

AMERICAN FORK CITY COUNCIL
MAY 18, 2021
WORK SESSION MINUTES

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Staci Carroll	Council Member
Ryan Hunter	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
Stephanie Finau	City Deputy Recorder
Anna Montoya	Finance Officer
Aaron Brems	Fire Chief
George Schade	IT Director
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Derric Rykert	Parks and Recreation Director
Scott Sensanbaugher	Public Works Director

Also present: Barry Dayton, Jay Brems, Josh Walker, 4 other citizens, John Woffinden

The American Fork City Council met in a work session on Tuesday, May 18, 2021, in City Hall, located at 31 North Church Street, commencing at 4:06 p.m.

WORK SESSION

The purpose of City Work Sessions is to prepare the City Council for upcoming agenda items on future City Council Meetings. The Work Session is not an action item meeting. No one attending the meeting should rely on any discussion or any perceived consensus as action or authorization. These come only from the City Council Meeting.

1. Discussion on the CC-1 Central Commercial zone.

Mayor welcomed everyone and opened up the work session.

Adam Olsen, Senior Planner, provided some background. He said that in 2020 American Fork completed an economic development study around the downtown area. One of the recommendations from the study was that the CC-1 or downtown area be opened for higher density housing opportunities like what was present in the TOD area. The reason behind this was to create some life in the downtown area and to help businesses stay open into the evening hours. Staff felt that this was an easily obtainable recommendation. As a result, the potential zone change had been discussed numerous times with the Planning Commission, who forwarded a recommendation to

the Council of some changes, as outlined on the provided cover sheet, to allow for housing in the downtown area.

One of the concepts for the proposed downtown housing was that there would not be a maximum density in the zone, but that each project will have to meet parking standards, naturally putting a de-facto cap on the density. The motto was, "If it can be parked, it can be built." Staff felt that by not placing a maximum density, it might incentivize developers to come to the downtown area and create housing opportunities.

In regard to Main Street, the Planning Commission felt that ground floor residential would be prohibited because that area needed to be commercial in nature. When the zone was looked at, it was cleaned up a little bit. Staff took out manufacturing and processing facilities as a permitted use because there were plenty of other zones that allowed for them.

In regard to parking, the Planning Commission and staff recommended and adopted that parking lots should not front on public streets. They would need to be interior to the property. Staff recognize that there will likely be needed exceptions are properties redeveloped to be located on the side as opposed to rear. Staff felt those circumstances could be reviewed as part of the site plan process.

Another change that was made to the zone was the removal of auto sales. The City had a number of commercial zones that already allowed for auto sales. There were some auto lots in the downtown area that were grandfathered in. The last change to the code dealt with American Fork's architectural standards. The Planning Commission felt that there should be four design elements present on new builds and remodels. While those elements can be modern in nature, they do need to look at the historical precedent and elements found in the downtown area such as the Tabernacle, City Hall, the Harrington, and the Apollo. It was felt that this would allow some flexibility and creativity as architects designed these new buildings and developments, while not being overly rigid and to stifle redevelopment opportunities. It was discussed at length by the Planning Commission that over time designs, preferences, and materials change. These changes can be met while still incorporating older elements. There were already a few projects acting on the new CC-1 zone. Developers were receptive to the changes and seemed excited to see the housing opportunities open up downtown.

Mayor Frost opened the work session up to the Council for questions.

Council Member Carroll made the Council aware and stated on public record that she had a family member who was interested in developing in the area. She said that the City attorney had informed her that it was okay for her to express her opinion.

Council Member Shelton had a couple of questions. He said that one place he felt there should be additional conversation was about if there should be a minimum parcel size. He had already reached out to David Bunker, City Administrator, and Council Member Clark for additional conversations. He worried that if there was not a minimum parcel size, some of the development would feel out of place. He recognized that economics would drive development in this area and felt that vacant land would go quicker than places like the old Christiansen building that would have additional development costs because of demolition. He wondered if there was a way to require developers to absorb some dilapidated buildings that surrounded vacant parcels to help transition the renovation and restoration of older buildings into the new development. He was

concerned that with their additional demolition costs, buildings like the Savor Lounge and Christensen building would not ever be addressed or approached by developers.

Council Member Carroll asked if Mr. Olsen knew how much vacant land was in the new CC-1 zone. Mr. Olsen did not know.

Council Member Shelton asked how he should structure voicing his concerns. Mayor Frost asked if the Planning Commission had discussed Council Member Shelton's idea of having a minimum parcel size. Mr. Olsen said not to his recollection. He said that many of the properties along Main Street were the property. Someone would be more than welcome to combine properties to complete a larger development. He said that it was not established that a developer had to have a certain parcel size to be able to proceed with development. Developers were only limited by the allowable uses and the parking requirements.

