

AMERICAN FORK CITY COUNCIL
OCTOBER 13, 2020
REGULAR SESSION MINUTES

This meeting was held electronically.

Members Present:

Kevin Barnes	Council Member
Staci Carroll	Council Member
Barbara Christiansen	Council Member
Rob Shelton	Council Member
Clark Taylor	Council Member

Members Absent:

Bradley J. Frost	Mayor
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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: Rebecca Martell and Heather Allen

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, October 13, 2020, electronically, commencing at 7:00 p.m.

Mayor Pro Tem Taylor welcomed everyone to the meeting and excused Mayor Frost. He read the following written determination for holding electronic meetings:

In accordance with Resolution No. 2020-07-20R, Mayor Frost has determined that conducting meetings of the City Council with an anchor location, such as the City Council Chambers or Administration Conference Room, presents a substantial risk to the health and safety of those who may be present there. The following are facts upon which this determination has been made:

- Utah has been in a declared state of emergency due to COVID-19 since March 6, 2020, a virus outbreak that has been recognized by the World Health Organization, federal, state and local leaders as a pandemic.
- The Centers for Disease Control and Prevention (CDC) has stated that COVID-19 is easily spread from person to person between people who are in close contact with one another through respiratory droplets when an infected person coughs, sneezes, or talks. This virus can also be spread by people who are non-symptomatic.
- As reported by the Utah Department of Health, reported COVID-19 cases in Utah County continue to rise at a rate higher than reported rates for the state.

- Federal, state, and local authorities recommend that individuals limit public gatherings, wear face masks, and follow social distancing guidelines.
- It is difficult to anticipate the number of attendees at any meeting in order to maintain social distancing to comply with State Phased guidelines. Further, regardless of the number of attendees, social distancing measures for Council, staff, and attendees will be difficult to maintain in the City Council Chambers and Administration Conference Room.
- COVID-19 continues to pose an immediate threat to the health, safety, and welfare of American Fork City residents.
- American Fork City can provide a way for the public to hear, or hear and view, open portions of City Council meetings and to provide a way to participate in public hearings.

The City Council meetings will be conducted via electronic means while the written determination remains in effect. The meetings are broadcast live-streamed, and available at a later time, at <https://www.americanfork.gov/AgendaCenter>. To make a public comment, email comments to zoompubliccomment@afcity.net prior to 5:00 p.m. the day of the meeting for the comment to be read into record. Please indicate in the subject line which item your comment refers to. You may also make public comment in person at City Hall (31 N. Church Street). No more than ten individuals will be allowed in City Hall at one time to ensure social distancing guidelines are capable of being followed. Masks shall be worn inside City Hall.

PUBLIC HEARING

- Receiving public comment on the declaration of real property at approximately 1400 North 70 West as surplus and to be disposed of.

There were no public comments.

- Receiving public comment on the vacation of easements located at 1088 North 980 East and 496 North 900 West.

There were no public comments.

- Receiving public comment on amendments to the city code as it relates to permitted uses and building requirements in the CC-1 Central Commercial zone.

Terilyn Lurker, City Recorder, read one comment from Dustin Kuttler, Skyline Holdings Group, LLC. The comment was as followed:

To the American Fork City Council.

Concerning parking requirements for higher density developments:

I am excited to see American Fork being the first city in northern Utah County to start to address the need for greater investment in the downtown areas, and addressing the growing need and demand for higher density housing in our community.

As a small, local developer I am looking forward to the possibility of adding new investments to the city on a scale that doesn't create huge projects with hundreds of units and require 10s of millions of dollars. I feel that with smaller developments it is easier to maintain a sense of community and I thank the City Council for considering changes to parts of the city that will make smaller, higher density projects possible.

As a small developer the biggest cost and deterrent to a project is the amount of space needed for parking. I agree that in this area we are still dependent on cars for almost all of our transit, but I would propose the city consider adopting the same parking requirements for the changes to the CC-1 zone as they have for the TOD areas. Currently the City requires 2.25 parking units per dwelling without consideration for size or number of bedrooms. In the TOD area the requirement is 1.5 per dwelling. I suggest that for smaller one- and two-bedroom units the city explore the possibility that reduced parking requirements to match the TOD zone, allowing for higher density under the new CC-1 zone, and possibly allowing on street parking to count towards requirements.

I think this will help the City avoid tuning downtown into an area that seems to be mostly parking lots. The downtown area is more walkable than the current TOD zones. Yes you can ride front runner to your office at the point of the mountain if that is where you work, but there are no grocery stores, pharmacies or any other convenience that you would not have to get in your car to go get. As compared to the downtown area that is conveniently located to stores and services that support all your basic needs within walking distance.

