denial.

Mayor Frost explained that if the Council had any questions, they should write them down to ask them later during the meeting.

Dan McDonald, representing Roderick Enterprises, stated their company was trying to construct a Class A office project just north of this proposed project. He showed the timeline of zoning and AERM's property purchase: it was in the shoreline protection but added that when the annexation had been approved, the area had been zoned I-1. He added that the Planning Commission had correctly denied the request but continued that it was the City Council's role to decide if the Planning Commission had made the correct decision as they were a quasi-judicial body.

Dan McDonald stated that AERM were presenting the Council with information they had not submitted to the Planning Commission. Some of their renderings, he added, had not been shared with the Planning Commission. They could not, therefore, consider the evidence without being in violation of the law. He respectfully requested that the Council strike Exhibits C and D, presented on June 19, 2020.

Mr. McDonald asked the Council why they should trust American Eagle as everything shown on screen had been constructed without a building permit. He explained that it had not been until the City had gone out and red-tagged the project that American Eagle had shut down. In order to avoid regulation by the Utah Regulation of Air Quality, he continued, the facility had been represented as a small capacity project when it was in fact a large plant. Dan McDonald showed the Erie Strayer Plant which, he explained, had the capacity to produce between 200 and 366 cubic yard of concrete per hour. He showed the application filed by American Eagle with the DAQ and pointed that the plant would be operated Monday through Saturday, 12 hours a day, which was 72 hours a week or 3700 hours per year. He explained that the plant had the capacity

to produce 1.3 million cubic yards of concrete a year, not a mere 120,000 cubic yards. Creating an analogy, Mr. McDonald stated that American Eagle had purchased a Ferrari but were arguing they would drive it like a moped. He added that the company had told the Department of Air Quality they would only operate at no more than 30 yards per hour. However, American Eagle's written material to the Planning Commission showed that they would operate at 2-6 times that rate. He pointed that there also had been contradictions between the verbal statements and written statements provided to the Planning Commission.

Dan McDonald explained what was presented to the DAQ. He pointed that American Eagle had tried to argue their plant was like the Alta View plant but pointed that this was inaccurate: Alta View had a DAQ permit but AERM was granted an exemption based on their stated production. He further stated that AERM was not on the DAQ's "map". He showed that Alta View's operation was closed but AERM's operation was largely open. Mr. McDonald further stated the Council should ignore the renderings as they had not been presented at the Planning Commission. Dan McDonald stated AERM had mentioned their conveyor belt was covered but showed that was not the case. He continued that AERM had never presented evidence to the Planning Commission of their washing station. He also showed Alta View's plans as presented to the City Council: these plans were not shown on AERM's plan and had many pollution-mitigation measures.

Dan McDonald pointed that Alta View was required to use BACT but AERM was not required and that there was no evidence they did use BACT, as they did not.

Dan McDonald stated the Council should deny this appeal because AERM's project was not "light industrial use". Their experts, he continued, had showed that the heaviest of trucks would be going up and down the road. He added that the noise, vibrations, and dust coming from the trucks had been studied by experts and that it would be significant, on par with jackhammers. He also mentioned that toxins would be released into the air. He described the different polluting particles that would be released and asked who would check the levels of particles released into the air. He added that their location (next to a public road) was problematic with a significant visual impact.

Dan McDonald continued that AERM was not an enclosed operation. Ben Hunter agreed there was a potential for pollutant chemicals infiltrating the ground water. Dan McDonald added that there were already too many concrete plants. The bottom line, he continued, was this plant would not be "light industrial". He continued stating that the plant would be unsightly, not enclosed, added that it would create dust and would pollute Utah Lake and the aquifer. He continued that they would lose tenants and potential clients. The city, he concluded, would lose people.

Dan McDonald respectfully asked that the Council uphold the Planning Commission's denial.

Mr. Budge stated that all the arguments presented would have been more helpful if presented when the property was up for a rezone. Dan McDonald's client, he continued, did not like the re-zone. He continued that though Mr. Roderick had opposed the re-zone, the re-zone had been approved and added that there was applicable law that the Council needed to look at. He continued that the Council had to side with the applicant when an application for the right type of land use met the requirements. He added that that the state enforced air quality regulations, and it was inaccurate that the plant would be unregulated. He went on stating that AERM had made their application and showed they were under the limits. Mr. Budge added that AERM was

confident that Dan McDonald and his client would be monitoring their project and would contact the State if there were any problems. AERM, however, had a project that met all City code and State regulations.