John Woffinden, Planning Commission member, said that they did not discuss individual properties at all. Mayor Frost asked if that was because the question of property size wasn't needed, or because it was an unintended oversight. Mr. Olsen said that he did not think that it was an oversight. The downtown properties were what they were and could not be changed. He said that he felt like certain property owners and developers would feel like they got stuck with a dilapidated building that they couldn't do anything with because they didn't meet a specific threshold.

Council Member Shelton said that he was only focused on the residential, not commercial side of development. Mr. Olsen stated again that the limiting factor on residential development were parking constraints. Council Member Shelton said that when he thinks of developing downtown he envisions how to make the older buildings look new and refreshed. These were small buildings that already did not have a lot of parking. He said that for someone to develop those spaces they would have to purchase and demolish multiple buildings. Mr. Olsen said that a developer did not have to. It was up to them to purchase the buildings.

Council Member Shelton said that was what would make developing those older downtown buildings cost prohibitive. A developer could gain more by taking down a residential home to gain landscaping in outside areas than doing anything downtown. To create incentive for developing these properties he thought there should be a parcel size minimum.

Mayor Frost asked Council Member Hunter, someone in attendance who was in the construction business, how big of a factor demolition was in considering a project. He wondered if demolition costs would deter developers in the case of downtown. Council Member Hunter said that he didn't think demolition would be a deterrent. He said that because the intent was to drive economic development downtown.

Council Member Shelton provided an example of a recent home that was demolished that resulted in higher densities despite no similar densities in the surrounding areas. He saw this project as sticking out like a sore thumb. While he appreciated flexible design standards, if the development lacked cohesion, he wanted to know what good it was having a plan. He wanted development to look congruent.

Mayor Frost asked if they needed to drill down on architectural standards. Council Member Shelton said that he was okay with having the standards be flexible as long as there was a large

enough area to have them make a difference. He said that when two different types of developments appear right next to each other on ½-acre lots they would contrast a lot more than if they were on 2-acre properties.

Council Member Carroll said that she thought that it would be cost prohibitive to developers if the City said that they had to have multiple storefronts. She felt the same was true for redevelopment. It was her opinion that it was typical in areas that were moving from old to new for there to be parts that had been redeveloped and parts that had not.

Council Member Shelton said that he didn't disagree. He said that a big factor in getting the economics of redevelopment projects to be successful was having tax increments at work. He said that successful downtowns that were redeveloped were in CRAs or some other type of tax increment that helped offset the demolition costs. He was concerned about the project he mentioned and the fact that it didn't look like the surrounding area.

Mr. Olsen responded that all developments would have to meet parking requirements. He said that it was the nature of small parcels that different architects come with different design philosophies. He felt like this added to the downtown area. He did not feel that different developments would stick out like a sore thumb, but rather the downtown area would be more representative of mixed use areas like other places popping up such as the one on Barrett and Main Street. He said that when you start to add housing nodes it adds to downtown.

Council Member Shelton felt that the key question was what was being added. He didn't feel that there needed to be more housing, but that there needed to be more people in downtown spending their dollars to motivate revitalization. He wanted downtown to be an enjoyable destination place. He asked if there was some sort of consensus from the Council on adding a geographical requirement.

Council Member Taylor said that he saw both Council Member Shelton and Mr. Olsen's perspectives. In addition to feeling that it was really important for the parking requirements to be met, he did want to make sure that the developments had a cohesive feel. He did not know if there needed to be more guidelines, or if this could be accomplished through site plan reviews. He provided an example from Lehi when the Albertsons came in and influenced the look of the area. He wanted to make sure a similar thing took place in American Fork's downtown area. While he appreciated variety, he did want there to be a cohesive thread that made the development look purposeful.

Mr. Olsen stated that he felt that the sentence in the code that read that the development needed to consider the historic precedent within the area addressed this issue. It was not just a free for all. He said that staff had pushed back on some development plans and asked developers how what they proposed tied in with the historical precedent. After that review by staff, site plans also have to go to the Planning Commission. If they don't feel that any historic precedent had been considered, the Planning Commission has the ability to turn down a project or ask a developer to come back with a different plan.

Mayor Frost asked if proposals in fact came a step further and came to the City Council as well. Mr. Olsen replied that projects in the CC-1 do not. They only go before the Planning Commission except in cases of appeal.