REGULAR SESSION

1. Invocation by Council Member Staci Carroll; roll call.

Council Member Carroll offered an invocation and roll call was taken. Mayor Frost was excused.

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, had nothing to report.

4. Council Reports

Council Members Carroll, Barnes, and Christiansen had nothing to report.

Council Member Taylor reported that the high school state soccer tournament had started the previous week. American Fork was number one for high school girls' soccer. Their next game would be on Thursday night at the High School at 4:00 p.m. He said that he thought that it was fantastic that kids were able to continue to be in school both academically and athletically. He wished them the best of luck in the rest of the tournament.

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 September 8, 2020 city council minutes.
2. Approval of the September 15, 2020 work session minutes.
3. Approval of the September 22, 2020 city council minutes.
4. Approval of the authorization to release the Improvements Durability Retainer of \$75,556.45 for EASTON PARK PHASE 2, located at 650 South 860 East.
5. Approval of the authorization to release the Improvements Durability Retainer of \$31,248.10 for EASTON PARK PHASE 3, located at 482 South 860 East.

6. Approval of the authorization to release the Improvements Durability Retainer of \$1050.00 for KASTELL VON SCHMUHL, located at 698 North 200 West.
7. Ratification of city payments (September 16, 2020 to October 6, 2020) and approval of purchase requests over \$25,000.

Ms. Lurker noted there were minor changes to the September 8, 2020, and September 15, 2020, minutes. For the September 8, 2020 minutes she noted that on page nine, under the review and action of resolution concerning property to be surpluses and disposed of, Ms. Lurker was asked to include the location of the property. She had added that address into the motion. There were some minor spelling corrections to the September 15, 2020 minutes.

***Council Member Shelton joined the meeting.*

Council Member Shelton moved to approve the common consent agenda with changes to the minutes as noted. 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

ACTION ITEMS

1. Review and action on the appointments of Jason Rupp (term ending 2023) and Shannon Magleby (term ending 2023) to the Library Board.

Council Member Barnes asked if either of the individuals being appointed were reappointments. Council Member Christiansen indicated that Ms. Magleby had not been on the board recently but may have served in the past. Council Member Carroll stated that she had enjoyed learning about the applicants.

Council Member Carroll moved to approve the appointment of Jason Rupp and Shannon Magleby to the Library Board. Council Member Shelton seconded the motion. Voting was as follows:

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

2. Review and action on a resolution declaring real property located at approximately 1350 North 70 West as surplus and to be disposed of.

Council Member Shelton moved to approve Resolution No. 2020-10-27R declaring real property at 1350 North 70 West to be surplus and disposed of. Council Member Carroll seconded the motion. Voting was as follows:

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

3. Review and action on an ordinance approving the vacation of a portion of an easement at 496 North 900 West, Lot 7 of IFA Subdivision No. 2.

Council Member Shelton moved to adopt Ordinance No. 2020-10-52 approving the vacation of a portion of an easement at 496 North 900 West. 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

4. Review and action on an Ordinance approving the vacation of a portion of an easement at 1088 North 980 East, Lot 28 Autumn Crest subdivision.

Council Member Carroll moved to adopt Ordinance No. 2020-10-53 approving the vacation of a portion of an easement at 1088 North 980 East. 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

5. Review and action on an ordinance adopting an amendment to Section 17.4.401 of the American Fork City Development Code entitled CC-1 Central Commercial zone.

Adam Olsen, Senior Planner, stated that this item had been before the Planning Commission twice. The most recent time the item came before the Planning Commission there was a public hearing on the proposed amendments. Staff had incorporated the suggestions and comments from the Planning Commission on what they wanted to see in ordinances moving forward. Those changes were what was before the Council tonight. He said that the main result of the ordinance was that it did open the CC-1 zone to residential uses and in so doing, looked at the current uses that are permitted in the zone. There were a number of strike-throughs in the draft as the Planning Commission felt that some of the uses were no longer applicable in the CC-1 zone. One example was the hospital or drive through establishments that were permitted in other commercial zones. The CC-1 zone, however, was more compact with smaller parcels. It was looked at an opportunity to clean up the uses for the downtown area. He said that he was happy to answer any questions of the Council.

Council Member Christiansen asked about page 34 of packet the packet. She asked about the maximum building setback from the street compared to the minimum and maximum setbacks for gas pumps. She discussed the maximum and minimum at gas pumps and proposed a change to the text for consistency. Council Member Christiansen said that on number five they could add the phrase except for and then there could be separate entries gasoline service pumps that referenced item number seven.

