

AMERICAN FORK CITY COUNCIL
SEPTEMBER 8, 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
Scott Sensanbaugher	Public Works Director

Also present: Mike Hathorne, Mike Winters, Nick Mason, David Abraham, Mihrea Dobre, James Doolin, Scott Laneri, Duane Rasmussen, Jesus Galvez

The American Fork City Council electronically held a public hearing in conjunction with the regular session on Tuesday, September 8, 2020, commencing at 7:00 p.m.

PUBLIC HEARING

- Receiving public comment regarding the declaration of real property to be surplus and disposed of.

Terilyn Lurker, City Recorder, explained that the public hearing notice was published on August 25th to receive public comment on declaring City-owned property surplus and disposed of. That notice included four parcels of land owned by the City. Those listed included: the northeast corner of 1120 North 150 West, along 1190 East from the Murdock Canal to 1350 North, a park strip area along 1340 North 70 West, and a strip of ground along 1400 North 150 West. It was determined that two parcels should not be declared surplus as they were needed for a future sidewalk and a trail. One parcel, the 1340 North 70 West park strip, was incorrectly advertised and that parcel was not intended to be declared surplus. Before the council later in the meeting is approval of a resolution to declare the parcel at 1120 North 150 West as surplus.

There has been one comment from Tony Coates, who owns property at 1340 North 70 West:

To whom it may concern,

I am the owner of the property described in the above notice as “1340 North 70 West Park Strip”

I called and spoke with Terilyn Lurker this afternoon concerning this notice. She told me that this entry in the notice was incorrect. She said that this item on the notice would be stricken.

This comment is just to record what was discussed on the phone.

Respectfully,

Tony Coates

- Receiving public comment on amendments to the Fiscal Year 2021 budget (July 1, 2020 to June 20, 2021)

There were no comments.

REGULAR SESSION

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

Mayor Frost welcomed everyone to the meeting. Those participating electronically recited the Pledge of Allegiance. Roll call was taken.

Mayor Frost stated that in accordance with Resolution No. 2020-07-20R, the City Council meeting would be held electronically as conducting the meeting at City Hall presented a substantial risk to the health and safety of the public due to COVID-19. He stated that citizens could watch the meeting be live-streamed at <https://www.americanfork.gov/AgendaCenter>. Citizens who wished to make comments were asked to email their comments to zoompubliccomment@afc.city.net prior to 5:00 p.m. on the day of the meeting for the comments to be read into record, indicating in the subject line which item their comment referred to.

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

There were no public comments.

3. City Administrator's Report

David Bunker, City Administrator, reported that the bubble would be put on the pool on September 28th; they intended to keep most of the facility open while this took place. He also reported that the PI system consumption was extremely high. They would like to ask the citizens to be conscientious on watering their lawns and cutting back irrigating lawns and gardens. The City was also doing its part and dialing back on consumption and had also contacted large water users.

4. Council Reports

Council Member Barbara Christiansen had nothing to report.

Council Member Rob Shelton explained that he recently used the Fox Hollow Golf course, and those who utilized the course that same day had great feedback. He spoke with several leaders regarding a number of municipal topics including internet fiber and recreation. Council Member

Shelton commented that the Art Dye Park was an awesome amenity for the City. He suggested the City assess the park's uses, noting there were some uses that conflicted with another. He discussed dogs at the park, noting that owners had not been cleaning up pet waste.

Council Member Kevin Barnes stated that he did not have any updates regarding his specific assignments. However, he noted that this past Saturday he visited the Fork Fest Concerts. The number of people admitted was limited to 1500 at any one time, which was half of what they had last year. They sold out tickets days before the event, and everyone seemed to enjoy the event.

Council Member Staci Carroll reported the chamber of commerce started having its monthly lunches again. She was impressed with the measures taken to keep social distancing policies in place, noting that masks were worn. The Children's Justice Center had its grand opening this Saturday; she was excited to have one of these centers in American Fork.

Council Member Clark Taylor had nothing to report.

