

AMERICAN FORK CITY COUNCIL
OCTOBER 27, 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
Camden Bird	Community Services Director
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
Derric Rykert	Parks and Recreation Director
Scott Sensanbaugher	Public Works Director

Also present: Ross Harris, Ryan Bybee, Mike Bird, Matt Bishop, Garrett Timmerman

REGULAR SESSION

The American Fork City Council met in a regular session on Tuesday, October 27, 2020, electronically, commencing at 7:13 p.m.

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

Mayor Frost welcomed everyone to the meeting and referenced the Notice of Electronic meeting that was read at the Redevelopment Agency Meeting. An invocation was offered by Council Member Christiansen and roll call was taken.

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

Terilyn Lurker, City Recorder, read the following public comment:

Mayor and City Council,

As a citizen and as a Planning Commissioner, I'd like to voice a concern I have with the upcoming phase of the Timp Hollow subdivision. The final phase of this development has

yet to be proposed, but it's clear from the remaining space of land that the final phase will include a wall along 1100 N, and double-fronted homes. For these reasons, I voted against the current phase, because it would necessitate these unfavorable conditions in the final phase.

The attached image shows what it would be like on 1100 N. Experience shows that walls in communities don't encourage walkability, connectivity, or low driving speeds. Being that we already have 7 homes to the west of this development on 1100 N. without a wall, (and it will be up to 10 homes after the undeveloped section is filled in,) it seems reasonable to continue facing the next two or three homes towards the road until there is a clear break at the intersection at 1190 E, after which point, a wall is already constructed.

It's also worth envisioning the effect of a future wall on the neighboring home that will be built directly west of this subdivision. They will be up against a wall extending to their sidewalk, right next to their front yard or driveway, causing undesirable effects including visibility difficulties while backing out. Continuing to front homes onto 1100 N until the intersection is a better transition point for a wall to begin.

This only concerns 2 or possibly 3 houses in this development that would face 1100 N, and there is so much to be gained from having open neighborhoods, without walls that increase traffic speeds, divide communities, and present areas that aren't swept or maintained, which has been a problem in Autumn Crest to the west of Timp Hollow, also on 1100 N.

We can have an effect on this neighborhood and this road. Instead of accepting that this road is a runway, we can take measures to lessen the possibility of it becoming one.

With the way this plan is drawn, it will require the homes on 1100 N to be double-fronted, with roads both in front and behind the homes, which is not recommended in city code. With the homes that have already been built along 1100 N in Timp Hollow, they attempted to mitigate the double-fronting by building the wall. I'm hoping that if we can offer the developer the option of fronting homes to the road, that they'll appreciate being able to use another layout that will release them from the obligation of the cost of the wall. They may be open to the option of being able to use the already built road (1100) to front houses on, which may give them options of fitting more lots in their space.

This is an example of how we in City planning and government need to look at the bigger picture. There is so much to be gained from considering how layouts affect the surrounding area. It would create a road with a wall, dividing communities, requiring maintenance, and increasing speeds.

Thank you for the work you do for our great city.

Sincerely, Christine Anderson, Planning Commission and resident

Ross Harris stated he wanted to bring up the fact that there is no cross walk on 50 South leading to Barratt Elementary and he was very concerned a child could be hit. There are many kids who cross that road every day now due to school boundary adjustments. When he sees kids there, he

will walk with the kids to help them cross. However, there have been many times people do not realize people are waiting to cross. Mr. Harris stated he was referred to the council and asked for a response. He would appreciate immediate attention to this situation. His contact information was given to the city recorder.

3. City Administrator's Report

David Bunker reported the pressurized irrigation system has been depressurized and is no longer available. It is recommended that everyone, whether they are connected to the pressurized irrigation system or culinary water system, winterize their sprinkling system. Mr. Bunker reported the bathrooms in the parks will also be closed for the winter. He mentioned Firehouse Subs has awarded a grant to the Fire Department allowing them to purchase a side-by-side UTV, which would allow them to access otherwise difficult locations.