Mr. Budge pointed that the City had already made the decision that this type of use was appropriate for this zoning. The Council, he continued, could not now say that the use was not appropriate on this parcel. He added that the Council could, however, ensure that projects met certain requirements/standards, though it did not have the liberty to deny the use and buy the property. He added that they recognized the area has been rezoned and that AERM had brought forward a use that was appropriate and was similar to a project located 500 feet away. He continued that AERM would have brand new fencing, landscaping, equipment, and walls. Therefore, Mr. Budge asked that the Council deny the appeal and approve the site plan as long as AERM comply with conditions put forth.

Mayor Frost stated that if the Council had questions, they needed to be directed to the respondents. He continued that questions had to be answered specifically.

Council Member Taylor stated that the Council had had this procedure take place multiple times. He continued that Mr. McDonald had stated that they could not accept any additional information, though he recalled the Council accepting additional information in the past. Cherylyn Egner, legal counsel, stated that this was a gray area of State law, but that she did not believe the Council was forbidden to look at those exhibits. Ms. Egner stated the exhibits were visual representations of what had been provided in writing and that it was recommended to give deference to the applicant.

Council Member Taylor stated it was his understanding that Chairman Woffinden had mentioned that this project fit in the zone and that he had agreed that batch plants fit in the industrial zone. He further stated that Mr. Budge had presented the plant as a small operation and had mentioned there was not a limit in City code. Mr. Budge stated that the City code did not have an operational limit. Council Member Taylor asked whether AERM had presented to the State information that was different and whether the Council could come back with requirements. Mr. Budge stated that the Council could change requirements but added that AERM had presented to the State what would be an average operation for this type of project. He continued that the number provided by Mr. McDonald were incorrect as there was not enough area to store the amount of material required for these high production numbers. Mr. Budge stated that while there was not an operational limit, there was a natural limit. He pointed that if Dan McDonald AERM started putting out more pollutants or track out, the State and City will come after company. He noted the City could make changes to the code but could not hold AERM to said changes as they applied under different requirements.

Council Member Barnes stated the capacity of the piece of equipment discussed here was ten times what AERM anticipated producing. He continued that several members of the City Council were businesspeople and added that it was not normal for a business to buy something they did not plan on using. Mr. Budge stated they did not agree with the “ten times” figure provided by Dan McDonald though the equipment could operate at greater capacity. He continued that they had orders that came in at certain times that may require more production. When AERM received a large order, he added, the plant might ramp up to meet the demand. He contrasted this claim by saying that the plant was not the only batch plant.

Council Member Barnes asked if it would be possible to fulfill a large order if AERM did not have space to store materials, as had been previously stated. Mr. Budge stated that AERM had an area in the back that would allow them to operate for 3 or 4 hours before they had to bring in more trucks.

Council Member Carroll asked whether Mr. Budge could speak to the topic of wastewater and how to keep pollutants out. Mr. Budge showed there was a water retention area meaning the water would stay on site. As it evaporated, he continued, the plant cleaned the water. He further stated that they were talking about sand and washed aggregate (gravel).

Council Member Carroll asked staff the same question and whether they had any concerns with how Alta View managed their system. Scott Sensanbaugher, Public Works Director, stated he was not familiar with Alta View's system. He spoke to Ben Hunter for clarification and Mr. Hunter stated that whenever there was a development, they made sure they had best management practices. He added he believed the site plan complied and would properly prevent the pollution.

Council Member Barnes stated he was confused. He asked when AERM would anticipate starting to produce the material. Mr. Budge stated that AERM would have to get site plan approval and finish improvements to the project first. He pointed that this would take at least six months. He further stated AERM had some of the improvements already installed but mentioned that they had stopped before having things like the coverings installed. Council Member Barnes stated he wanted to make sure all improvements were done. Mr. Budge explained they could stipulate that no production could begin until improvements were completed. He added that he was not certain of the timeframe as it was hard to know when improvements could be done.

Council Member Taylor stated that AERM would have a final inspection before they could start their business.

Council Member Barnes stated he wanted to make sure questions of improvements and production were brought up. He continued that moving targets had been happening throughout the whole process and stated he felt there was a lot going on before AERM could even request a City for permit. He added that AERM had a bad start.

Council Member Barnes reiterated the issue of the cattle guard. Mr. Budge pointed to the three accesses which would have cattle gates. He added that this would prevent track-out on a public street.

Council Member Barnes asked about the site plan. Mr. Budge stated the confusion could be on his shoulders since he did not give good enough information.

Council Member Shelton stated that as he looked at city code, it seemed all uses would be fully enclosed. He asked for clarifications on what would and would not be enclosed. Mr. Budge pointed on the screen to what was enclosed.

Dan McDonald stated that this rendering had not been presented to the Planning Commission.

Council Member Shelton pointed to the conveyor belt and asked if this were where the aggregate would be loaded. Mr. Budge explained the process again.