Council Member Carroll asked if the Planning Commission had any discussion about gasoline service stations. Mr. Olsen said that they did not really have discussion on gasoline service stations. They felt that there were uses that needed to be taken out. He said that he could see the conflict there, but it was not brought up at the Planning Commission.

Council Member Shelton said that the ordinance mentioned no drive-thrus. He said that Swig was looking to put in one. He wanted to know if this would have any impact on them being about to do so.

Mr. Olsen said that part of the ordinance could be clarified by specifying that no fast food with sit down and drive through would be allowed in. He said that was the intent of the change. The Planning Commission didn't want any more sit-down fast food with a drive thru as they felt that there were already enough other areas in the City with those type of services. He said that the change in ordinance would not

have any effect of Swig being able to put in a store there.

Cherylyn Egner, Legal Counsel, encouraged some clarification because even though it was not the intent to limit places like Swig that only wanted drive-thru services, that was how the text read.

Council Member Carroll asked what the difference was between a sit-down restaurant with a drive thru and a restaurant that doesn't have sit down, but does have a drive-thru. Council Member Taylor said he had that question as well. For him a drive-thru was a drive-thru. Council Member Shelton said that he thought parking would be more of an issue if a restaurant had a lobby in addition to a drive-thru. He cited Beans & Coffee as an example. Mr. Olsen said that Council Member Shelton was correct; those types of establishments would not have any associated parking with them in being a drive-thru only service.

Council Member Taylor asked if the ordinance needed more specificity. He mentioned a dry cleaner where a customer would typically park and go into a lobby to pick up items. He explained that item five primarily addressed food service business. His point was that there were other types of businesses that have drive-thrus like dry cleaners and drink shops. He wondered if the other types of businesses needed to be named explicitly as well. Mr. Olsen said that a dry cleaner would probably fall under a personal service establishment.

Council Member Carroll clarified that they had agreed that they would allow food establishments to have drive-thrus so long as they did not have additional parking.

Ms. Egner said that the text might be cleaner if it read that drive thrus shall not be permitted with the exception of drive thru only establishments. There was agreement from the Council that Ms. Egner's suggestion was better and worked.

Council Member Shelton said that he had questions about the overall concept which he brought up at the Planning Commission meeting. He said that he was concerned about traffic, which already got backed up on Main Street. He said the City already knew they were at a failing level of service on 100 East and State Street. He was worried about how this would affect the master transportation plan. He wondered how this would all come together, with the traffic already there, let alone the potential increase in traffic if a four-story residential unit went in. He said that the size of those dwellings would have to be about half of a city block to justify the expense. That was a big development creating a significant increase in traffic.

Council Member Carroll said that she wanted to look at items four and five. She suggested they strike out the last line dealing with height limitations, as it was inconsistent with previous discussions by the Planning Commission and City Council about zoning and height discussions. She said that the zone currently did not have any height limitations. She said that unless there was a compelling reason, she did not think that they should put height restrictions on the densest zone that they were creating. She said that when the consultants came in when the Council was first looking at this item, they specifically mentioned the lack of height limitations as something that was beneficial to the City.

Council Member Shelton was in favor of the height limitations to help with integrating zones. He said that without a soft integration at the margins of zones, developments abutting more residential zones can totally change the character of those residential areas. Even in the TOD staff framed the development so that the margin of the zone was smoothed out to help soften the transition between high density and residential zones.

Council Member Carroll pushed back on Council Member Shelton's comment because she felt the CC-1 zone was very small, meaning the whole zone was on the edge. She also made the point that typically if they were going to create a buffer area, they would do that by creating a buffer zone, not just with inconsistent language. In addition, she pointed out that there was a CC-2 zone adjoining the new CC-1 zoned that did not have height limitations.

Council Member Shelton referenced the nearby R4-7,500 zone that included the library and the elementary school and had a residential feel. He said that he saw that the dense use staying in the State Street area. He said that if all of a sudden a five or six-story building was put in next to the R4-7500 zone it would not feel like continuous planning. He asked if they had created a different zone for the TOD. Maybe they should do something similar. He said that if he was a resident living in that area and all of a sudden there were four-plexes in the area, it would change the feel of the area and impact his property.

Council Member Carroll said that high rise buildings were already allowed in the zone.

Council Member Shelton said that high rise commercial buildings were allowed in the zone, but that there wasn't a lot of incentive for tall commercial buildings in American Fork.

Council Member Christiansen suggested a happy medium. They could have commercial on the bottom floor and then residential above. However, she thought that two stories was a bit small and wouldn't allow for much larger residential uses or different sized family units.

