

AMERICAN FORK CITY COUNCIL  
JULY 27, 2021  
REGULAR 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
Wendelin Knobloch	Associate Planner
Terilyn Lurker	City Recorder
Anna Montoya	Finance Officer
George Schade	IT Director
Cherylyn Egner	Legal Counsel
Adam Olsen	Senior Planner
Darren Falslev	Police Chief
Scott Sensanbaugher	Public Works Director

Also present: Aaron Davidson, David James, Jonathan Merritt, Mike Hathorne and two additional citizens

The American Fork City Council met in a regular session on Tuesday, July 27, 2021, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

REGULAR SESSION

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

Mayor Frost welcomed everyone to the meeting. Those present recited the Pledge of Allegiance and an invocation was offered by Council Member Carroll. Roll call was taken.

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

Aaron Davidson was present to discuss GRAMA laws and fees. He submitted a GRAMA request to the American Fork Police Department for records of which he is the subject and was told they would fulfill it for a charge of \$20. He read from the state code §63G-2-202 regarding private records and §63G-2-203 regarding fees associated with fulfilling GRAMA requests. According to wording in the state code that encourages a government entity to fulfill a record request without charge if the individual requesting the record is the subject of the record (§63G-2-203-4b), Mr. Davidson feels that he has a right to the records free of charge. He had requested records from a Mr. Ellison, who refused to give him the records, stating they wouldn't waive the fees unless there were extraordinary circumstances. Mr. Davidson feels that this is in violation of state and city code. He was told he could request the information through normal discovery procedures with the prosecutor but feels this would divulge information against himself and he should be able to get the records for free. He requested that the council address the issue of GRAMA fees and requests with AFPD. Mayor Frost asked if he was there about paying for the records or receiving them or both. Mr. Davidson wanted the records free of charge. He feels his rights are being denied by

being denied free access to the records. Mayor Frost stated the Mayor's office would communicate with him in the next few days, that there was a fee schedule and he would be happy to look at that fee schedule and discuss with the Police Chief. Mr. Davidson pointed out that, in his interpretation of the city code, the City Council superseded AFPD in the approval of fees.

Council Member Rob Shelton asked if there was an appeal process in place. Legal Counsel Cherylyn Egner clarified that yes, there was an appeal process but also pointed out that all the records relevant to a defense is processed and given out free of charge during discovery, and should be requested through the prosecutor. Mr. Davidson reiterated that he didn't want to go to the prosecutor, as this was essentially providing information to the other side that could potentially be used against him. He wanted the records from AFPD and, according to the state code, it should be provided to him free of charge.

Mayor Frost said he will take the time to research and understand the situation as presented and either render a judgment or refer it back to the counsel. Mr. Davidson requested to meet with Mayor Frost and provide additional back story. Mayor Frost declined and said that was for another body but that they would look at the GRAMA appeal itself.

### 3. City Administrator's Report

David Bunker, City Administrator had nothing to report.

### 4. Council Reports

Council Member Ryan Hunter reported he was able to represent the Mayor on Sam Beeson Hot Dog Day; there was a wonderful turnout. The fire crew at the event that evening was the same crew that saved the Beeson's home earlier this year when it caught on fire. Council Member Hunter's children recently graduated from the first Youth Citizen's Academy with AFPD; they had a wonderful and enlightening time. He thanked the AFPD for putting it on. The Parks and Trail committee discussed some options on the south side of town; they are still proceeding with that.

Council Member Rob Shelton had nothing to report.

Council Member Kevin Barnes had nothing to report.

Council Member Staci Carroll had nothing to report.

Council Member Clark Taylor mentioned the success at Fox Hollow Golf Course with the changes they've made. The council is invited to the course's annual council presentation on August 19th at 6pm in the reception room at Fox Hollow. There will be a facility tour and report of the state of the golf course.

### 5. Mayor's Report

Mayor Frost shared that the recent passing of Ray Greenwood last week is weighing heavily on his mind. Mr. Greenwood was a long-time volunteer at the Senior Center and was known for spreading happiness. He will be missed. His funeral will be held on Saturday at the American Fork Cemetery.

## 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 June 22, 2021, city council minutes.
2. Approval of the July 13, 2021, city council minutes.
3. Approval of the authorization to release the Improvements Durability Retainer of \$3,319.80 for KESLER SUBDIVISION, located at 435 East 200 North.
4. Ratification of city payments (July 7, 2021, to July 20, 2021) and approval of purchase requests over \$25,000.

**Council Member Taylor moved to approve the common consent agenda. Council Member Shelton seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Rob Shelton, Council Member
<b>AYES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

## ACTION ITEMS

1. Review and action on the appointment of David James to the Senior Citizens Board.  
David James was present to answer any questions.

