

AMERICAN FORK CITY COUNCIL
AUGUST 11, 2020
PUBLIC HEARING AND REGULAR SESSION MINUTES

This meeting was held electronically.

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
Aaron Brems	Fire Chief
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Scott Sensanbaugher	Public Works Director

Mayor Bradley J. Frost welcomed everyone to the meeting and explained the in accordance with resolution 2020-07-20R and as determined by the mayor, the meeting was held electronically due to COVID-19. The meeting was live streamed and could be viewed on the City's website. Any public comments were required to be submitted by 5:00 p.m. prior to the meeting. In addition, the American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, August 11, 2020, electronically, commencing at 7:00 p.m.

PUBLIC HEARING

To begin the session, Mayor Frost opened a public hearing to receive public comment on the declaration of real property as surplus and to be disposed of. He asked Terilyn Lurker, City Recorder, if the Council had received any public comments regarding this item.

Terilyn Lurker, City Recorder, stated there were no public comments.

Seeing none, Mayor Frost closed the public hearing.

REGULAR SESSION

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

Mayor Frost recited the Pledge of Allegiance. Council Member Barbara Christiansen offered the invocation. A roll call was taken with all Council Members present.

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

Mayor Frost asked Ms. Lurker if the Council had received any public comments. Ms. Lurker stated there were no public comments.

3. City Administrator's Report

David Bunker, City Administrator, had nothing to report.

4. Council Reports

Council Member Christiansen said that the library board was looking for one to two new members. She said that the information for the position was on the library's website and added that it was a wonderful way to serve the community and offer value to residents. The Council appreciated anyone who was willing to volunteer for the opportunity. The deadline to apply was the second week in September.

Council Member Shelton said that he had sent an email out to the Council about the North Pointe Solid Waste recycle coach. He explained that he had not hear anything back and asked that if the Council had feelings about the issue, he'd appreciate it so that he could have more information when he goes back to work with North Pointe. It was his opinion that the recycle coach seemed like a cost-effective tool to educate residents about recyclables and provide them with push notifications about garbage and recycling pickup. Council Member Shelton also noted that North Pointe Solid Waste was currently hiring for the management position. The application had recently closed after there was a good deal of interest and applicants for the position. He noted that there were a lot of familiar names to the Council who applied.

Council Member Barnes asked if Council Member Shelton could resend the email about the recycling program.

Council Member Carroll had nothing to report.

Council Member Taylor wanted to give a shout out to the Parks and Recreation Department. He said that the previous night was the opening of Art Dye Park. He said that the entire corridor and concept of the Art Dye Park was coming into vision and looked fantastic.

5. Mayor's Report

Mayor Frost had nothing to 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 July 14, 2020 City Council minutes.
2. ~~Approval of the July 21, 2020 work session minutes.~~
3. Approval of the authorization to release the Improvements Durability Retainer of \$12,778.00 for DBD GUNTHER BUSINESS PARK, located at 50 SOUTH 700 EAST.

4. Approval of the authorization to release the Improvements Durability Retainer of \$6034.00 for WILLIAMSON RANCH PLAT A, located at 598 Storrs Avenue.
5. Ratification of city payments (July 22, 2020 to August 4, 2020) and approval of purchase requests over \$25,000.

Ms. Lurker asked for the removal of the July 21, 2020 minutes as she needed to look into and clarify some items.

Council Member Shelton moved to approve items 1, 3, 4 & 5 of the common consent agenda. Council Member Taylor seconded 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

ACTION ITEMS

1. Review and action of a Reimbursement Agreement for Qelo, LLC. for improvements on 900 West from approximately 350 South to 550 South.

Mayor Frost explained that the agreement would cover a lot of upsizing of water lines and road improvements.

Council Member Shelton moved to approve the reimbursement agreement for Qelo LLC. Council Member Taylor seconded the motion.

Council Member Barnes asked if the improvements had already been completed. Scott Sensanbaugher, Public Works Director, said that the work had not yet started.