Council Member Taylor asked if they wanted to get into that type of language where they were addressing the number of levels they would allow. John Woffinden, Planning Commission Chairman, said that he didn't remember it being limited to two stories as Mr. Olsen had always said that there were no restrictions on height. He said that the Planning Commission relies on staff to lead them down the right road. He wasn't sure where this two-story idea came from because it was always the Planning Commissions expectation that in the CC-1 zone there would be no building height restrictions.

Mr. Olsen stated in one of the earlier discussions with the Planning Commission there was some back and forth about height restrictions. Some of the commissioners felt that it would be wise for there to be some sort of step down at the edges, but others felt that because it was the downtown area it should be build up. The two-story suggestion was offered as a compromise. He would support removing the two-story restriction as he didn't feel that hinder development in the downtown area. He also said that if it stayed and it was discovered down the road that it limited development the ordinance could come back before the Council for amendment. He said that if the City Council wanted to boost the downtown area it would be better not to have the height restriction.

Mr. Woffinden felt they needed to take out the two-story limit. He said that if they were trying to rejuvenate downtown, they should take out restrictions that would prevent developers. Council Member Christiansen suggested taking it out. Council Member Shelton felt that if they removed the restriction, that they needed to re-zone it so that the zone ended with the clear boundary of a road, not someone's backyard. Mr. Woffinden agreed with Council Member Shelton.

Council Member Barnes said that he saw both sides of the issue. He also asked that the Council think about what they really wanted to do with the downtown area. He asked if the goal to make it a business-friendly area that could compete with other business areas. He said that if they wanted to revive it to a business district they need to leave the door open for people to do more of what they want to do, which conflicts with the two-story restriction. He also said that Council Member Shelton had mentioned more than once that we need to sit down and look at all of the zoning in the downtown area and other places in town to clean up boundaries. Because of this, he felt that the City Council needed to set up a work study session with the Planning Commission to work through this item.

Council Member Shelton said that he appreciated Council Member Barnes bringing up the issue. He said that a great example was the CC-2 on 100 West. He said that the way that area became a CC-2 zone surrounded by CC-1 made no logical sense. He spoke about the long-term transportation plans and how the CC-2 zone would interfere with implementing them.

Mr. Olsen said that they could easily ask for a zone change. He said that this ordinance stemmed from the recent study by consultants on downtown. He said that one of their suggestions was to open downtown up for residential uses. This was what staff were trying to do: take the first steps from that study. He felt this was a good first step in that direction. If they need to clean up the boundaries of the zone, that was something that could be done.

Ms. Egner stated that it sounded like the Planning Commission did not have a dedicated discussion on this point and that it was something of importance to both the City Council and developers. Even though there were developers who were gearing up and ready to go, she felt as though it might be something to send back to the Planning Commission for further discussion so that the Council knows their opinion.

Mr. Olsen said that he did not understand what misunderstandings the Planning Commission would have had. The goal was to amend the CC-1 zone to allow for residential uses. That was what this ordinance accomplished. He said that if the Council wanted to have a separate item of discussion to clean up the zone boundaries, that could be accomplished through a City initiated zone change. He felt the Planning Commission gave fairly good recommendations how to define the CC-1 zone itself. If the item went back to the Planning Commission he did not know how to direct them to further discuss the item.

Council Member Taylor said that he was concerned that Mr. Woffinden was unaware of some of the language in the ordinance.

Mr. Woffinden said that he did not know where the language about the two-stories had come from. He stated the discussion of the Planning Commission was mostly concerned with allowing residential units. He said that if that was the goal, regardless of where the boundaries of the zone fell, was putting a two-story limit on buildings, that didn't make the allowance of residential development all that useful. He said that there would be more residential above the ground-level commercial to make it economically feasible for developers. He then talked about how property owners on 500 East had sold their homes off and going commercial one property at a time. Finally, the Planning Commission and Council changed the whole side of the street to commercial making the property worth more. He said that area had taken off. He said that he did think that they should have a joint session to specifically address zoning. He said that part of the incentive of allowing residential development in the CC-1 zone was to create a more walkable community.

Council Member Shelton thought they went hand-in-hand. Council Member Carroll disagreed. She felt that they could approve the text amendment as one item and the zones boundaries as another. Council Member Shelton said that there were important items in the text amendment to clarify like if there was going to be a height restriction or not. He felt that this was important to know how the zones would interact and was part of sound planning. Council Member Carroll stated that he had not brought that concern up at previous points. She said that the zone had been like this for a long time.

Council Member Shelton said that he had in fact brought the issue up at the Planning Commission meeting and that he had asked the Council to attend. He said that when they first started conversations with the school district to discuss an RDA, they defined downtown from Pacific Drive to 100 South. He thought that those would be good boundaries for the CC-1 zone. He felt to pass the text amendment tonight and say that they would pass the text amendment tonight and go back and fix the zone boundaries later, probably wouldn't happen. He would like to be able to cast his vote knowing where that boundary would start and end.