Council Member Shelton stated that there was an exception on the line about customary. He asked whether the Planning Commission or the Council made that determination. Cherylyn Egner stated she would argue it was the approval body: The Council with input from staff. Cherylyn Egner stated it was her understanding from Staff that what AERM was proposing was customary.

Council Member Shelton stated that where he saw the aggregate dumped into the bins, he wondered why it was not enclosed. Mr. Budge explained AERM had to bring it in trucks with arms, as it was normally done. Mr. Budge further stated the City was within their right to say AERM was not operating within the approved parameters if they found that dust was escaping the site.

Council Member Shelton stated he had a difficult time with enforcement due to the lack of resources. Therefore, he mentioned preferring upfront prevention.

Council Member Shelton asked whether the wash area needed to be enclosed. Scott Sensanbaugher stated AERM was fine with the wash area not being enclosed. Council Member Shelton stated that his biggest pet peeve was to see trucks go through washes moving through cattle grates and have residents' windshields be damaged. He added he was disappointed in the truck wash as he felt he needed to see the specs. He mentioned he wanted to make sure AERM had adequate facilities. Mr. Budge explained he felt it would be reasonable that, in the event of an approval, AERM implement the Council's decisions. He added that the applicant must show they were using their best practices as there may be better technology in existence.

Cherylyn Egner explained that whatever was decided tonight, the motion would outline the criteria and additional conditions would be drafted into a detailed finding. If a denial came from tonight, she added, they had to clearly specify the reason for denial and that this information would have to be in the findings and conclusions.

Council Member Taylor asked Mr. Budge to show the extra steps AERM was willing to take. He asked whether the Council needed to discuss the fence, trees on the outside, etc.

Adam Olsen, Senior Planner, stated that the fence could go higher with Planning Commission approval.

Council Member Christiansen inquired about the timeframe to have the entire lot paved. Council Member Taylor mentioned that the Council could tell AERM to have the lot paved prior to final inspection.

Council Member Shelton hoped to listen to Dan McDonald and then have a back and forth discussion.

Dan McDonald stated he appreciated the opportunity to speak. The City Council's role, he explained, was not to fix a deficient site plan. He explained they were to determine whether the Planning Commission had made the proper decision. He continued that State Law stated the Council was to review the Planning Commission's decision and not decide on whether or not they wanted the project. He continued that based on the evidence the Planning Commission had been presented with and the fact that they had a lot of experience, the Planning Commission had felt that the site plan was deficient. Moreover, he continued, the information presented to the

Planning Commission did not depict what was presented to the City Council. As far as the numbers presented by Mr. Budge, he explained that he had not invented the numbers he himself had presented: these were the numbers that had been presented to the Planning Commission. He added that he realized that the Council was not the DAQ but explained that the rate at which the facility would produce would drastically affect dust, noise, and vibration. The Planning Commission, he went on, was concerned about that. This was not Alta View and was not under a DAQ approval order. If they had been like Alta View, the Planning Commission would have had less of a concern. As far as noise and vibration was concerned, he continued, none of the information had been disputed. The code, he went on, stated that none of the activities shall result in noise, vibrations, and such. He mentioned that those standards were not met. He concluded that this was clearly deficient, and the City Council should not second guess the Planning Commission.

Mayor Frost stated that he was going to have the applicants and their representatives mute themselves while the Council discussed the situation. Mayor Frost asked whether the Council should look at information through the lens of what had been presented to the Planning Commission. Cherylyn Egner stated that the State law stipulated that the Council should review information de novo, “anew”. She added that there was an ability to review the matter as brand new and the Council was not bound to look at what the Planning Commission had: they were looking at it with their own eyes. She added that the gray area was if the applicant brought additional information. Her opinion was that she understood the images were not presented to the Planning Commission but were described in words, and she did not believe there was evidence that needed to be excluded at this time.

Council Member Taylor stated that this was his concern as well.

Council Member Barnes asked whether the Council had the ability to have this application sent back to Planning Commission. He added that there was a lot of new information presented and pointed that this was a moving target which he would like to get settled. Cherylyn Egner stated it would be atypical and not customary: that almost equated to a denial.

Council Member Shelton asked whether the Council was approving a site plan. Cherylyn Egner stated that this could be done with any conditions. Council Member Shelton stated that the Planning Commission had taken a month on this issue. He mentioned he had some concerns on the elevation with regards to the lake and that he wanted to make sure that if the water levels increased, the lake water would not be contaminated. He continued that he would love to see a higher fence and higher trees to mitigate the view. Furthermore, he pointed that when he looked at Alta View and read the City code, it seemed that any storage outside had to be in containers. He continued that Google Earth showed an open area. Adam Olsen stated the fence around the perimeter would suffice and added that this was how things had been done in the past.