Council Member Carroll said that she noticed that the budget impact would come from impact fee credits, but it was not indicated in the agreement that this would be the funding source. Mr. Sensanbaugher responded that this would be a cash payment out of the impact fee funds, not an impact fee credit.

Council Member Carroll said that the front page of the packet indicated that it would be a credit. Council Member Barnes supported Council Member Carroll's statement and explained that the contractor would do the work and then get credits for their impact fees.

Mr. Sensanbaugher said that would need to be changed on the RCA template. He said it was not credits. Rather, when the company completed the work and staff reviewed the work the company was given a cash payment.

Mr. Bunker explained that the City used to do impact fee credits and that they were quite cumbersome to track unit by unit what kind of credit they got versus what they were paying. Because of this, the City had moved to a cash payment once the improvements were installed and inspected.

Council Member Barnes asked if they needed to amend the motion. It was noted that the problem with the wording was in the background information provided to staff, not in the agreement itself.

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

2. Review and action on a resolution approving an amendment to the land use element of the general plan from the High Density Residential to the General Commercial designation located in the area of 126 North Grant Avenue.

Council Member Shelton asked about the intended land use of the property and the surrounding area and wanted to know how the property was currently being used. Adam Olsen, Senior Planner, stated that the back portion of the property were storage units. The front portion of the property was a business and an old home that had been torn down, leaving that section of the property vacant and fenced off.

Council Member Shelton asked if the existing business was grandfathered in from previous land use designations because it seemed to him that it fell in the high-density land use. Adam Olsen, Senior Planner, said that the zoning was CC-1. Because the zoning was already in existence, the business went in per the zone. He explained that the land use plan encompassed a greater area than the property. The zone change was for a smaller area than the land use plan. The applicant owns three different properties but was only requesting a zone change on one of the properties.

Council Member Carroll stated that it was unusual for someone to have a request like this without any development plans. She asked if Mr. Olsen if he had any more information about what the pursuant intended to do with the property. Mr. Olsen said that he did not know about their plans other than that the property owner wanted all of their properties under the same zone.

Council Member Shelton said that because the first two properties were already in the CC-1 zone he was a little more comfortable with the zone change on the third property, but he was concerned about the jagged outline of the CC-1 zone. He said it would be nice if they could establish a clean break at a certain road that restricted how far they allowed commercial zones to spread. Mr. Olsen said that was part of the decision that the Council could make tonight. If they felt that they wanted to maintain the current line of commercial properties, they did not have to approve the zone change.

Council Member Shelton said that he understood that but was torn. On one hand he felt, what was one more lot, but on the other hand he wondered if that would allow creeping to continue to happen. He felt like the Council need to think about if they wanted that whole block to become commercial. Mr. Olsen said that north of the property there were residential uses. He explained that where they are asking for the zone change is the end of the current commercial use.

Council Member Shelton said that the jagged line on the map demonstrates the creep that he is talking about; the commercial use designation continues to move further and further north. Mr. Olsen said that all of those properties had been approved in the past as request from property owners or as a result of the zone designation when the map was created.

Council Member Shelton said that he was simply proposing the question how far they wanted to allow the commercial zone to move north. He said that he could see it extending all the way to

200 North with the public works facility building. He said that he was simply trying to think down the road a little bit about what they want as a City and Council.

Council Member Shelton then said that he was not ready to make a motion but wanted to open up a course forward for discussion. He wanted to know if there would be any harm in voting no tonight but asking the applicant to submit their request again after they had a plan for what they wanted to do with the property.

Council Member Barnes asked what kind of businesses can go to the CC-1 zone. Mr. Olsen said that there was a wide range: retail, office, medical, etc. He said that the house that was already zoned CC-1 was a small landscaping company. He said that it was his impression that in the future they would like to expand, but they did not have a plan for expansion.

Council Member Barnes discussed the landscaping company utilizing the property. He said that he did not feel concerned about how they might develop the property in the future.

Council Member Christiansen said that the Council needed to think beyond what the current plans were because once the zone was changed, it created opportunities for people to make changes five, 10 and 20 years down the road.