Council Member Carroll said that it seemed like the Council just needed some more time to iron out zone boundaries on their own. Council Member Shelton said that this was really the first time that the Council had a discussion about this area. He reminded that it took almost 90 days and a lot of long discussions to figure out the boundaries for the TOD as well. He said that he felt as though they were changing the character of the American Fork downtown quite significantly and that it would be wise to take the time to make sure the Council had issues such as traffic and height restrictions figured out.

Mr. Olsen clarified that they were talking about two issues: the code text amendment that allows residential in the CC-1 zone (which was before them tonight) and the zone boundaries (which could later be a joint session with the Planning Commission). He felt it was a good discussion to have. He said that the zone boundaries issue was not the item before the Council tonight. He acknowledged that Council Member Shelton had brought up the issue of height restrictions on the margin of the zone and that some commissioners agreed with it and others did not. However, the language for height restrictions was included and ultimately approved in the language that was passed forward to the Council. It could easily be taken out if that was the will of the Council, but he felt that the larger discussion of zoning and the islands of CC-2 or extending the boundary of CC-1 was a different discussion. He said that there were development groups who were anxious to see residential housing be allowed in the downtown area.

Council Member Shelton said that he would hate to give them mixed signals. Mr. Olsen didn't see how they would be giving mixed signals. The code amendment would allow for residential housing and the ultimate boundaries for the zone would be defined later. Council Member Shelton said the rug would be pulled out from underneath developers if the boundaries of the zone changed. He said that when they did the TOD discussion they identified the area with the code. That had consistently been the procedure for what had been done in the past. Mr. Olsen said that he did not see the boundary shrinking, or properties being taken out of the CC-1 zone.

Mr. Woffinden stated again that the objective was to make the CC-1 zone residential friendly. He said that they should take the two-story restriction out and then hammer out the boundaries at another time.

Council Member Taylor suggested they strike the last line of paragraph five which would take away the height requirement. The Council could then move forward with the text amendment as is and come back at a later time to redefine the boundaries.

Council Member Carroll said that she was hesitant to do any zone changes now. She said that was not how this meeting was noticed. Staff stated zone changes could not be done during this meeting.

Council Member Taylor wanted to know if the Council was committed to addressing the boundaries of the zones if they took out the height restriction. They would remove the last sentence that starts with "All." He thought the joint session is where they would determine the edge. He said that if the Council was committed to doing the joint work session to clean up the zone boundaries he was comfortable taking out the height restriction.

Council Member Barnes wanted to talk about page 33, section two, specifically the minor automotive establishments. He wanted a definition of minor automotive repair. He also pointed to section 10 where it was proposed to strike mobile cell structures and lots for both new and used units. As he read this it meant that the City was allowing residents to repair their used vehicles in the area, but not sell them.

Mr. Woffinden said that he was the person who requested item ten be removed. He didn't want a lot of small car dealerships that would pull out the grass, put in asphalt and park a bunch of old beaters in the area. As far as he was concerned that didn't belong in the CC-1 zone. Council Member Barnes did not understand why repair shops would be permitted then. He said that there were places around town that fit exactly what Mr. Woffinden described. Council Member Christiansen said that small repair shops are notorious for storing cars with bigger repairs for a long time while they work on other projects.

Council Member Taylor said that he could think of three establishments currently in the zone that fit the description of automotive service. He said that the language that he struggled with was minor automotive repair. Mr. Olsen clarified that he thought they would be looking at a tire repair or tire shop that also do AC repair and oil changes. He said that they would need to consult the existing language defining establishments.

Council Member Barnes said that one of the problems with new people looking at these items is that dumb questions about the definition of minor arise. He said that some of the establishments that he is thinking of are truly in residential areas where someone has built a garage on the side of their house and have 20 cars on the property causing officers to constantly be battling them for the number of vehicles in the area.

Ms. Egner said that legally she could not give a specific definition. If the issue were to be raised she and Mr. Olsen would be looking back at the historic interpretation of that code. She said that she understood that there were some “minor automotive repair” places in currently in the zone that the Council would prefer not to see more of them pop up. She said that if that were the case, the line of code in question would need to be removed because staff would be looking at what was historically allowed.

Council Member Barnes asked if staff would do a grandfather or grandmother clause for the existing establishment. Ms. Egner said that the existing minor automotive repair establishments would be grandfathered in until they terminated the use of the land for that purpose. As long as continued use for minor automotive repair occurred, the businesses would be grandfathered in.