Council Member Taylor stated he liked the possibility of an 8-foot wall. He added he did not think there was much of a choice as the use was allowed and existed two lots down from the AERM property. He pointed he was not disregarding what the Planning Commission had said and pointed that the situation had gone back and forth with motions. He continued that the refuting came from Chairman Woffinden who had never said it did not meet the requirements of the zone. If the requirements were met, he continued, the die was cast: The Council had to decide the conditions. His biggest concern, he went on, was to act on this during this meeting if possible.

Council Member Shelton stated he felt the application was deficient. He added that the issue of visual impact had not been met. He mentioned he wanted to make sure that the cul-de-sac was a challenge and the standard had not been met and limit the impact of the business. He continued that finding solutions to minimize the impact was the applicant's responsibility.

Council Member Carroll stated she has been reviewing the many documents. She explained that when she looked at the May 6, 2020, Planning Commission minutes, the topic had been covered, and the Commission was having a different conversation. She pointed that Mr. Budge had stated it had been covered. She added that the City had this use in the same zone therefore she did not feel the Council could say AERM was not allowed as long as they used the same mitigating factors what Alta View had done.

Council Member Shelton stated that the code said AERM had to mitigate the visual impact, and it was the applicant's responsibility to meet those concerns. He added he did not think they had done a good enough job showing their plant would not impact the surrounding properties visually.

Council Member Christiansen also thought AERM had not done a good enough job with its application. She added that the site plans were typically spelled out. Adam Olsen pointed out that the information was part of the packet.

Council Member Shelton mentioned that when IFA was starting to be built there were issues. Therefore, he wanted to make sure the site plan was detailed.

Council Member Taylor stated that a list ought to be provided to Mr. Budge so the Council could ask for what they wanted.

Council Member Shelton explained he wanted the applicant to come back. He mentioned that he was clear on what he wanted to see.

Mayor Frost stated he understood where Council Member Shelton and Council Member Taylor stood. He asked the other council members to express themselves. Council Member Carroll stated that in her mind, she did not know why they would have AERM come back. Council Member Shelton stated he felt the plan was lacking.

Council Member Taylor asked for what was wanted. Council Member Shelton stated he did not know how fast the aspen tree grew, but with the IFA plan, the Council wanted a fast-growing tree. He mentioned that he wished to see the applicant come with a plan addressing these details. Council Member Barnes asked if aspen trees grew well in the valley.

Council Member Taylor asked whether the Council was ready to dictate the type of tree to be planted. He pointed that he wanted a definitive direction. Council Member Barnes stated he felt that the tree type should be discussed. A subsequent discussion regarding tree type use took place. Mayor Frost stated that there could be improvements made to the plan. He continued that if a criterion were lacking, something could be added: trees, for example, could be doubled up. Council Member Shelton stated that all Council Members agreed that an eight-foot fence was required. Mayor Frost asked the Council what else was needed

Dan McDonald stated that 30-foot pines and a 10-foot fence would go a long way to beautify the space.

Council Member Taylor asked about the chances to get a 30-foot tree. Mayor Frost stated he did not think it would be feasible: a 12-foot would be better.

Council Member Taylor asked whether the Council would ask for a finished plan or give an answer during this present meeting. Cherylyn Egner explained that the City Council could add conditions, but if the Council asked AERM to re-do their site plan, this would go beyond a mere review.

Council Member Shelton explained that if the Council denied, it would be possible for Mr. Budge to create a new site plan. Cherylyn Egner stated that this was an option. Council Member Shelton continued that as he read the city code, the site plan was lacking.

Council Member Carroll explained she agreed that some things were not exactly as she would like them. She continued that she took issue with the fact that Alta View was nearby with the same project: how could the project then be denied?

Council Member Shelton explained that if he were to make a motion, he would say this was different from Alta View. Alta View, he continued, was not located in the same manner.

Mayor Frost stated that if the Council wanted to approve the appeal, they could state the items that required attention which could then be listed as findings. Council Member Christiansen liked that approach: create requirements and have AERM work out details with Staff.

Council Member Shelton stated he wanted to make sure they were not doing the site plan for Mr. Budge. Cherylyn Egner stated it would be a condition of the approval. Council Member Christiansen asked when the site plan would go back. Cherylyn Egner stated that it would be up to staff to make sure the conditions were met before issuing a permit.

Mayor Frost asked whether they had talked about an 8-foot fence. Council Member Carroll, Council Member Barnes, Council Member Christiansen, and Council Member Taylor stated they agreed to an 8-foot fence.

Council Member Christiansen mentioned she liked the pine trees.