Council Member Shelton asked Mr. Olsen if the applicant was available tonight. Mr. Olsen answered they were not part of the Zoom meeting.

Mayor Frost asked the direction that they Council would like to go.

Council Member Shelton asked what the minimum frontage for the CC-1 zone was. Mr. Olsen said that there was not one. He said that there was no minimum width because many of the properties in the CC-1 zone are in downtown and therefore are just the property itself. Council Member Shelton said that he had a hard time with that because that would mean that developers could build right up to the property line. Mr. Olsen said that the CC-1 zone was intended for the downtown core.

Council Member Shelton said that was what he was struggling with: he did not see this property fitting into the downtown core. He said that he would feel more comfortable with the CC-2 that would create a buffer with the residential area. He said that if he were a neighbor and all of a sudden a repair shop with a wall right on the property line appeared, he might not be all that happy about that. He briefly mentioned size and parking requirements, and in response to these remarks, Mr. Olsen said that there was a parking requirement; there was only a small portion of downtown that did not have a parking requirement. For a property like this it would be four spaces per 1,000 square feet of area.

Council Member Taylor said that he felt like Council Member Barnes in that he did not have a lot of heartburn about how the area was developing. When driving along Grant Avenue there was already a car lot. Mr. Olsen said it was just a landscaping company that used to be a tow yard.

Council Member Taylor appreciated the correction. He added that the area already is pretty developed with asphalt up to the building. Because of this, he did not feel like changing the zone was different than the surrounding area. He said he would be happy to make a motion.

Council Member Carroll said that when she reviewed the proposal earlier, she did not have a problem with it, so during the discussion she was looking at it more closely to see if there was something else that she thought. She said that the area was already quite commercial already. She asked what the actual address was for the lot. Council Member Barnes said that it was located at 126 North Grant Avenue on the east side of the street. He added that thought that the building that the landscaping company was in used to be the office for the towing company. Mr. Olsen explained that when the towing company left, the landscaping company moved in. He said that the property owner where the landscaping company sits also has properties to the north where they tore down the old home and cleared the property before requesting the zone change.

Council Member Barnes asked Mr. Olsen if there was any discussion from the Planning Commission. Mr. Olsen said that the two items that went before the Planning Commission was the land use designation and the zone map, but that there was not a lot of discussion on either item. When Council Member Barnes asked if the applicant was at the Planning Commission, Mr. Olsen said that they watched the meeting through YouTube. However, when it is not anticipated that there will be a lot of discussion on an item the applicant is not brought into the Zoom meeting.

Council Member Shelton asked if the landowners could put in storage units under the land use designation. Mr. Olsen answered no. A person used to be able to put in storage units under the CC-1 zone, but you could not anymore. Existing storage units in the CC-1 zone were grandfathered in. Council Member Shelton said that he just noticed that the owner of the existing storage units purchased all the land in 2017.

Council Member Barnes said that he just received a phone call from John Woffinden who said that he thought that the owner intended to put in storage units. Mr. Olsen said that storage units had never been a part of the discussion and if that were the applicant's proposal it would be denied.

Council Member Carroll stated that she did not have a problem with this change.

Council Member Taylor moved to adopt Resolution No. 2020-08-21R approving an amendment to the land use element of the general plan from the High Density Residential to the General Commercial designation located in the area of 126 North Grant Avenue. 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

3. Review and action on an ordinance approving a zone map amendment from the R4-7,500 Residential zone to the CC-1 Central Commercial zone, located in the area of 126 North Grant Avenue.

Council Member Barnes moved to adopt Ordinance No. 2020-08-41 approving a zone map amendment from the R4-7,500 Residential zone to the CC-1 Central Commercial zone located in the area of 126 North Grant Avenue. Council Member Christiansen seconded the motion. Voting was as follows:

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

4. 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 a commercial site plan for the Davies 500 East Office Warehouse, located at 450 East Auto Mall Drive in the PI-1 Planned Industrial zone.