5. Mayor's Report

Mayor Frost reported that the Children's Justice Center was partially financed by CDBG money and he expected additional funds to come into the City as a result. Mayor Frost noted he had been involved with the COVID-19 Economic Recovery Committee. Currently they were focused on assisting non-profit organizations. The Committee was reviewing funding applications, would conduct interviews, and make decisions in the coming weeks.

Mayor Frost reported that he participated in the Greenwood School ribbon cutting event. He stated that the entire school felt new.

Mayor Frost stated that this past Friday he attended an event at Tibblefork reservoir that was sponsored by Amazon in conjunction with Protect and Preserve American Fork Canyon. Amazon's executive staff cleaned up the area in and around Tibblefork and used the event to promote taking care of the canyon. Amazon was gracious in providing 1,000 inexpensive trash bags for the community.

Mayor Frost reminded everyone that the September 15th work session would take place at 7:00 p.m. to accommodate the Parks and Recreation committee.

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 August 11, 2020 city council meeting minutes.
2. ~~Approval of the August 25, 2020 city council meeting minutes.~~
3. Approval of the authorization to release the Improvements Durability Retainer of \$48,957.40 for THE MEADOWS AT AMERICAN FORK located at 751 West 200 South.
4. Approval of the authorization to release the Improvements Durability Retainer of \$76,562.99 for SOUTH POINT PHASE 3, located at 740 East 400 South.
5. Ratification of City payments (August 19, 2020 to September 1, 2020) and approval of purchase requests over \$25,000.

Item 2 was removed from the consent agenda.

Council Member Carroll moved to approve items 1, 3, 4 and 5 of the common consent agenda. 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

ACTION ITEMS

1. Review and action on an alcoholic beverage license for Sol Agave located at 598 West Main Street Suite A.

The applicant introduced himself and his business, stating that Sol Agave was based in Orange County, California, and was a family-friendly restaurant. He was looking forward to opening its first location in Utah.

Council Member Taylor moved to approve the alcoholic beverage license for Sol Agave located at 598 West Main Street Suite A. 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

2. Review and action on a resolution approving the Blackhurst Property Land Use Map Amendment from the Residential Medium Density to Residential High-Density designation, located at 440 South 100 East.

Mayor Frost recommended tabling Items 2 and 3 so that a couple of items could be addressed prior to a decision being made by the Council.

Council Member Shelton expressed concerns with spot zoning in a high-density area. Council Members Carroll and Taylor also had similar concerns, and the suggestion was made that this item be discussed during a work session. Council Member Shelton asked what noticing had taken place on this time, to which Adam Olsen, Senior Planner, indicated standard noticing had taken place. He also noted that this item was not forwarded by a unanimous vote by the Planning Commission; there was one Commissioner who felt the existing zone should remain. Mr. Olsen stated this applied to one property.

Council Member Shelton moved to table this item. Council Member Taylor seconded the motion. Voting was as follows:

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

3. Review and action on an ordinance approving the Blackhurst Property Zone Map Amendment from the R2-7,500 to R4-7,500 Residential zone, located at 440 South 100 East.

Council Member Shelton moved to table this item. Council Member Taylor seconded the motion. Voting was as follows:

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

4. Review and action on an ordinance amending Section 17.4.608 of the American Fork City Municipal Code, a relating to District Framework Plans

Scott Sensanbaugher, Public Works Director, explained that the proposed amendment would be a slight modification to the language pertaining to the Operational Overlay. He explained that the Operational Overlay as it existed was a rigid set of gridlines within the TOD. It did not consider the fact that developments coming in may not be grid-like. They needed the master plans to be where they were, but the City needed to give a little more flexibility on the local roads. The intent was to keep connectivity between developments. It was never intended for local roads to be completely grid-like. The proposed amendments provided flexibility for connectivity.

Council Member Shelton moved to adopt Ordinance No. 2020-09-48 amending Section 17.4.608 of the American Fork City Municipal Code relating to District Framework Plans. Council Member Taylor seconded the motion. Voting was as follows:

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

5. Review and action of a Reimbursement Agreement with Wagscap, LLC for 500 East and Auto Mall Drive.

Mayor Frost explained that upon further assessment, the City had determined it could do this work for a less money by hiring its own contractor. Cherylyn Egner, Legal Counsel, suggested this agreement be stricken if the intent of the Council were to never approve it.