Council Member Taylor moved to approve the site plan for American Eagle Ready Mix on the basis the applicant has adequately demonstrated the project meets the criteria outlined in 17.4.503 with the additional enhancements to the site plan as designated by the City Council on June 30, 2020: the conveyor belts will be covered, the truck washing station is included and designated differently than a ready area, cattle grates installed at the entrances and exits, that they will enhance the landscape along the frontage of the development with an 8 foot fence, that they will bring in at a 2 to 1 ratio with the existing aspen trees meaning that for every 2 aspen trees they will bring in a 12-15 foot evergreen tree for an additional 10 evergreen trees.

Council Member Carroll wanted to make sure the entire lot was paved.

Council Member Taylor added that the entire lot would be paved within six months, that only pre-washed aggregate will be used, that they use BACT standards, and that they utilize sweeper and water trucks.

Council Member Shelton stated the built up could not be higher than the defend/no defend line. Council Member Taylor agreed. Mayor Frost asked whether this was to protect the lake and was told this was the case. Council Member Taylor asked about the treatment pond and whether there would be a prevention of underground seepage and was told this would go through engineering.

Council Member Taylor added to make sure the water retention pond and storm drainage is accurately addressed to prevent any illicit discharge into the aquifer and the lake.

Council Member Barnes asked if there was a mention of the building. Cherylyn Egner stated that the building structure had to be consistent with supplemental information given to the City Council.

Council Member Taylor added that the building structure is consistent with supplemental materials provided to the City Council.

Council Member Carroll seconded the motion.

Council Member Barnes asked about truck washing. Council Member Taylor explained that he had addressed that in his motion. Council Member Barnes stated there was some confusion about the washing of the trucks.

Council Member Shelton stated there was something that required a point of clarification: the motion about leaking into the lake. He mentioned that there had always been talks about the elevation of 1700 South and asked whether the site was moving away from that. Scott Sensanbaugher stated he was almost certain that 1700 South was the defend/no defend line, so the entire site was below that elevation. Council Member Taylor mentioned he thought the retention pond would be engineered as such that it would not have any seepage. Scott Sensanbaugher stated that a 100-year flood was different topic altogether. Council Member Shelton stated that the topic was one and the same as it was part of a compromise for Jordan River users and clarified that he was talking about the rainstorm necessary in the event of a large storm.

Council Member Shelton asked whether in the event of a big rainstorm, if the gates would be opened Jordanelle. Scott Sensanbaugher stated that it would be a series of events that would raise the lake, including a wet winter and other things. He added that this site was below that elevation. Council Member Shelton pointed that if the Council did not require that, they would be going against what they used to do.

Council Member Shelton mentioned that the defend/no defend was specifically dealing with flooding. David Bunker explained that all the development in that area, even TSSD, would be affected. There was a further discussion on this topic as Scott Sensanbaugher argued that if this business were held to this standard, many more would also have to.

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

RESULT:	APPROVED [4 TO 1]
MOVER:	Clark Taylor, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Kevin Barnes, Staci Carroll, Barbara Christiansen, Clark Taylor
NAYS:	Rob Shelton

Council Member Barnes thanked the representatives for being here. He mentioned the presentations were well put together.

3. Review and action on a resolution adopting the American Fork City budget for fiscal year ending June 30, 2021.

Mayor Frost stated that the packet was 800 pages and that much of it concerned the budget. He explained that Staff had addressed the concerns of the Council. He added that this would be a budget that would be amended due to the current conditions.

David Bunker stated the tentative budget was approved on May 12, 2020 and added that comments were made that had been taken into consideration. He continued stating that this was a conservative budget and that Staff had taken a conservative approach. He pointed that there had been a 14% reduction in sales tax revenue along with a reduced expense. The budget, he continued, did maintain the fund balances. He mentioned that the budget was fluid as it might need to be amended as additional data came forward. He stated that he hoped the amendments would be positive: adding projects that were cut because of the reduction in revenues. Mr. Bunker provided the example of cuts that had been made to the pavement management program; if the revenues came in, funds could be added to the project. He continued that they would reassess as better data came in. Mr. Bunker explained that there had been a request for \$2.9 million for the year which had been reduced by \$865,000, with a proposed budget of \$2.09 million. The constraint, he continued, came from taking money out of general funds. He pointed out that sales tax receipts had increased in March and April by 14% when compared to the prior year. Nonetheless, he continued, Staff had taken a conservative approach.

Council Member Shelton stated that it would be interesting to calculate how much of the sales tax came from online purchases. He continued that his big priority was getting the 5-year infrastructure plan done. He asked whether there was money budgeted for Staff to accomplish this goal. David Bunker stated Staff had added \$50,000 to the budget to assist with this goal.