Council Member Shelton said that he was worried by that one sentence. To him it was arbitrary and capricious. For him it read that, “if upon the feeling of the body at the time...” He wanted to know how the City defined what historical precedent was. As the Planning Commission and Council changed over time, how was that consistent feel maintained. He didn’t like the idea of changing requirements if all of a sudden they didn’t like what was going in. He’d rather be on the front of visioning the development so that the thread of consistency was laid out ahead of time.

Council Member Carroll said that she felt like the Council was not talking about the size of the lot, but about architectural standards. She said that she spent some time and looked through different Utah cities’ architectural standards that had done some recent redevelopment: Holladay, Ogden, and Midvale. She said that they have different looks. She noted that some have stricter architectural standards than others. She felt that the Council would need an architect, or someone who understands building a little better to help flush out the standards American Fork would want to set. She would want to limit requirements just to architectural standards, not the form of the building or lot size. but we would need someone who understands architecture a little better, to flush that out if we wanted to do that and I would limit that to just architectural standards, not the form of the building or size of the lot or some of the other things but just talking about the look of the building.

She said that she would be happy to pull up any of the codes that she looked at and share them with the Council. She said that the Holladay Village one was a lot. It was very specific and they have a very cohesive look. She said that even the pitch of the roof cornices was specified and that the code did not allow for any flexibility. She felt that the area looked awesome. She felt that if the direction of the Council was to more extensively establish the architectural standards and look for redevelopment that was more than what could be accomplished during the meeting.

Council Member Hunter asked Mr. Olsen how he feels about architectural standards. He said that the City really only got one shot at defining its look and feel. He asked if the four elements that were outlined were enough to define a look and feel. Mr. Olsen said that the discussion of the Planning Commission was that the redevelopment of the downtown area would be too rigid if American Fork imposed architectural standards. He said they certainly could be drafted. He felt that what would happen would be that the first project in the door would ask for all kinds of exceptions. Council Member Shelton said that he agreed with Council Member Hunter’s point; They only had one shot to do this.

Mr. Olsen said that when the issue went to the Planning Commission the first time, they felt that the four elements while considering the historical precedent of the buildings and what was downtown was sufficient because it would allow flexibility, but still tie redevelopment to some sort of historic theme. This would allow modern creativity as opposed to creating a faux historic look like what was seen in Holladay. He said that if that was what the Council wanted, staff could have architectural standards written to match this desire. The Planning Commission, however, felt that it was good to be able to allow flexibility and creativity in a modern look while tying in historical elements.

Council Member Shelton acknowledged that there was a spectrum from loose to rigid. He felt as though the single sentence about considering historical precedent was too loose. He felt that there was nothing that bound the developer to the City’s vision. He’d like for some architectural terms to be used in the code. He felt like there was some middle ground.

Mr. Olsen replied that maybe an architect could help with that. If the Council wanted architectural standards, staff could reach out to an architect.

Council Member Hunter asked how many of the areas were defined by municipal buildings. He said that there were many downtown areas that were anchored by City municipal buildings. Mr. Woffinden asked if American Fork's historical thread was represented by the tabernacle building, the bank building or City hall. He said that any structures that had been downtown for more than 100 years communicated a historical thread.

Council Member Shelton said that he felt like this was a conversation that should go back to the Planning Commission now that it had been established that the City Council wanted more exploration of architectural standards. Mr. Woffinden stated again that he felt like American Fork already had a historical thread downtown.

Council Member Hunter asked if the historical thread was the direction that the Council wanted to see the downtown area develop. Council Member Taylor said that those buildings were the only consistency that currently existed in downtown. Council Member Carroll said that was the benefit of having an architect draft standard. They could help guide developers in how to create that consistency.

Council Member Hunter said that he didn't feel like the consistency had to look like the 1750's. He didn't think that was the look that progressive American Fork was looking for. He said that the only example he had to draw from was the police building in Lehi. He said that there was a nice balance between historical elements and a modern feel.

Council Member Shelton asked if it was worth asking the Planning Commission to look at applying architectural design standards and come back to the Council with some revisions. Mayor Frost said that he thought it would be good for staff and the Planning Commission to help better define the language and requirements. He noted that the Council had already voted and approved the initial requirements, but had since discovered they were not comfortable with them.

Council Member Taylor said that he felt that the particle application of standards helped give the Council a better perspective. He said that in a litigious world he felt that language needed to be really clear. He asked Mr. Olsen if he felt like he and the Planning Commission could comfortably clarify the language Council Member Shelton was concerned about.