4. Council Reports

Council Member Christiansen reported the first Library Board meeting was held with the new members. The Parks and Trails committee was coming along well with updating the Parks and Trails Master Plan. The Timpanogos Arts Foundation is putting on Jykell & Hyde, which will end this week.

Council Member Shelton had nothing to report.

Council Member Barnes reported he meet with the Historic Preservation Commission where they had a good discussion on normal business as well as a discussion with Cherylyn Egner on the Historic Preservation Commission ordinance. He noted they are working on the Veterans Day video that will be available on the city's website.

Council Member Carroll mentioned she attended the Chamber of Commerce board meeting; they have been meeting over zoom monthly. They are trying to figure out the best way to hold events where possible as those events bring the community together. This Friday, they will hold a drive thru event at Art Dye Park where businesses will hand out candy as people drive by. The Chamber will have their annual planning retreat were they will be finalizing the plans for next year.

Council Member Taylor had nothing to report.

5. Mayor's Report

Mayor Frost reported he was able to sit in on the Utah Valley Community Stewardship Advisory Council. This was a very informative meeting, where he learned that telehealth usage had gone up over 6,000% since COVID-19. IHC has done a great job preparing data for this council. Mayor Frost also reported he attended the ribbon cutting for Sol Agave. It was a wonderful experience and he recommended that restaurant. Lastly, Mayor Frost reported the Utah County COVID-19 Economic Recovery Committee were on the second-round applications to distribute about \$6 million. They have extended the period, and if they do not allocate all of the funds they will go back to the first round of applicants.

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 October 6, 2020, work session minutes.
2. Approval of the authorization to release the Improvements Durability Retainer of \$1830.00 for TLMA/TRA located at 1625 South 580 East.
3. Ratification of city payments (October 7, 2020 to October 20, 2020) and approval of purchase requests over \$25,000.

Council Member Taylor moved to approve the common consent agenda. 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

ACTION ITEMS

1. Review and action on the Water Banking Agreement with Erik R. Heras.
Scott Sensanbaugher, Public Works Director, indicated this was water dedicated to the city some time ago, in which a banking agreement was not approved at the time. This has been reviewed by his office and they would recommend approval.

Council Member Carroll moved to authorize the city to sign the water banking agreement for water shares with Erik R. Heras for 2.12 acre-feet of water. 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

2. Review and action on the Water Banking Agreement with Layne Downs.
Council Member Taylor moved to authorize the city to sign the water banking agreement for water shares with Layne Downs for 7.49 acre-feet of water. 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

3. Review and action on the Water Banking Agreement with Cadence Homes, LLC.
Council Member Taylor moved to authorize the city to sign the water banking agreement for water shares with Cadence Homes, LLC for 7.77 acre-fee of water. Council Member Carroll seconded the motion. Voting was as follows:

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

4. Review and action on a performance-in-lieu agreement with Smart Cadence, LLC regarding actual construction in lieu of providing an Improvements Construction Guarantee associated with Timp Hollow Plat D.

Mr. Sensenbaugher explained this is a standard template for performance in lieu agreements. The developer has a right per city code to inter into the agreements in posting a financial guarantee.

Council Member Christiansen asked what they do about durability on the project. Mr. Sensenbaugher stated the developers are still required to post a durability bond.

Council Member Carroll moved to approve the performance-in-lieu agreement with Smart Cadence LLC for Timp Hollow Plat D. 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

5. Review and action on a resolution approving a land use map amendment from the Residential High Density to the Residential Medium Density designation, located in the area of 65 East 400 South.

Adam Olsen, City Planner, explained this was a city-initiated land use amendment. A month ago, there was a request to amend the land use map and zone classification for the property to the south and to the east which was turned down. At that meeting, it was noticed this was an island of high density surrounded by medium density. He noted the underlying zoning is R2-7500 which falls under medium density designation. This was discussed by the Planning Commission and comes to the City Council with a positive recommendation.