Council Member Barnes moved to approve Resolution No. 2020-06-13R adopting the American Fork City budget for the fiscal year ending June 30, 2021, and the filing of appropriate documents with the state of Utah. Council Member Christiansen seconded the motion.

Council Member Shelton asked whether Staff had looked into any smart water programs. He mentioned that he would like to see money going toward smart metering. David Bunker explained that Staff would be working with Scott Sensanbaugher and engineering as smart water was very advantageous. Council Member Shelton would love to get updates.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Barnes, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

4. Review and action on a resolution approving the 2020-2021 General Fee Schedule.

Mayor Frost stated that this topic had been discussed at the Work Session. David Bunker explained they had removed the \$10 per employee business license fee. Other items, he continued, were consistent with what had been discussed during the Work Session.

Council Member Shelton asked if the issue of absentee landlord had been changed. He added that the Council was supposed to address this issue with the fee schedule. Anna Montoya explained that this was not part of the fee schedule, but added that it could, however, be added to the motion. Council Member Shelton stated he felt they needed to make sure this was addressed.

Darren Falslev, Police Chief, stated he would look the issue up.

Mayor Frost asked whether they should adjust the fee or have fees go to one place. Council Member Shelton explained he wanted it to go to Business License so the Police Department would no longer have to handle these fees: the fee would be added under the Business License section of the fee schedule. Council Member Carroll stated the cost of the registration fee.

Council Member Shelton moved to approve Resolution No. 2020-06-14R establishing the 2020 General Fee Schedule, adding in the absentee landlord fees under business licensing at the fee currently set. Council Member Taylor seconded the motion.

Council Member Carroll asked about the garbage fees, which were going up. She wanted to clarify that the contracted price had been increased. She was told that there was a contracted fee increase schedule which had dictated the recent increase.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Council Member
SECONDER:	Clark Taylor, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

5. Review and action on a Class B Beer License for EATT Holdings, LLC (DBA Burgers and Barley) located at 529 South 500 East, Unit A.

This was a new business coming to town.

Council Member Carroll moved to approve a Class B beer license for Burgers and Barley. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

6. Review and action of an Amended Reimbursement Agreement for Red Pine Construction.

Scott Sensanbaugher explained that this item was before the Council as the developer moved forward with the infrastructure. He added there were several items Staff felt were fair. Some of the geotechnical reports, he continued, found the road was softer than they thought it would be. As a result, he explained that Staff required extra measures to ensure the road was sound. He added there was also quantity adjustments. Scott Sensanbaugher stated Staff had looked at this closely and recommended approval.

Council Member Christiansen moved to approve the reimbursement agreement for Red Pine Construction. Council Member Taylor seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara Christiansen, Council Member
SECONDER:	Clark Taylor, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

7. Review and action of a Connector's Agreement (a/k/a Pioneering Agreement) for Ardero

Scott Sensanbaugher summarized that this was a standard connectors agreement where the developer was required to build infrastructure to service their developments. As developments were made and other developing properties benefitted from the improvements, he continued, said new developing properties would be required to pay some of the costs, which was standard.

Council Member Taylor moved to approve the connectors agreement with Ardero. Council Member Christiansen seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

8. Review and action on an agreement with Pleasant Grove City for Installation of a Water Line in 50 South

Scott Sensanbaugher stated that on the City's end of 50 South, Pleasant Grove had a water line that came into City limits. He continued that they approached the City with a request for Staff to replace the water line with Pleasant Grove paying for all design and expenses. Scott Sensanbaugher stated that the City engineer and contractor had broken down the line items and taken those amounts out.

Council Member Shelton asked whether this line was by one by the old gas station. Scott Sensanbaugher answered that this was the case.

Council Member Taylor moved to authorize the city to enter into an agreement with Pleasant Grove as presented. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

9. Review and action on subdivisions, commercial projects, condominiums, and PUD's including 1) plat approval; 2) method of satisfaction of water rights requirements; 3) posting of an improvement bond or setting of a time frame for improvement installation; and 4) authorization to sign the final plat and acceptance of all dedications to the public and to have the plat recorded.
- a. Review and action on the final plats of Lakeshore Landing A-J in the area of 900 West 350 South.

Adam Olsen stated the Planning Commission did recommend approval. He noted there were nearby neighbors that were concerned with infrastructure, density, etc. He added that the plats fell under the parameters of the TODs.

Council Member Carroll asked whether the vote was unanimous. She was told it had been. Council Member Carroll then stated she was confused by the label “final plat” and that she could not tell what the open space was. Adam Olsen explained these were common areas such as parking lots and landscape areas. The map presented was meant to divide land for the purpose of development. Cherylyn Egner clarified that this new process was due to the TOD distinction.