Mr. Olsen responded affirmatively. He said that if the Council was truly looking to implement architectural standards, there was not an architect on the Planning Commission and he didn't pretend to be one. He thought they would probably want the input of someone who wrote architectural standards for a living. He said that if the direction of the Council was to clean up ambiguity, he felt that could be accomplished with the legal team without going so far down the architectural standards route. He suggested that staff start by cleaning up the ambiguity and bring the changes back to the Council. If at that point the code does not meet the Council's satisfaction, staff can go on to the next step.

Council Member Shelton brought up another item. He said that he was worried about American Fork's transportation plan. He said he did not think that American Fork's transportation system was equipped to handle 200-400 additional trips per day. He thought it would be short-sighted of the Council to allow the buildings to be added with the intention to wait to fix the problem when

it arose. would be short sighted if we did not have that discussion to talk about it and allow these buildings to go in or fix it when it comes to that point.

Council Member Taylor asked if Council Member Shelton was thinking about roadways or if he was talking about trains and buses. Council Member Shelton said that he was aware of three ongoing studies that would affect downtown transportation. He said no one knew what would happen if American Fork got bus rapid transit, a perpendicular City line, or if UDOT adds lanes to State Street. All of those would have big impacts. All that aside, with present infrastructure, he did not think that the downtown area could handle the volume of high density housing. He stated that many of downtown's intersections were already failing and provided an example of a recent development that only had right-ins and right-outs creating additional congestion. He also noted the Hopper building and Pacific Drive as places that were already heavily constrained without the addition of high density housing. He did not think that side streets could not accommodate high density housing. He felt that high density housing downtown should only be allowed if the Council had established infrastructure to support the expanded housing.

Mayor Frost said that he felt as though there were specific time periods of traffic flow failure in the downtown area. He asked Scott Sensenbaugher, Public Works Director, how traffic studies required by developers were a useful tool to analyze the current situation. Council Member Shelton clarified that when he said failure he referred to places in American Fork's own master plan that engineering standards had already identified as failing.

Mr. Sensenbaugher said that Mayor Frost was correct that there were various levels of service. Level A standards were those where no one experienced a delay ever, compared to Level F which was a true failure. There are certain delays that residents find acceptable. For example, people tolerate certain levels of congestion when leaving a major sporting event. While there will always be delays that will have to be tolerated, developers are required to conduct traffic studies so that traffic impacts can be mitigated and are considered against what was contemplated in the master plan. He agreed with the mayor that the completion of traffic studies was a key part of the development process.

Council Member Shelton asked Mr. Sensenbaugher if a developer brought in a traffic study that showed that a project would cause failure at an intersection if staff, the Planning Commission, and the City Council could then deny the development from taking place. Mr. Sensenbaugher said that a project could be denied. Before recommending denial, staff would work with the developer to see if there were steps that could be taken to mitigate the traffic failure. Council Member Shelton said that it would be good to know if the City has the legal right to deny a plan. Council Member Carroll and Mr. Sensenbaugher said that the master plan did have language that the City did not want systems to fail.

Council Member Shelton said that he wanted the assurance that the City could deny plans. In the past he'd been told that a plan would not go through because of x, but all of a sudden the project was approved. He wanted it locked down that if a project was going to cause transportation problems that the Council could deny proposals based solely on that reason. He said that the master plan was not built on these densities. Mr. Sensenbaugher corrected that it did contemplate some higher densities.

Council Member Carroll said that it was contemplated in the Main Street Master Plan to include high-density residential. Mayor Frost felt like a more expansive traffic study might be needed on

how changes in the use of downtown, beyond just high-density residential, would impact transportation in the downtown area.

Council Member Shelton said that there were design manuals out there that outlined what infrastructure was needed to accommodate different levels of traffic. He wanted a barometer for planning. He cited what American Fork did in the TOD in preparation for how they thought the area would develop.

Council Member Carroll asked what information Council Member Shelton was specifically looking for in a traffic study. Council Member Shelton wanted to know the impact of the high-density residential in the downtown area, followed up by a revision of the transportation master plan in the area. He continued to list a litany of potential problem places that he, “as a citizen” would want the Council to look at ahead of time before approving high-density housing.

Mr. Sensanbaugher wanted to make sure that the Council was aware that staff did review the master plan regularly. He and the City engineer had spoken just in the past week that there were parts of the plan that needed to be reviewed and revised again. He said that staff can review the assumptions that were made for the downtown area to make sure they match the area’s current trajectory. He assured the Council that when a traffic study for a new development comes in, regardless of if it is residential or commercial, staff do scrutinize it based on standards and other places to make sure that what is proposed made sense with what would traditionally be seen from the proposed use. These are compared to the assumptions made in the master plan. If the assumptions and what is proposed are substantially different, then additional requirements are applied.