Council Member Barnes wanted to know if a condition could be added that if a business got sold to another individual/entity that they would lose that opportunity. Ms. Egner said that would be regulated by the business licensing side of things. Sometimes provisions could be added and sometimes they couldn't. Staff, however, could not put in a way to stop what would otherwise be a legal grandfather situation.

Council Member Shelton said that he thought that a business had to have a break for a full year before they lost this land use right. Ms. Egner said that as a general rule as long as the use continues the business can stay. A business, however, isn't able to tear a building down and do an entire remodel or increase the business in any manner. Staff could keep an eye on these businesses to make sure that they did not change or increase their use.

Council Member Carroll said that she would like some clarification in the first sentence of item 2.1. In regards to the permitted use the items stated that, “Multi-family residential dwellings when located above or adjacent to a permitted commercial non-residential establishment...” She said that she was not clear what that was referencing or would mean. Mr. Olsen said that was basically saying you would have residential uses either on top of commercial or next to a commercial structure. Council Member Barnes asked if the same owner had to have both structures and Mr. Olsen responded that was not what it said.

Council Member Barnes moved to adopt Ordinance No. 2020-10-54 approving an amendment to Section 17.4.401 of the American Fork City Development Code entitled CC-1 Central Commercial zone, subject to: (1) the final sentence in section 4.5 reading “All buildings and structures located at the edge of the CC-1 zone shall be of a height consistent with those within the neighboring zone (two-stories maximum height)” to be removed, (2) to include in 4.5 the exception of gasoline service stations, and (3) in section 2.5 including the statement “drive throughs not permitted with the exception of drive through only establishments.” Council Member Christiansen seconded the motion. Voting was as follows:

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

Council Member Shelton explained that his reasoning for voting against approval of the item was his concern with how it would impact the transportation master plan.

6. Review and action on a resolution approving a land use map amendment from the High Density Residential to the General Commercial designation, located at 96 South 100 East.

Mr. Olsen explained this and the next item went hand and hand with the agenda item immediately to follow in the meeting. He explained that the applicant, the Children's Justice Center, was looking to change the zoning amendment from R4-7500 to the CC-1. The Planning Commission recommended approval.

Council Member Carroll noted that the shape of this item was different then the shape on the next map. She wanted clarification as to why. Mr. Olsen explained that staff had included area of the library on the land use amendment because that was still designated as higher density residential even though the library had been there for a number of years. By including the library area the land use map better reflected that actual land use in place. He said that the zone was for the individual property of the home, but that the land use map amendment included the city property where the library was located.

Mr. Bunker asked if it would make more sense for the library to be in public facilities (PF) zone. Mr. Olsen said that he didn't know if the park was in a PF zone. He said that was another example where the City could initiate a zone change. He said that right now the library was zoned CC-1 and had been for a number of years.

Council Member Shelton said that the library was a post office before, which was why it was a CC-1 zone. He suggested they move that to the PF zone and made another comment about the need to clean up zones in the City.

Heather Allen, Assistant Director of the Children's Justice Center, was available to answer questions of the Council about how they intended to use the property.

Council Member Shelton moved to approve Resolution No. 2020-10-28R approving a land use map amendment from the High Density Residential to the General Commercial designation located at 96 South 100 East. Council Member Barnes seconded the motion.

Council Member Barnes stated this was a beautiful old home that had been well taken care of. He noted that when he first saw the item he had concerns because he didn't know the intended use of the property. However, when he learned that it would be occupied by the Children's Justice Center he whole-heartedly supported it.

Mayor Pro Tem Taylor called for a vote on 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

7. Review and action on an ordinance approving a zone map amendment from the R4-7,500 Residential to the CC-1 Central Commercial zone, located at 96 South 100 East.

Council Member Shelton moved to adopt Ordinance No. 2020-10-55 approving a zone map amendment from the R4-7500 Residential to the CC-1 Central Commercial zone located at 96 South 100 East. Council Member Christiansen seconded the motion. Voting was as follows:

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

8. Review and action on subdivisions, commercial projects, condominiums, and PUD's including 1) plat approval; 2) method of satisfaction of water rights requirements; 3) posting of an improvement bond or setting of a time frame for improvement installation; and 4) authorization to sign the final plat and acceptance of all dedications to the public and to have the plat recorded.
- a. Review and action on the final plat of Roderick Catalyst Subdivision Phase 2, located in the area of 1600 South 450 East in the PI-1 Planned Industrial zone.

Council Member Shelton moved to approve the final plat of Roderick Catalyst Subdivision Phase 2, located in the area of 1600 South 450 East in the PI-1 Planned Industrial 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 September 16, 2020 planning commission meeting. 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

- b. Review and action on the final plats for Rockwell Ranch Block 3 Phase 1, consisting of 55 units, located at approximately 1060 West 480 South in the TOD zone.