Council Member Carroll moved to approve the final plats of Lakeshore Landing A-J in the area of 900 West 350 South 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 June 17, 2020 planning commission meeting. Council Member Taylor seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Clark Taylor, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

- b. Review and action on the final plat of Mitchell Farms Plat C, located in the area of 780 West 800 North, in the R-1-12,000 Residential zone.

Council Member Carroll moved to approve the final plat of Mitchell Farms Plat C, located in the area of 780 West 800 North, in the R-1-12,000 Residential zone and to authorize Mayor Frost 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 June 3, 2020 planning commission meeting. Council Member Christiansen seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

- c. Review and action on the final plat for Peak Meadows Plat A, located in the area of 1200 East 300 North, in the R-1-9,000 Residential zone.

Council Member Taylor moved to approve the final plat for Peak Meadows Plat A, located in the area of 1200 East 300 North, in the R-1-9,000 Residential zone and to authorize Mayor Frost 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 June 3, 2020 planning commission meeting. Council Member Carroll seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

10. Review and action on an agreement with UDOT for an Access Control Plan including Intersection Spacing along 100 East (SR-74)

Scott Sensanbaugher stated that this was identical to the agreement with UDOT on 500 East. He explained that the goal was to establish the corridors where the signals would be.

Council Member Shelton asked about the canal boulevard. Scott Sensanbaugher stated this was under construction and added he was unsure of the project timeline as there had been delays. Council Members shared anecdotes about the area.

Council Member Carroll moved to approve the agreement with UDOT and Highland City and authorize the city to sign said agreement. Council Member Taylor seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Staci Carroll, Council Member
SECONDER:	Clark Taylor, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

11. Review and action on an ordinance amending Section 17.5.131 to the American Fork City Municipal Code, a relating to culinary water, pressurized irrigation, and sewer connection.

Scott Sensanbaugher explained these were minor changes to clean things up. He highlighted that the language about Pressurized Irrigation had been revised. He further pointed to the mixed uses in the TOD. He continued that there should be a meter for the commercial and the residential to allow them to be on separate accounts. The remainder of the changes, he went on, were cosmetic changes.

Council Member Shelton stated that, in the future, when the Council would implement smart watering, the text would need to be amended to reflect this. Scott Sensanbaugher stated that this would be another discussion and something he could further look into. Council Member Shelton explained he would rather they looked into this now rather than wait until 1/3 of the meters had

been changed.

Council Member Taylor moved to adopt Ordinance No. 2020-06-32 amending Section 17.5.131 of the American Fork City Municipal Code relating to the culinary water, pressurized irrigation, and sewer connection. Council Member Barnes seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

12. Review and action on a resolution declaring items to be surplus and disposed of.
Council Member Taylor moved to approve Resolution No. 2020-06-15R declaring the 1998 E350 ambulance to be surplus and disposed of. Council Member Carroll seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Staci Carroll, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

13. Review and action on the renewal of a Janitorial Contract for city buildings.
Scott Sensanbaugher stated this was brought to the Council a year ago for a one-year contract renewal to ensure the City was satisfied with said contract. He explained that the service had been satisfactory, and that Staff was recommending a three-year contract renewal. He added that the contract could still be canceled if needed. He also briefly pointed that there had been a slight change in hours.

Council Member Taylor moved to renew the contract with Absolute Janitorial Services for an additional three years. Council Member Christiansen seconded the motion, noting there were a couple of changes in contact names.

Council Member Barnes explained that the contract did not specify “per year” and suggested the addition of language.

Council Member Taylor amended his motion to include adding “each year” and changing contact names. Council Member Christiansen agreed to the amendment. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

14. Review and action on an ordinance amending Section 17.1.400 of the city code relating to water rights conveyance.

Scott Sensanbaugher explained this review was meant to correct an error from prior year. He added there were a couple of math errors that had been corrected.

Council Member Taylor moved to adopt Ordinance No. 2020-06-33 amending Section

17.1.400 relating to water rights conveyance. Council Member Christiansen seconded the motion. Voting was as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

15. Review and action on a resolution executing an interlocal agreement between American Fork City and Utah County for disbursement from the Coronavirus Relief fund.

Mayor Frost gave some background on the Relief Fund. He pointed that the County had received \$111 million. Initially, he continued, Mayors would have been required to submit receipts, an idea which had not been well received. As a result, he went on, the mayors and commission members had met to create a way to disburse the Coronavirus Relief Funds based on population. The funds, he added, must be expended for COVID-19 related expenses as approved by the Treasury Department. If unspent, he clarified, the funds had to be returned by November 1, 2020.