Council Member Shelton wanted confirmation that anyone completing a high-density residential development in the City would be required to complete a traffic study. Mr. Sensanbaugher said they would.

Council Member Shelton said that he just pulled up the transportation master plan and that the last time it was updated was December of 2018. He felt like it was time to go out and reassess the plan. He felt as though the Council had an obligation to current residents to make sure that they can move through the City. Mayor Frost talked about the expansion of the connector and how changes to that should help alleviate some of the traffic congestion.

Mr. Bunker said that it was time for staff to look at the Transportation Master Plan again. He said that it did talk about Pacific Drive and Main Street being five lanes. The downtown vision was included in the plan, but in the plan it talked about a TOD area, something he did not think the City wanted to continue to push.

Council Member Barnes said that he wanted to go to Section 4 about how all off street parking should be hard surfaces and should be located towards the interior of the properties. He said that in American Fork there were three streets: Church, Center, and Merchant. He said that between those three streets there were two strips of land where there were buildings. He wondered how interior parking could be possible when there were buildings in the entire area between streets.

Mr. Olsen said that there was a specific area downtown that was not required to provide on-site parking in the downtown area parking overlay for exactly the reason Council Member Barnes stated. Because of this, on-street parking was allowed.

Council Member Shelton asked if someone tore down the Savor Lounge if they could take advantage of on-street parking. Both Council Member Carroll and Mr. Olsen said that there were different parking requirements for residential uses. They might not be able to put something residential in the space because they might not be able to provide the parking. If a developer put in something commercial, they would still be able to utilize on-street parking.

Mr. Olsen explained again the downtown parking overlay between Center and Merchant that had the strip of properties that were fronted on both sides by the street.

Council Member Shelton listed several places that he did not think could be built based on the line in the code that said, “no parking shall be built fronting the street,” including the parking for City Hall. Mr. Olsen said that he was right, the City’s parking, under its current configuration, would not be permitted to be built under the current code. He said that there would be places that would need to be considered on a case-by-case basis. In some instances, a commercial space might already be exempt because it already fell within the parking overlay.

Council Member Shelton asked if that would be the case for the Harrington building. He said that he had looked at their drawings and they had parking fronting Center Street. Mr. Olsen said that he hadn’t seen the plans so he couldn’t speak to it.

Council Member Barnes asked about Section 4.5 and the maximum building setback range of 10’ to 15’. He asked if it was 10 or 15. Mr. Olsen said that staff had given that range to provide leeway and flexibility. He explained that there was no minimum setback, just a maximum. The intent was to get the buildings closer to the sidewalk to give downtown the pedestrian feels. It was clarified that the point of measure happened from the back of the sidewalk and could go up to 15’.

Council Member Barnes pointed to the section that talked about “a variety of exterior materials with a minimum of four.” He asked if glass windows were considered one of the materials. Mr. Olsen said he did not think that he would count a window as a material because they were just part of a structure. Council Member Barnes said that based on how he read the code, he would count the glass of the windows as one of his materials. He felt like this section of the code was vague.

Council Member Shelton said that he also wondered how much of each of the different materials needed to be used. He said that when you look at Easton Park, the developer put a small row of rocks underneath the window. He worried a developer would try to get away with doing a minimum amount.

Council Member Carroll said that went back to the architectural standards. Council Member Shelton argued it was building material. Council Member Carroll and Mr. Olsen said adamantly that they were architectural.

Council Member Barnes then asked for clarification on particulars regarding what automotive services were allowed. He said that he read this section as saying that you cannot park cars facing the street unless you own a gas station.

Mr. Olsen explained that item seven of the special provisions stated that if someone owned a gas station their pumps needed to be setback 20 feet from the property line. There was more discussion about what it meant for parking to be interior.

Council Member Hunter expressed that although parking was open to being considered on a case-by-case basis, he was not a fan of lowering parking standards.

Council Member Shelton asked what the timeline was for the changes in code coming back to the Council. He said that as they receive more and more applications and get invested developers might not have to comply with the changes just discussed by the Council. He asked if it was worth holding off for a minute like the six-month break they took on accepting proposals in the TOD. Mayor Frost said that in regard to getting with an architect and legal counsel, he felt that the language could get turned around pretty quickly. He felt that all of the changes should be vetted through the Planning Commission. He asked if the Council felt like a moratorium should be issued.