**Council Member Taylor move to approve the appointment of David James to the Senior Citizen Board with a term ending 2024. Council Member Carroll seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Staci Carroll, Council Member
<b>AYES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

2. Review and action on a lease agreement for property at 1120 North 150 West.  
City Administrator David Bunker explained the location of this property. It was currently owned by American Fork City. The adjacent property owner was interested in leasing the property with the intent to purchase in the future. The City is holding off on the sale as there may be right-of-way necessary for an intersection improvement for a future roundabout. The interested property owner has committed to removing the unnecessary additional sidewalk and to maintaining the property until the city determines that they are ready to divest of the parcel.

Jonathan Merrott, the property owner interested in leasing the parcel was present and agreed with what Mr. Bunker said but added his opinion that with there being a school crosswalk at that intersection, he doubted that it would ever become a roundabout. He also sought to ensure that it is noted in the agreement that when the time comes to purchase the parcel that the lease would end at that time. He then pointed out, as Council Member Barnes had earlier, a typo in the third paragraph of the Background section of the action item, and requested that the word “undermined” be corrected to “undetermined.”

**Council Member Shelton moved to approve a lease agreement with Jonathan and Carrie Marrott for a portion of city property located at 1120 North and 150 West. Council Member Barnes seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Kevin Barnes, Council Member
<b>AYES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

3. Review and action on an ordinance amending Sections 17.4.608.B and E of the American Fork City Development Code regarding requirements for mixed use development.

Senior Planner Adam Olson explained that, fairly recently, the council had amended this section to allow the mixed use component of 25% ground floor area for buildings that abut streets other than 200 South. The recent amendment allowed that 25% to be clustered in one area or in a separate building. The proposal before the council tonight was to further amend it to reduce the areas in which the 25% was required. One proposal was to limit the mixed use requirement to the business core loop and core collectors. They would like the 25% requirement to be used on 1100 West and 900 West and the business core loop. As it was currently written, it was applicable to all roads within the Core area. Another component would be to allow residential uses on the main level in those areas but be built to commercial standards to be transitioned to commercial use in the future. Another request was to allow live/work units, which has been allowed in other developments to meet the requirement. There was also some other clarifying language the applicant would like to add. Mr. Olson said that the Planning Commission discussed this but ultimately recommended against it, as further reducing the 25% mixed use requirement lessens the overall vision for what the City Council and Planning Commission envisioned. He stated that he understands the reason for the request, but he is concerned this will build out as strictly residential.

Council Member Staci Carroll asked how many other roads local roads would be. Mr. Olson answered that the local roads were shown in red on the plan. The applicant wanted to eliminate the requirement on those local roads and keep the requirement to solely the blue and yellow roads on the plan. The 100% ground floor commercial use requirement would still apply to all of 200 South.

Council Member Ryan Hunter asked if the requirement would apply to the area north of 200 South as it is developed and internal roads are added. Mr. Olson clarified that, as currently written, the 25% requirement applies to all roads other than 200 South for any building that abuts a road; it doesn't differentiate between public and private. Mr. Olson further explained that the applicants' rationale was that the market did not support that much commercial use at this time. The Planning Commission did listen, but worried that the proposed amendment would take away from the overall mixed use vision the City had for that area, and ultimately recommended against it.

Mike Hathorne, with Community One, stated that he was against the mixed use requirement before it was put in the code. He had previously spoken with Council Member Carroll and Mr. Olson to offer perspective as the code was being developed. He said he understands and supports their vision for an environment of mixed use, but feels that the text of the amendment for the mixed use requirement was flawed. He sought to explain the developer's side, that they are subject to two forces: government policy (zoning) and market forces. He explained that zoning regulates use and density which are quantity issues; the market also regulates quantity through demand. If the circumstances are not mature enough for something to exist, it won't exist. Developers are also

subject to the economics of the markets based on their ability to get financing, which is subject to the programming of the project. If the programming of the project has a requirement that the market won't support, there won't be financing, and the development won't happen. He raised this concern initially and is raising it again. Since this mixed use requirement was passed, there has been only one approved project. He said that Wadsworth has met with 19 interested parties, but they have all walked away due to the mixed use requirement. It's not a lack of interest from developers, they feel the market won't allow it. He said there needs to be more overlap between government policy and the market forces. One recommendation was to limit the requirement to the streets where non-residential use makes the most sense. The applicant was willing to hear other alternatives to balance policy with what the market will allow. He had spoken with Zions Public Finance who told him that the demand for brick and mortar square footage is dropping; demand in 2020 was approximately 15 square feet per person. Crescent Communities plan, based on those metrics, would require just under 8500 square feet of non-residential space. The current system poses a difficult design challenge for the developer to match policy with market demand. Mr. Hathorne stated that Crescent Communities is very interested in the location and are familiar with this type of project. The applicant's recommendation to reduce the number of streets with a mixed use requirement was a way to balance quantity between policy and demand—that was the point that had to be wrestled with. If there couldn't be a better balance, Crescent could be the 20th developer to walk away from the Transit Core. Mr. Hathorne feels that Crescent Communities is well positioned to deliver a great project with a mixed use component, but not within the current requirements of the city. There could be a lot of non-activity in the transit core until the market catches up. Another obstacle was that the transit core area is an access-poor area; 200 South won't be viable for 100% commercial for quite some time. The applicant would really like to find a way to make this community work and this was their best attempt to find a solution. Staff wasn't supportive of allowing space to flex from one use to another, a common practice in other markets. The flex space could be used for non-residential if there was a market for it; the live/workspace is a similar idea. He reiterated that the goal is to make the intent of the mixed use requirement actually work and not stifle development.