Council Member Carroll moved to approve the final plats for Rockwell Ranch Block 3 Phase 1, consisting of 55 units, located at approximately 1060 West 480 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 September 16, 2020 planning commission meeting. Council Member Shelton seconded the motion. Voting was as follows:

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

- c. Review and action on the final plats for Rockwell Ranch Block 5 Phase 1, consisting of 48 units, located at approximately 1060 West 560 South in the TOD zone.

Council Member Shelton moved to approve the final plats for Rockwell Ranch Block 5 Phase 1, consisting of 48 units, located at approximately 1060 West 560 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 September 16, 2020 planning commission meeting. 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

9. Review and action on a reimbursement agreement with Patterson Construction, Inc. for system improvements associated with the Peak Meadows project.

Council Member Shelton moved to approve the reimbursement agreement with Patterson Construction, Inc. 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 reimbursement agreement for 620 South with Qelo, LLC for system improvements associated with the AF10 Subdivision.

Council Member Shelton moved to approve the reimbursement agreement for 620 South with Qelo, LLC for the AF 10 subdivision. Council Member Carroll seconded the motion. Voting was as follows:

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

11. Review and action on a reimbursement agreement for 620 South with Qelo, LLC for system improvements associated with the AF PD South subdivision.

Council Member Shelton moved to approve the reimbursement agreement for 620 South with Qelo LLC for the AF PD South subdivision. Council Member Carroll seconded the motion. Voting was as follows:

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

12. Review and action on a reimbursement agreement with White Horse Developers, LLC for system improvements for off-site sewer along 1100 West.

RESULT:	WITHDRAWN
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13. Review and action of a connector's agreement (aka pioneering agreement) for White Horse Developers for system improvements along the recently approved Rockwell Ranch Development.

RESULT:	WITHDRAWN
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14. Review and action on a construction contract for the 36-Inch Water Improvements Project.

Council Member Shelton asked if the \$10 million included all of the improvements such as storm drain, etc. Mr. Bunker said that everything in the bid package was included in the base bid. He said explained that the bid package outlined the line item prices and quantities. He said that the packet included both a base bid and an additive alternate that the City could pursue under their own discretion.

Council Member Barnes noted that they would probably not complete the project on the base bid. Past experience had showed that there would be add-ons. Scott Sensanbaugher, Public Works Director, said that he didn't anticipate that there would be too many changes.

Mr. Bunker said that it was a large project. He said that Mr. Sensanbaugher was correct that there were bound to be some field conditions that would be different than anticipated that will need to be worked through with the contractor. However, Mr. Bunker said that the inspectors and engineers do a great job and are careful in any changes that have to be made.

Council Member Shelton asked about the timeframe for completion. Mr. Bunker thought the contractor had a year to complete the process. Mr. Sensanbaugher thought it was less than that.

Council Member Shelton asked if they were considering the school's location and if the section from 300 North to 700 North would be completed during the summertime to avoid disrupting the school. Mr. Sensanbaugher said that given the size of the project it was probably unlikely that it would be able to be completed without any disruption to the school. However, he said that staff would coordinate with the school and communicate alternate routes. They were working hard to not have shutdowns. He noted, however, that even when the road was torn up there would be disruptions, delays and moments of difficult movement.

Council Member Shelton moved to accept the bid submitted by Condie Construction Company for construction of the 36 Inch Water Main Improvements Project in the amount of \$10,356,813.70 and approve the construction contract as presented. 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

15. Review and action on a construction contract for the 200 South Water Main Improvements Project.

Council Member Shelton noted that as a result of communication with residents, he felt that the City needed to have a good road plan in place within a few months. He said that they needed an alternative to present to neighbors as the project will also take about a year. He felt that it would build good will for the City if they could outline a head of time what was going to happen once the water project started. He asked that they do not use the stoplights.

Mr. Bunker asked if Council Member Shelton was referring to the temporary lights to signal a one lane restriction. Council Member Shelton said yes and that the lights were inconsistent with traffic flow. He hoped they could work without the lights.

Mr. Sensanbaugher said that once the contract was rewarded, the contractor was required to submit a traffic control plan to minimize disruptions. Staff review and approve them.

Council Member Barnes moved to accept the bid submitted by B.D. Bush Excavation for construction of the 200 South Water Main Improvements Project in the amount of \$3,375,961.60, and approve the construction contract as presented. Council Member Carroll seconded the motion. Voting was as follows:

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

16. Review and action on a professional services contract for the American Fork River Rehabilitation Environmental Project.