Council Member Taylor moved to adopt Ordinance No. 2020-08-42 approving a commercial site plan for the Davies 500 East Office Warehouse, located at 450 East Auto Mall Drive in the PI-1 Planned Industrial zone with instructions to the City Recorder to withhold publication of the ordinance subject to all conditions identified in the public record associated with the July 22, 2020 Planning Commission meeting; including the illustration on the landscaping plan of vegetation/ screening along the western boundary of the site. Council Member Barnes seconded the motion. Voting was as follows:

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

- b. Review and action on the final plat of Edgewater Townhomes at American Fork, Plats 1-3, located at approximately 1130 West 330 South in the TOD zone.

Mr. Olsen explained that this was a re-subdivision of what was Edgewater North that was intended from the beginning to be a townhome development. He said that these plats were for the townhome portion that designated the streets and rights-of-ways for the townhome area. He noted that this item went to the Planning Commission the week prior who recommended approval to the Council.

Council Member Carroll asked Mr. Olsen if there was any discussion. Mr. Olsen answered that there was little discussion. There was a question about where the development was located in the TOD area.

Council Member Carroll had a couple of comments on the plat. First, on Plat 3, she noted that the open space included a small portion of land where the two townhomes were facing each other. She said that space looked small on the plat. She said that she was unsure that they would want to allow that as open space and asked Mr. Olsen if he had an idea of how small of a space that was. Mr. Olsen said that was probably a sidewalk with landscape area on either side of the lot. He explained that it was not the same as city open space, but rather was a common area in the development. He continued that they would see landscaping and architect plans in the near future, but that the plats served as the formal instrument to develop the property.

Council Member Carroll was concerned about the space between the front doors of the townhomes. Mr. Olsen explained there would likely be a front yard there. Council Member Carroll said that

based on the plat it looked like the space would be so small that the front doors would be really close. Mr. Olsen said that he did not think that those were the limits of the buildings, but that there was yard space included in each of the property outlines on the plat. He said that on the back there would be a garage.

Council Member Carroll said that she had misunderstood the plats. What was outlined were the lots not the buildings. She then had a question about the difference between the interior roads that were alleys and 1100 West that was an actual frontage road. She said that most of the townhomes would be oriented such that it was the sides of their structures faced the road meaning that if someone was walking down the road you wouldn't see the front of any of the houses. Mr. Olsen explained that although small, there would be side yards and landscaping. However, the townhomes themselves would front the common areas between the units with access from the alleys, causing many of the sides of the structures to face 1100 West. He noted that further north it looked as though there would be some that fronted the road.

Mayor Frost asked Mr. Olsen to outline the next steps for this development. Mr. Olsen explained that the developer would not be coming back to the Planning Commission or City Council as what remains in the process was staff level reviews such as the architectural review. After that staff would help determine the actual placement of the structures on the lots. The approval of the plat was just an instrument for dividing a property into lots.

Council Member Barnes stated to Mr. Olsen that the recommended motion included a clause to incorporate all conditions mentioned at the Planning Commission meeting. He wanted to know if there were any specific conditions. Mr. Olsen said there were not any specific to this project but there were general conditions listed.

Council Member Carroll asked if the open space indicated in the plats qualified for their open space requirement. Mr. Olsen stated they do meet that requirement.

Council Member Carroll explained that sometimes they receive a plat, but do not see the open space associated with the area being developed. She wanted to know if that was the case for this plat or if the open space outlined on what she was looking at was the amount of open space required for a townhome development. Mr. Olsen said that the developers are able to utilize different types of open space which they called out on their block and lot plans. He said that in these kinds of developments it was not necessarily the percentage of open space to developed property, but the types of open space proposed.

Council Member Shelton moved to approve the final plat of Edgewater Townhomes at American Fork, Plats 1-3, located at approximately 1130 West 330 South in the TOD 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 August 5, 2020 Planning Commission meeting. Council Member Taylor seconded 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

- c. Review and action on the final plat of Rockwell Ranch Block 1 Phase 1, consisting of 16 lots, located in the area of 400 South 1060 West in the Transit-Oriented Development (TOD) zone.