Mike Bird commented that when the city recommended staff to do this, he spoke to the mayor and staff about a solution. This is an opportunity zone and as owners of the mobile home park, they would like to relocate that mobile home park and then to revitalize the area. Mr. Bird stated he was surprised with the proposal to lower the density, and with this an opportunity zone he asked that they hold off on approving this until they can present a plan to the city.

Mayor Frost remembered the phone call but there was direction given to staff to take care of this issue. He told the council they now have a recommendation from the Planning Commission but have now heard from property owners. What would they like to do?

Council Member Shelton stated his biggest concern was where they allow the high density to stop. He understands the opportunity zone, what was there, and understands the issues on moving a mobile home park. They had another proposal for multiple family housing on this property. At that time, he spoke to the residents and they felt what they had was better than what would be built there. He wondered at what point do they stop the high density.

Council Member Barnes thought he understood that Mr. Bird has something imminent that they would be presenting. He wondered if this should all be in the same conversation. Council Member Carroll believed that once an application was accepted, they lose the ability to change the zone. She felt that if they want an option to think about either way, they would have to make the change before an application was submitted. Mr. Olsen stated the underlying zoning was still R2-7500 which was not a high-density zone. The land use was changed to high density a number of years ago when a project was proposed; there was a lot of opposition and the developer left so zoning was never changed.

Council Member Christiansen moved to adopt Resolution No. 2020-10-30R approving an amendment to the land use element of the general plan from the Residential High Density to the Residential Medium Density designation located in the area of 65 East 400 South.

Council Member Shelton seconded the motion. Voting was as follows:

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

6. Review and action on an ordinance approving a zone map amendment from the R1-7,500 Residential to the R2-7,500 Residential zone located in the area of 165 East 300 North.

Council Member Carroll asked what the difference was between the R1-7500 and R2-7500 zone. Mr. Olsen explained the R1-7500 zone allowed only one unit per lot while the R2-7500 zone allowed for single family homes or duplexes. He further explained the R3-7500 zone allowed for up to a three-plex while the R4-7500 zone allowed for 4 or more units.

Council Member Taylor moved to adopt Ordinance No. 2020-10-56 approving a zone map amendment from the R1-7500 Residential to the R2-7500 Residential zone located in the area of 165 East 300 North. 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

7. Review and action on subdivisions, commercial projects, condominiums, and PUD's including 1) plat approval; 2) method of satisfaction of water rights requirements; 3) posting of an improvement bond or setting of a time frame for improvement installation; and 4) authorization to sign the final plat and acceptance of all dedications to the public and to have the plat recorded.

- a. Review and action on an ordinance approving a commercial site plan for Bishop Storage, located at 16 West 1500 South in the PI-1 Planned Industrial zone.

Mr. Olsen explained this went before the Planning Commission twice, where it was tabled the first time for some cleanup and then approved at the second meeting.

It was noted that Matt Bishop and Garrett Timmerman were available if there were any questions.

Council Member Barnes moved to adopt Ordinance No. 2020-10-57 approving the commercial site plan for Bishop Storage located at 16 West 1500 South 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 September 16, 2020 and October 7, 2020 planning commission meetings. Council Member Christiansen seconded the motion. Voting was as follows:

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

- b. Review and action on the final plat of Timp Hollow Plat D subdivision, located in the area of 1030 North 1150 East in the R1-12,000 Residential zone.

Mayor Frost asked Ryan Bybee to respond to the public comment. Mr. Bybee stated that was the first he had heard of that concern. This plan was laid out years ago and the roads and utilities are now installed; it would be very difficult to change this. He also felt this increased the safety of the families that will live in the homes. Mr. Bybee felt this discussion should have been held years ago. He explained there is one more phase of 6 lots that would finish off the development.