Council Member Taylor said that he felt as though it was a valid point but he did not want to prolong the process. Council Member Shelton said that if getting the process cleaned up was going to take six months like what happened with the TOD he suggested a moratorium.

Mr. Bunker said many different aspects of the code had been discussed tonight. He said that he thought the architectural piece and the traffic studies would both take a couple of months. Despite this, he cautioned against a moratorium. He said that they should check with Cherylyn Egner, Legal Counsel, but that legally for a moratorium there needed to be a substantial legal reason why. Instead he suggested a repeal. Council Member Shelton said that he liked the idea of repeal.

Mr. Bunker said that he felt that staff could be back before the Planning Commission and Council in a few months. Mr. Olsen said that staff were going to work with legal to clean up language regarding materials and setbacks. It was his understanding that they were not going as far as architectural standards. He said that he did not see cleaning up the language as taking a few months.

Council Member Carroll said that Mr. Olsen had also mentioned clarifying what was meant by historical precedent. Mr. Olsen said that outside of engaging with an architect to really create a book of standards, which he thought could cause its own issues, he didn't see it taking a couple of months.

Council Member Shelton said that he had communicated with an architect, John Goodwin, who might be willing to donate his time. He recommended consulting with him because as Council Member Hunter said, American Fork had one shot at this redevelopment.

Mayor Frost asked Mr. Olsen if he thought that they needed to repeal the opportunity to develop the downtown area at the next Council meeting. He said he was hesitant to do that. Mr. Olsen said that as far as he knew there were three active applications.

Council Member Shelton said that he was more worried if the process was going to take more than a few months. He hoped that if staff became aware that it would be more than a couple of months that he hoped they would inform the Council so they could consider repealing if need be.

Mr. Olsen said that in his mind, the wildcard was how deeply the Council wanted to go in regard to architectural standards. If the Council wanted to take a deep dive into those standards it would take a lot longer than leaving flexibility.

Council Member Carroll said that there was quite a lot of variety. Council Member Barnes said that he was still struggling to understand property rights. He understood what they were trying to do in the area, but at the same time the City was also limiting what someone could do with their property. Council Member Shelton said that he looked at the zone as extending property rights because before a developer was not able to do high-density projects.

2. Discussion on a water shortage contingency plan.

Mayor Frost said that the Water Conservation Management Group had reviewed and made edits to the water shortage contingency plan document. He noted that it was a living document and that the group wanted to get the plan to the Council to make sure that its direction was something the Council was comfortable with. Given the severity of the drought throughout Utah, the group wanted to make sure that they were acting, not reacting.

Mr. Sensanbaugher said that there were two documents that were closely related to each other that were before the Council tonight. He shared that there was a third document that was crucial to the City's water strategy that was not quite ready to be presented to the Council about the recycled water plan. He said that there was a tremendous amount of overlap between the three documents. He emphasized that the documents were drafts.

He said that the water shortage contingency plan was something that was started as a way to make sure that there was a plan and policy in place when American Fork was faced with a drought or water shortages to help people conserve water. He noted that both of the documents were focused on the pressurized irrigation (PI) system. The PI system was primarily surface water through American Fork's water rights to the American Fork River, Provo Canyon, etc. He emphasized that anything in the document that addressed cutbacks because of shortages would have nothing to do with the culinary system that mostly came from groundwater.

Mr. Bunker interjected that there was overlap in the two systems when the PI system was overused and had to be supplemented by culinary water. Council Member Shelton said that he recently discovered a voter information pamphlet that was sent out in 2006 on the PI system. The pamphlet said that the PI system would not use any culinary resources. However, when in Council meetings, J.H. would say that two specific wells would dump in with overflow. He wondered what the original intent was. He noted that the City paid over \$100,000 in electricity costs for the wells that supplemented the PI system.

Mr. Bunker said that typically there was contingency designed into the plan. He said that it would be crazy to design a plan where the wells could not enter the PI system. He said that the plans show that putting culinary water into the PI system was not what the City wanted to do. He said that the City's biggest effort needed to be to not use culinary water resources for irrigation.

Council Member Shelton said that what he saw in the pamphlet was contrary to everything that the Council had talked about. He said that he thought the culinary system was designed without the two wells, understanding they were dedicated for PI. He just wanted to understand what the City's resources were and what they were dedicated to.

Council Member Carroll asked how often American Ford used culinary water for PI. Mr. Sensanbaugher said every year. During the current PI season they were utilizing culinary wells almost every day.