Mr. Olsen explained that this was just a small plat for additional townhomes further south. He said that it was a plat for its own development, but that it fell in the overall vicinity of the Franzen properties. He said that the Planning Commission had little discussion on the item and recommended approval. He said that this was just a 16-phase plat. Additional plats did go to the Planning Commission would see in a few weeks.

Council Member Taylor moved to approve the final plat of Rockwell Ranch Block 1 Phase 1, consisting of 16 lots, located in the area of 400 South 1060 West in the Transit-Oriented Development (TOD) 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 July 22, 2020 Planning Commission meeting. Council Member Barnes seconded 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

- d. Review and action on an ordinance adopting the final plat of Stonecreek Plat E Conservation PUD, consisting of 64 lots, located in the area of 700 South 400 West in the PR-3.0 Planned Residential zone.

Council Member Carroll moved to approve the ordinance adopting the final plat of Stonecreek Plat E Conservation PUD, consisting of 64 lots, located in the area of 700 South 400 West in the PR-3.0 Planned 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 and publication of the ordinance subject to all conditions identified in the public record associated with the July 22, 2020 Planning Commission meeting. Council Member Christiansen seconded the motion.

Council Member Staci Carroll added to her motion: including illustration and dedication of park/open space area associated with Plat E. Council Member Christiansen accepted the addition. Voting was as follows:

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

5. Review and action on a resolution declaring real property to be surplus and disposed of.

Mayor Frost explained that this item was associated with the public hearing before the meeting. Council Member Barnes asked what brought this item about. He wanted to know if they were just trying to clean up things around the City. Mayor Frost explained there were a lot of little derelict parcels that were not needed but needed to be maintained. He said that some of these parcels had

small landscaping needs or simply had weed problems that the Parks Department has to take care of.

Council Member Taylor moved to adopt Resolution No. 2020-08-22R declaring real property to be surplus and disposed of. Council Member Carroll seconded the motion.

Council Member Shelton asked what the process was of disposing of the parcels. He asked if they would be given to the landowner next to the properties to maintain. He wanted to know if those landowners had been contacted and if they had interest in acquiring more land. Mr. Bunker said that landowners had not been contacted yet as staff were waiting for the Council's actions. However, neighboring property owners would be contacted to see if they were interested in those parcels.

Council Member Barnes asked if the City had to hold an open bid. Mr. Bunker said that it depended upon the size and value of the property.

Cherylyn Egner, Legal Counsel, said that the properties could be disposed if they were valued at less than \$1,000. If the properties were of greater value, they would need to bring a contract back to the Council to execute.

Council Member Taylor asked what of those parcels were worth \$1,000. Mr. Bunker said that this action just opens the door for staff to surplus the property and begin to negotiate.

Council Member Christiansen said that in most cases there was not any value except to the neighboring property.

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

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

6. Review and action on a Construction Contract for the 2020 Sewer Rehabilitation Project Construction Contract

Council Member Shelton asked about section 3, item three of the contract. He said that sometimes it seems as though the City's projects drag on because of delays. He pointed out that there was a drop-dead date of December 31st and the contract says, "and within 30 days of mobilization." He wanted to make sure that the drop-dead date was December 31st and that if they mobilize sooner, they have 30 days.

Scott Sensanbaugher, Public Works Director, said that was correct.

Council Member Taylor moved to accept the bid submitted by Insituform Technologies, LLC for the construction of the 2020 Sewer Rehabilitation Project in the amount of \$159,500.00 and approve the construction contract as presented. 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

7. Consideration and action on entering into a closed session to discuss items described in Utah State Code 52-4-204 and 52-4-205.

This item was pulled from the agenda.

8. Adjournment

Council Member Shelton moved to adjourn the meeting. Council Member Carroll seconded the motion. All were in favor.

The meeting adjourned at 7:52 p.m.



Terilyn Lurker, City Recorder