Council Member Carroll commented she lives close to the area and she agrees with the concerns described by Ms. Anderson. She does see a problem with having an adjoining home that fronts 1100 North with a fence right next to their property and not being able to see down the street. With the fences already along that road, there is a problem with debris collecting along the fence. She understood that Mr. Bybee was thinking of his development, but she needed to look at the surrounding area and how it interacts and the safety of the adjoining houses.

Council Member Shelton stated he could also see the concerns. He pointed out that when Patterson Homes came in for approvals, there were homes facing 1100 North. It was hard as there was a gap between Mr. Bybee's project and Patterson's project. Council Member Shelton stated there was a fence that went in across from the park but there was no home that faced the wall. He noted there are two homes that front 1100 North between 1050 East and 1190 East. There were also concerns for speeding.

Council Member Shelton asked if there was any way to flip the homes. Mr. Bybee stated the engineering was done and utilities were installed, and he didn't see a feasible way to flip the last homes.

Council Member Shelton asked staff how the Patterson Development would match up with the Bybee development. Mr. Olsen responded that they have not seen any plans. Council Member Shelton understood but questioned what they saw as a transition between the two properties. Mr. Olsen pointed out there were areas homes will front a street and next door there is a fence; it was not unique to this area.

Council Member Barnes understands Mr. Bybee's concern about a big curve ball. He thought it was too late to require him to make a major change in his project.

Council Member Barnes moved to approve the final plat of Timp Hollow Plat D subdivision located in the area of 1030 North and 1150 East in the R1-12000 Residential zone and the authorize the mayor and city council to sign the plat and accept the dedications with instructions to the city recorder to withhold recording the plat subject to all conditions identified in the public record associated with the October 7, 2020 planning commission meeting. Council Member Taylor seconded the motion.

Council Member Taylor noted there wasn't much to say on this. He believes what Commissioner Anderson says, but he has a problem with them going back after so many years to go back after so much work has been done and put an additional burden on the builder. He understands the concerns, but he can't in good conscience deny the request. Hopefully in the future they will have the foresight to prevent this.

Council Member Shelton appreciated Ms. Anderson's concerns and echoed what Council Member Taylor said.

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

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

8. Review and action on a resolution approving an interlocal agreement with Cedar Hills, Highland, and Pleasant Grove regarding the Mill Ditch Pipeline Enclosure project.

Mr. Sensanbaugher explained this item was to enter into an agreement with the other cities for the area near the water tank and chlorinator. There is a future piping of the ditch that Pleasant Grove Irrigation is planning on. In doing so, we would also like to replace at some point in the future the water line that comes down the canyon from the springs. This was an agreement on how the layout of the lines, ditches, easements, and re-aligning it for the future work to be done. This has been reviewed by legal counsel.

Mr. Butner stated the water line goes through the center of hole #10 of the golf course. If they have a problem with the line, it would negatively affect the course. Moving it would be helpful.

Council Member Christiansen moved to adopt Resolution No. 2020-10-31R authorizing the city to sign the interlocal agreement with Cedar Hills, Highland, and Pleasant Grove cities. Council Member Barnes seconded the motion. Voting was as follows:

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

9. Review and action on a software license and maintenance agreement with Azteca Systems LLC. for Cityworks Asset Management Software.

Mr. Sensanbaugher explained this action item and the next action item is part of the plan to implement the Cityworks software system. This does several things. It replaces the Iworq work

order system. The first task was to do the citizens response system or report a concern. For example, if someone sees a pothole or need a request for service, the citizens can report it via apps on the phone or via email. It becomes an instant work order that when the work is completed it immediately gets reported back to the complainer. This first action item is the license and maintenance and the next item was the company to help implement the system.