Council Member Shelton moved to deny the agreement. Council Member Barnes seconded the motion. Voting was as follows:

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

6. 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 Bach Apartments, located in the area of 740 East 620 South in the PC Planned Community zone.

Mr. Olsen presented the staff report as well as an aerial map of the subject property. He explained this was within the Vest Annexation area. The development was a mix of townhome and apartment units, with townhomes on the exterior and apartments on the interior portion of the property. The Planning Commission reviewed this application and forwarded a recommendation of approval. The developers met the parameters of the memorandum of agreement, annexation agreement, and the concept plan that had been approved by the Council.

Council Member Taylor stated that the apartments looked nice. Council Member Shelton stated that the apartments would be rented but asked if the townhomes on the exterior would be sold. Mr. Olsen said it had not been platted that way, and he guessed the townhomes would also be rented. If the townhomes were to be individually owned, then a subdivision plat would need to come forward.

Council Member Shelton asked if the proposed development was connected to North County Boulevard. Mr. Bunker stated that 620 South would need to connect to 860 East; it would not go through to North County Boulevard. Mr. Bunker identified another road that was master planned to go all the way over to North County Boulevard; however, the road in question was not a part of this project and was, in fact, located in Pleasant Grove. Therefore, coordination would need to take place with Pleasant Grove when that other road was eventually connected over to North County Boulevard.

Mayor Frost asked Nick Mason of his understanding of 620 South and how it related to this project. Mr. Mason stated that it served this project and went from I-15 to 860 East, which they were currently in the process of building. He said he was excited for this development.

Council Member Carroll moved to adopt Ordinance No. 2020-09-49 approving a commercial site plan for the Bach Apartments, located in the area of 740 East 620 South in the PC Planned Community 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 August 19, 2020 Planning Commission meeting. Council Member Taylor seconded the motion.

Council Member Shelton said the road he previously mentioned was important to him and he would continually be bringing the matter up as development continued to take place.

Council Member Barnes wondered why this was presented as a commercial site plan when it was a residential development. There was clarification on how to word the motion.

Council Member Carroll moved the amend the motion to read "site plan" instead of "commercial site plan." Council Member Taylor accepted the amendment. Voting was as follows:

RESULT:	ADOPTED [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 for American Fork Apartments, located at approximately 850 West 250 South in the TOD zone.

This item was on the last agenda but was tabled; minor modifications had since been made.

Mr. Sensenbaugher stated that the main concern was the curve of the road and the firetrucks. He explained there needed to be a 270-foot radius unless otherwise approved by the City Administrator and Public Works Director. He stated that 270 feet would have been a problem for the developer. Therefore, in speaking with the Fire Chief and Fire Marshal, they determined that a 100-foot radius would be acceptable. Staff recommended approval of the modifications as presented.

Council Member Taylor moved the approve the final plat for American Fork Apartments, located at approximately 850 West 250 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 Christiansen seconded the motion. Voting was as follows:

RESULT:	ADOPTED [4 TO 0]
MOVER:	Clark Taylor, Council Member
SECONDER:	Barbara Christiansen, Council Member
AYES:	Kevin Barnes, Barbara Christiansen, Rob Shelton, Clark Taylor
RECUSED:	Staci Carroll

- c. Review and action on the final plat of Easton Park Subdivision Phase 5, located in the area of 547 South 860 East in the PC Planned Community zone.

Mr. Olsen stated that this item was to divide one building into four separate parcels, therefore allowing four separate owners.

Council Member Taylor moved to approve the final plat of Easton Park Subdivision Phase5, located in the area of 547 South 860 East in the PC Planned Community 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 19, 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 approving a commercial site plan for the Ritchie American Fork 860 Apartments, located in the area of 860 East Quality Drive in the PC Planned Community zone.

Mr. Olsen explained this was in the same general vicinity as the Bach apartments. The concept plan that was part of the annexation agreement and approved by the Council designated the area in question as high density, and this site plan reflected that designation. The application met the parameters of the annexation agreement, concept approval and memorandum of understanding. The Planning Commission recommended approval.