Council Member Shelton asked if they knew what the funds had been expended on so far. Anna Montoya explained that about \$500,000 had been spent. Council Member Shelton asked if they had plans to build the stock of PPE. Mayor Frost stated it was in the plan.

Council Member Barnes pointed to paragraph 4 where Exhibit A was mentioned. He added he could not see an exhibit. Therefore, he was not sure what part 2 or part 3 were.

Mayor Frost asked Anna Montoya. Anna Montoya explained that this was discretionary at the level of the County and added that the document had been approved by the County with not much of an opportunity to ask for changes.

Council Member Barnes moved to approve Resolution No. 2020-06-16R authorizing the execution of an interlocal agreement between American Fork City and Utah County for disbursement from the Coronavirus Relief fund. Council Member Christiansen seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Barnes, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

16. Consideration for adoption of a resolution of the City Council of American Fork City, Utah, authorizing the issuance and sale of not more than \$29,500,000 aggregate principal amount of water revenue and refunding bonds, Series 2020; and related matters.

Preston Kirk explained that the resolution was meant to build the water projects on the West side of the freeway. He explained that Staff had been working to apply State loan. The resolution, he went on, was to size the box into which the State loan would fit. He added that this would be the water project as well as a loan the State held. He went on stating that the bond was being worked to include that. He mentioned that this should be a lower amount but would allow Mayor Frost, or a Mayor Pro tem, or the City Administrator to set the amount. The maximum amount, he explained, was 29.5 million with less than 31 years and 5%. He pointed that there was about \$527,000 left in the 2012 bond. He mentioned that there was a meeting with the State on August 6, 2020, at which time the cost, length, and interest rate of the loan would be dictated.

Mayor Frost stated there was a lot of good information in the packet. He explained that this would get the City where it needed to be in the TOD. David Bunker stated this was a critical project as the development on the South side was under a moratorium due to the limitations of the water supply to the area. He added that this included all the water projects from 700 North down, to Main Street, to the South side of the freeway with a line to the TOD area to the West property. He added this was critical in order to maintain development and growth.

David Bunker continued that their intent was to meet with the State and get approval at that time. A loan from the State, he continued, would be very advantageous. However, he added, if the City were required to go to the bond market, this resolution would allow for that. He concluded that this resolution was meant to accomplish multiple tasks.

Randy Larsen stated that if they did not get the State loan, the City could go to the market without having to return to the City Council. The first priority, he went on, was to obtain the State loan but that because of the importance of the project, the City needed to be able to move forward without said State loan.

Council Member Shelton asked Preston Kirk if there was a provision of a 10-year callable inclusion. Preston Kirk stated that State loans were callable at any time. Council Member Shelton asked whether the callable was a 10-year one. Preston Kirk stated that was generally the type of loan they encountered and could ask for this if this was what the City wanted.

Randy Larsen stated that the resolution was intended to delegate the redemption terms of the designated officers. He continued that there would not be a need to force a 10-year call.

Council Member Shelton stated there was no need to lock the City in callable loan. He added that he had received a call from a developer in the TOD asking whether the City would now be allowed to lift the moratorium. David Bunker stated that the City needed to go before the State in August 2020 to get the determination on whether the project would be funded. He added that once approved, the City could start construction in the Fall.

Council Member Shelton clarified that the moratorium would be lifted once the City had obtained funding. David Bunker stated that once funding was in place, the City could begin construction while the developers were working.

Council Member Taylor moved to adopt Super Parameters Resolution No. 2020-06-17R which, among other things, sets forth the maximum amount of the bonds, the maximum maturity date, the maximum interest rate and appoints designated officers to finalize the transaction within the parameters set forth. Council Member Christiansen seconded the motion. Voting was as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

17. Review and action on the termination of the right-of-way access agreement with UTOPIA.

Cherylyn Egner stated that the ready access contract with UTOPIA outlined the requirements for

permits to access the right of way. She added that there was a termination provision and based on prior discussion, Ms. Egner recommended terminating the agreement.

Council Member Taylor moved to terminate the right-of-way access agreement with UTOPIA. Council Member Barnes seconded the motion.

Council Member Barnes asked when the 90-day period would begin. Cherylyn Egner stated that she would send a notice first thing the following morning with registered mail. She added she would check how they had to proceed but added that UTOPIA would mail a return receipt.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Council Member
SECONDER:	Kevin Barnes, Council Member
AYES:	Barnes, Carroll, Christiansen, Shelton, Taylor

18. Adjournment

Council member Christiansen moved to adjourn the meeting. Council Member Barnes seconded the motion. All were in favor.

The meeting adjourned at 10:30 p.m.



Terilyn Lurker, City Recorder