Council Member Shelton thought that Iworqs was supposed to be the best, however, it was set up based on an email. When that individual left the city, the work orders went to an invalid email and they got no response. What fail-safes can they build in, so they don't have the same problems. Mr. Sensanbaugher noted these weren't email based; the work order comes thru the system and software, so it doesn't go to a specific person. Mr. Sensanbaugher stated they can set up the system so a notice goes to the supervisor and the lead; if the notice remains stagnant, a notification will be sent to him and/or Mr. Bunker. The intent was for all departments to use this.

Council Member Christiansen asked how they prioritize the work orders? Mr. Sensanbaugher explained the work orders require some type of formal response, so if the request was something that would require time to complete the city would analyze the request and then respond.

Council Member Carroll noted the payment went up dramatically and questioned if Mr. Sensanbaugher knew why. Mr. Sensanbaugher responded this was not the cheapest system but was a good, robust system. The city received a deal for the first couple of years, but the costs later were what people were normally charged from the start. Council Member Carroll was there a year requirement for a certain number of years. Mr. Sensanbaugher stated they could undo this commitment if they were not satisfied.

Council Member Taylor what was the cost for 2025 or if they own the software and pay for updates. Mr. Sensanbaugher was unsure. Cherylyn Egner stated her understanding was they always own the software, so we have to purchase the usage each year. Mr. Sensanbaugher stated they looked at the population was the pricing guide. Council Member Barnes noted the cost was included in the documentation provided and noted there was a large jump before they got to the next level in price. Council Member Taylor felt it would be nice to know the cost year after year going forward. Mr. Bunker thought that by the time they hit period four, they would stay at that price unless the population changes.

Council Member Christiansen asked if they should table this item. Mayor Frost would prefer to move it forward so they can start working on it; if they don't like something with the elevated price they can pull out.

Council Member Taylor moved to approve the software licensing agreement with Azteca Systems, LLC for the Cityworks Asset Management Software in the amount of \$17,500 and authorize staff to execute the agreement. Council Member Shelton seconded the motion.

Mayor Frost called for a vote on 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

10. Review and action on a contract for Centricity GIS to provide professional consulting services for the configuration and implementation of Cityworks Asset Management Software.

Mr. Sensanbaugher added that a lot of the implementation included technical support to migrate the data from the Iworqs system to this system. This also included staff training.

Council Member Barnes moved to approve the contract with Centricity GIS for configuration and implementation of the Cityworks Asset Management Software in the amount of \$32,500 and authorize staff to execute the contract documents. 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

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

Mr. Sensanbaugher noted this project was in the TOD and was right off 200 South.

Council Member Taylor moved to approve the reimbursement agreement with White Horse Developers LLC for \$363,366.00. Council Member Carroll seconded the motion. Voting was as follows:

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

12. Review and action on a connector's agreement (a/k/a pioneering agreement) for White Horse Developers, LLC. for off-site system improvements along various roadways to serve the recently approved Rockwell Ranch development.

Mr. Sensanbaugher stated this was the same development. He noted that connectors agreements cover the requirements of the developer, but also improvements that a developer on adjacent properties would benefit from in the future.

Council Member Barnes asked if this would present a problem that the fees paid in the future get separated out and then reimbursed back to the developer? Mr. Bunker explained the city reimburses the developer upfront for the upsize but those have been included in the IFFPs. This happens all over town where upsizing is required. Council Member Barnes clarified that the developer would have been paid so any fees collected stays with the city.

Mr. Sensanbaugher explained these pioneering agreements cover the local equivalents. For example, if they need to run a sewer line now but the neighbor will need to hook onto that line in the future, that neighbor will have to pay for their portion of the sewer line.

Council Member Christiansen asked if the city was out the money if no one connected on to the lines within the next ten years. Mr. Sensanbaugher explained they do not pay those fees in advance; the developer fronts it. The city does reimburse the developers for the upsizing.

Council Member Carroll moved to approve the pioneering agreement with White Horse Developers LLC for \$640,106.00. 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

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

This was pulled from the agenda.

14. Adjournment.

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

The meeting adjourned at 8:38 p.m.



Terilyn Lurker, City Recorder