Mr. Sensanbaugher said that in good years it happens later in the season, but it still happens every year. He said that one of the details that he writes in the document is a goal, that he recommends adopting, that the City never use its drinking water sources for irrigation. He said that he had every confidence that they would be able to keep the grass green. He said that American Fork overuses water far greater than what is needed to keep grass green. He felt that if water was used properly and the water reuse system was implemented the City could achieve the goal not to use drinking water resources, and then some.

Because the Council was short on time, Mr. Sensanbaugher provided three highlights from the plans. He began by saying that one of the points that the committee discussed at length were the number of levels of drought they wanted to define and what those levels meant. He said that there were many measures that the City should be doing, drought or not. A lot of what the water contingency plan offered were steps if the best water management practices didn't work. Instead of going through the different levels, he suggested that the Council read this on their own and provide staff feedback at another time.

Mr. Bunker asked if anyone had any concerns about the water contingency plan and what enforcement would look like during the different stages. Council Member Shelton said that he felt like enforcement was going to be very difficult. He wondered how in the world the City would enforce requirements like everyone having a pressure nozzle on their hose. He saw a lot of what was outlined as recommendations. He said that the only way to enforce this would be through fear. He said that the way to keep people in check was with their pocketbook. He said that the last time they adopted water measures was in October of 2019. He noted the only exceptions in the document were related to new construction. He talked about his own use of a necrotic watering system that allowed him to only have to water 10 minutes every day with shallow watering, as opposed to needing to do a deep soak. Many of his neighbors had adopted similar watering techniques. He felt as though there was a consensus among the Council to allow for some exceptions, such as for necrotic watering systems, beyond just new construction that were outlined in the plan, but did not see them included.

Jay (no last name given) said that in situations like what Council Member Shelton explained, residents often came in and talked with staff and could get a waiver.

Council Member Shelton said he would just ask that information to be included in the resolution so that there was something legal as backup. He shared an experience that was disheartening for him. The previous evening he was driving along North County Boulevard. He said that where the development center had the land that they lease out for alfalfa they had a watering station close to North County. He said that the high-powered sprinkler was hitting the turning lane and going in the opposite direction of traffic. He said that it was putting so much water on the asphalt. As a water user, Council Member Shelton thought, "man, my grass is still brown right now because I am trying to do what needs to be done." He said that if the City was going to enforce water use he wanted to see how American Fork could address some big time vendors such as the State. Instead of focusing on residents, he'd rather enforce large offenders.

Council Member Shelton then pointed to the current resolution and who had the power to change the specified level of drought. He assumed that power would stay with the Council and that it was a recommendation from the water conservancy body.

Mr. Sensanbaugher said that was the vision. He also informed Council Member Shelton that the term for when someone was watering asphalt, pavement or concrete was fugitive water.

Council Member Shelton had two more points. He said that he thought there was a lot of validity behind what the City was doing in regard to irrigating at Art Dye. However, with his kids playing sports, there were a lot of people who had complaints about how it didn't seem like the City was watering at all. Lastly, he talked about the aquifer. He said that the Council had discussed pulling that water out. He felt as though American Fork was in a six-legged race with all of the different municipalities and water users on the north end of the county. He wanted to see that this was adopted on the north end. He said that American Fork can conserve all they want, but if Lehi and Alpine don't and just keep pumping then they would end up draining down American Fork's resources. He wondered if it was possible to create an inter-local agreement.

Mayor Frost said that he could not think of a tool to bring all of the cities into compliance apart from a discussion about being good neighbors. He said attempts they made for the two weeks to reduce water usage resulted in the conservation of 600 million gallons of water across the cities. He said that Lehi saved 130 million compared to American Fork's 160 million compared to last year. He said there was cooperation taking place between cities. He said that he thought that the recycling system would be a game changer for American Fork. He said that American Fork was one of the only cities in a position to take advantage of recycled water. He said that cities just had such different resources.

Council Member Taylor said that people just don't know about the level of drought facing the staff. He said that when he shared with residents that Governor Cox declared a state of emergency, people responded asking, "he did?". He thought that people would be a lot more willing to collaborate if people understood the gravity of the situation. He felt like there needed to be a strong public outreach and educational effort.

Council Member Carroll said that she might have the opposite observation. The State had determined an advisory water stage every summer. She had heard anecdotally that people become desensitized to the idea that the state was in a drought because they hear it every year. She felt like they might just have to implement some sanctions.

Council Member Taylor said that the City could also just not open up the culinary water and residents could wonder why water wasn't coming out of their PI systems. Mr. Sensanbaugher said that was outlined as one of the most extreme options. That was a decision the Council could make. There was discussion about other cities who had to shut their water systems off.