Mr. Sensanbaugher said that they were doing work on the road and culvert crossings. This was the associated environmental work. He added that they were partnering with some neighboring cities so that it can be cleared together through the NRCS at no additional cost to the City.

Council Member Shelton wanted to know where about on the river the work would be done. Mr. Sensanbaugher said that most of the work would be from the Public Works Yard down south.

Council Member Shelton wanted to know if they could add a budget item to address the trees growing out of the river and into the right of way near 200 South. He said that there was a landowner on 400 South and 100 East that had to build up the banks of the river with water heaters. He hoped they could add budgetary items and find funding for maintenance.

Mr. Sensanbaugher noted that part of the project was to do some work at 200 South near the elementary school. He said the work was in preparation to put the roundabout in that was recently funded, to fix the intersection.

Council Member Christiansen asked when the project was scheduled to be completed. Mr. Sensanbaugher said that environmental work and the process was not quick. He said that it would be done sometime this fiscal year.

Council Member Shelton moved to approve the design contract for the American Fork River Rehabilitation Environmental Project in the amount of \$400,000.00 and authorize the city to enter into the agreement with Franson Civil Engineers. Council Member Christiansen seconded the motion. Voting was as follows:

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

17. Review and action on a resolution approving an interlocal agreement with Cedar Hills, Highland, and Pleasant Grove Cities.

RESULT:	WITHDRAWN
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18. Review and action on approval of the CMGC contract for Fire Station 52.

Council Member Shelton noted that technology invested in Fire Station 52 caused a reduction in response time 20 seconds. He said that was huge in the public safety realm. He also stated that he was excited about redundancy that was built into the technology.

Council Member Carroll asked if this contract was to get the contractor on board as the City designs it. Since it had been such a long time since the Council approved the designer, she wondered if they had already completed a good portion of the design. Mr. Sensanbaugher said that a significant portion of the schematic design had been completed. Staff were just beginning the next phase. They have a basic shell of floorplan. He said that this was the optimum time to have the contractor on board to help get into the details. He didn't feel that they were getting involved too late.

Council Member Christiansen referenced on page 184 of the packet. A sentence referenced April of 2020. She said that was obviously wrong. Mr. Sensanbaugher stated the year was incorrect; it should read 2021. Council Member Taylor said that the sentence still did not read correctly. Ms. Egner said that it should say within six months. Mr. Sensanbaugher clarified how the sentence should read and asked if he could make a correction.

Council Member Shelton moved to approve the CMGC contract for Station 52 with the date change to April 15, 2021. Council Member Carroll seconded the motion. Voting was as follows:

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

19. Review and action on a First Amendment to the T-Mobile Land Lease Agreement dated October 23, 2018.

Council Member Shelton moved to approve the first amendment to the T-Mobile land lease agreement dated October 23, 2018. Council Member Christiansen seconded the motion. Voting was as follows:

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

20. Review and action on a resolution approving an interlocal cooperative agreement with Utah County for substance misuse prevention services and Communities that Care prevention model.

Ms. Lurker explained that in March of 2019 the City Council approved an interlocal agreement for the Communities that Care. She said that this item was just a renewal of the interlocal agreement.

Council Member Carroll said they had been doing this for a year. At the time the agreement had been signed it was unclear how long they would have funding. However, they received a matching grant to be able to continue. She was excited about that and glad to support them. However, at some point, she said that she would want to hear from the people who run the program to get a little report to hear how it was going and what sort of difference they were making for the City.

Council Member Carroll moved to approve Resolution No. 2020-10-29R approving an interlocal cooperative agreement with Utah County for substance misuse and prevention services and Communities that Care prevention model. 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

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

Council Member Barnes moved to enter into a closed session at 8:46 p.m. Council Member Shelton seconded the motion. Voting was as follows:

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

Mayor Pro Tem Taylor noted this closed session would be held in a separate zoom meeting, after which time the Council would return to this zoom meeting to conclude.

The City Council entered into a closed session to discuss pending or reasonably imminent litigation at 8:52 p.m. Those present included Mayor Pro Tem Taylor, Council Member Barnes, Council Member Carroll,

Council Member Christiansen, and Council Member Shelton. Also present were City Administrator David Bunker, Legal Counsel Cherylyn Egner, and City Recorder Terilyn Lurker.

Pending or reasonably imminent litigation was discussed and audio recorded as required by law.

Council Member Shelton moved to end the closed session at 9:14 p.m. Council Member Christiansen seconded the motion. Voting was as follows:

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

The Council returned to the regular session at 9:15 p.m.

22. Adjournment

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

It was noted that Council Member Shelton was missing from the motion to adjourn.

The meeting ended at 9:16 p.m.



Terilyn Lurker, City Recorder