Council Member Barnes said if this was a residential development then it should not be labeled as commercial for the sake of consistency.

Council Member Barnes moved to adopt Ordinance No. 2020-09-50 approving a site plan for the Ritchie American Fork 860 Apartments, located in the area of 860 East Quality Drive in the PC Planned Community zone. Council Member Taylor seconded the motion. Voting was as follows:

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

7. Review and action on a Performance-in-Lieu Agreement with OZ AF EAST, LLC regarding actual construction in lieu of providing an Improvements Construction Guarantee associated with Bach Apartments located at 620 South 700 East.

Mr. Sensenbaugher stated that this item allowed for the installation of improvements rather than bonding.

Council Member Taylor moved to approve the performance-in-lieu agreement with OA AF EAST, LLC for Bach Apartments located at 620 South 700 East. 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 a Construction Contract for the 100 East Street Water Line Replacement (WA201807) Construction Contract.

Mr. Sensenbaugher stated that this item was a budgeted project that staff wanted to jump on quickly so they could do the service line replacements in the section of road noted above. There were several leaks in this area, and they wanted to get the work done before UDOT started its projects. He noted that this was on 100 East between 300 to 500 North, including fire hydrants.

Council Member Shelton said he understood the water lines went along both sides of 100 East and he questioned if that went further up and down. Mr. Sensenbaugher stated that the water main was in the road and they considered putting in two mains along the sides of the roads. However, after assessing numbers, staff determined that this action would leave the main (which was in good

shape) and just replace the problematic service laterals as well as add fire hydrants. Council Member Shelton asked if the water main on 100 East would also be replaced, to which Mr. Sensenbaugh said no, that replacement would not take place for several more years. There was brief discussion regarding the work UDOT would be doing in the area in the future, and Mr. Sensenbaugh stated that UDOT was planning on doing surface-level treatments.

Council Member Carroll moved to accept the bid submitted by R. Cherrington Enterprises, LLC for construction of the 100 East Water Line Improvements project in the amount of \$450,900.00 and approve the construction contract as presented. Council Member Christiansen seconded the motion. Voting was follows:

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

9. Review and action on a resolution declaring real property to be surplus and disposed of.
The real property to be declared surplus is located at 1120 North 150 West.

Council Member Shelton asked that if they ever saw a need for a right-hand turn lane would they take up the bike lane. Mr. Sensenbaugh said that was probably what they would do, however, it was unlikely they would need a right-turn lane.

Council Member Shelton moved to adopt Resolution No. 2020-09-24R declaring real property at 1120 North 150 West to be surplus and disposed of. Council Member Barnes seconded the motion. Voting was as follows:

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

10. Review and action on a Resolution Approving Amendments to the Fiscal Year 2020-2021 City budget.

Anna Montoya, Finance Director, explained that when the budget was brought before them in June, there were some facility closures taking place at the time that affected staff wages and vehicle usage. There were some clarifications made regarding line items noted within the Public Works Departmental budget as they pertained to staff and vehicles.

Council Member Taylor moved to approve Resolution No. 2020-09-25R adopting budget adjustments for fiscal year ending June 30, 2021 budget. Council Member Shelton seconded the motion. Voting was as follows:

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

11. Review and action on an ordinance repealing a temporary land use regulation prohibiting the filing of new development applications and regulating the construction of building or

structures for land south of State Road 145 (Pioneer Crossing) and southwest of Interstate 15.

Mayor Frost asked if there were any questions from the Council on this item. Council Member Shelton suggested that the temporary improvements on 200 South be discussed in a future work session. As they moved forward with construction and traffic increased on that road, he hoped they could look at the road and the future.

Council Member Shelton moved to approve Ordinance No. 2020-09-51 repealing Ordinance No. 2020-05-20 thereby removing the temporary land use regulation for the area south of State Road 145 (Pioneer Crossing) and southwest of Interstate 15. Council Member Taylor seconded the motion.

Mr. Sensanbaugher stated that the first two segments on the water line were out to bid now.

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

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

12. Adjournment.

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

The meeting adjourned at 8:15 p.m.



Terilyn Lurker
City Recorder