Council Member Shelton said that he would like to see a backup generator installed to support the culinary water system. He cited several natural disasters that he'd like to have a system in-place to prevent gaps in services to residents. There was some general conversation about enforcement and that the only way to do so was through metering.

Mr. Sensanbaugher said that he thought that everyone was on the same page about that. Along the issue of metering, he then addressed the cost of the system, which was broken up into two phases. While they could be considered independently, it was staff's recommendation to consider them together. The first stage was metering the unmetered connections in the PI system. This would cost ~\$8.9 million. He did note that if they were not able to reuse some existing technology that

cost would be higher. However, he was confident that Public Works would be able to make reusing equipment work to fit meters into existing boxes.

Council Member Barnes said that many residents remember when the boxes were installed. He hoped that they would not have to go in and redo the boxes even though years ago residents were told those boxes were going in to set up metering.

Mr. Sensanbaugher said that the second step was the AMI system. He said that an AMI system would send public works staff instantaneous data on usage, as opposed to staff needing to go around and check individual meters. It would also be extremely useful in helping to detect leaks. He said that AMI systems were the direction that the industry was going and were a valuable tool in water conservation.

Mr. Bunker added that if American Fork had a fiber network, another possibility was to connect meters to that system as well. That was an option that staff would investigate because it would give truly real-time data. If the City moved towards a tower system, fiber would be an interesting option to look at.

Council Member Shelton said that he had recently talked with Orem City who had converted to a tower network. He thought it might be beneficial to have the person who oversaw their project come speak with the Council. One takeaway from his conversation with Orem City was the resource American Fork had with the flagpole at the cemetery because something really high and large was needed to help with the point-to-point connections. He said that if American Fork did do fiber, that Orem hooked into Utopia. He then changed his train of thought and asked if all of the provided pricing in the documents were for secondary water.

Mr. Sensanbaugher said that was correct, with the exception of one aspect of the AMI system. If they moved to this system, all of the end points would need to be changed out, including a culinary end point. That was included in the price. He said that radio and cell endpoints were different. All of American Fork's endpoints were radios. He noted that the cost estimates for a point-to-point network were really rough. He said that he was more confident on the cell network cost because they were based on actual quotes. If the decision was to go the point-to-point route, he felt that a radio assessment needed to be conducted first.

Council Member Shelton clarified that if the City implemented an AMI system that would be for both the culinary and secondary systems. Mr. Sensanbaugher said that was correct. He directed the Council to the last page that outlined funding. He said that the City had a 50-50 grant in place in the amount of \$3 million, \$1.5 million from the Bureau of Reclamation and \$1.5 million from the City. This would allow the replacement of meters in FY21. In the FY22 budget there was another \$3 million. This meant that \$6 million of the \$9 million was funded. He said that right now, roughly 10% of the PI system was already metered. He said that with the money that is already in place, roughly 70% of the City would become metered by the end of FY22. It was staff's recommendation to just finish off the metering as soon as possible.

Council Member Shelton asked Anna Montoya, Finance Director, if she knew the fund balance in the secondary water fund. He said he'd like to know that number and where the money to match the grant was coming from. Ms. Montoya said that she thought that the fund balance was about \$10 million.

Council Member Shelton asked what the cost would be to finish the last 30% of metering required for the City. He also asked if the \$10 million included any of what was already allocated. Ms. Montoya said that it did not.

Council Member Shelton asked if he could get an email with these details line-itemed. Council Member Barnes said that as the City builds new homes, the percentage of residences that were metered would increase quickly because all new homes would be metered. Mr. Sensenbaugher said that the \$9 million was the estimate strictly for American Fork's unmetered connections.

Council Member Carroll said that she thought that the recommendation was to do the meters and the AMI system together because it was more efficient. She stated that in order to do both, more than \$9 million would be needed.

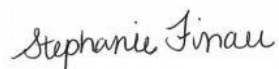
Mr. Bunker said that staff would pull the costs together, give the Council the fund balance, and propose a plan for how to get the system implemented. He said that he had also talked with Mr. Sensenbaugher about identifying savings. He said that the City would have savings if it cut back on its consumption. There would be both system and water savings.

Council Member Shelton said that there would be labor savings, too, by not having to have staff drive around the City. Council Member Carroll assumed that this would be added to the budget that would be approved before July 1.

Mr. Bunker said that the initial \$3 million was already included in the budget that would be approved July 1. He said that staff would come back to the full amount to include the AMI system through a budget amendment.

3. Adjourn

The meeting adjourned at 6:04 p.m.



Stephanie Finau, Deputy Recorder