Council Member Carroll asked if the parcel they are looking at abuts any of the proposed streets. Mr. Hathorne explained the location of the Crescent project. There are streets on all four sides, causing the design conundrum. Under the applicant's proposed amendment, they would only have to accommodate the mixed use requirement along 900 West.

Council Member Rob Shelton said that another component the council should consider is that the business district office core is to compensate and be the counterbalance to the residential side, and if that remains agricultural for a long period of time, it will be hard to drive more of the commercial aspect. He said he's a big fan of flex space, that it provides a lot of opportunity. He said that the work/live ratio has changed dramatically during the COVID pandemic, and there would continue to be changes as businesses and individuals adapt in the coming years, which is why he liked the flex space idea. It provided property owners with the opportunity to adjust to market demands. He asked for clarification on which roads and areas the requirement would be limited to. Mr. Hathorne clarified the on the map. Council Member Shelton said that it's difficult to project future market conditions, which is why he supported the flex space idea. He also said that vacant buildings are bad for developers and for the city. Mr. Hathorne said unless they have extremely patient money, it won't get built. It will become the hurdle for any development, which he feels is currently happening. Council Member Shelton said that eventually the market would catch up, but he would hate to have space stay vacant for a long time just to meet a requirement. He likes the idea of flex space because as the demand for commercial space increases, the developers will

go where the money is and adapt that space accordingly. He also brought up the need for essential services like a grocery store and other anchor tenants to keep people shopping within the community, but with Target, Walmart, and Fresh Market so close, it would be difficult to entice grocery stores or other anchor tenants to build in the transit core area.

Council Member Clark Taylor said that in reviewing the Planning Commission's notes, it seemed that the major standout was that the proposed amendment didn't complete the vision and that flex space made it difficult to go back. He said he'd like to hear more on that reasoning. He worried that they'll face the same situation as Easton Park with vacancies. He appreciated their concerns, but if that's what the market dictates, and that's what's best for the residents and business that come in, they have to do what makes sense. The Council had already made the decision to cluster because that's what made the most sense. He asked the Council if they wanted to hold on to a vision that may be fantastic or archaic or embrace a more progressive future and change it. He said he's not opposing the Planning Commission; he would just appreciate some extra insight.

Mr. Olson said he thinks the main concern was that if it goes residential, even with the option to transition to commercial, they felt that transition may never happen and it would just remain residential. If they don't want this to be mixed use, if they want high density, they can take that provision out. But the Planning Commission felt that the area offered more potential than just residential. He pointed that even though the Planning Commission recommended against it, the council could still approve it.

Council Member Carroll reminded the Council that the commercial component was only added about a year ago, and the cluster component even more recently. At the time, they knew it would be difficult for developers but they wanted to create a place with a mixed use component that had a community feel and allowed for walkability. She was also concerned that if they allow flex space, she was afraid they weren't delivering what they had promised residents. But she said reducing the streets required was worth discussing.

Mr. Hathorne asked how they bridge the gap between tomorrow and today.

Council Member Shelton felt that allowing the flex space gives the opportunity for the vision to be realized; reducing the streets kept it stagnant and set in stone. The market would dictate. From a business perspective, would they want to be on a smaller street? It would cause parking and walkability issues. He said he is a firm believer that the market will dictate, that property owners will flip the flex space to commercial as soon as the market incentivizes it.

Council Member Carroll was concerned that if they allow flex space, they will only get residential, based on what the applications have shown, and it would remain residential forever. Council Member Shelton said that allowing flex space leaves the door open, reducing closes the door forever; why not leave the opportunity open for it to become commercial if the market dictates? Council Member Carroll asked for clarification on what he was proposing. He said he's just brainstorming ways to balance the two; there has to be some creativity, some flexibility, to make it work.

Council Member Hunter said one of the questions that came up with the Planning Commission was would it be possible to allow for flexibility on the interior streets while maintaining the integrity of the vision. He referred to similar subdivisions that were significantly more developed where the commercial district sat primarily vacant. He didn't want to chase off great developers

with a solid vision and national experience by not being flexible. He agreed that the market will dictate, but believed it will be more than just a few years, that they're looking in the long-term. He believed that it's important to stick to a vision, but if so many developers say it won't work, they should consider what they're suggesting.

Mr. Olson said the Mr. Hathorne's suggestions are an attempt to find a creative solution. He said the Council can consider those suggestions for approval or table the motion and bring it forth in a joint work session to brainstorm and dive into it further.

Council Member Taylor agreed that it should be tabled and further discussed in a joint work session with the Planning Commission and City Council. He thought that some great solutions have been presented, but it required additional discussion in a work session. It was important to be forward thinking and savvy. He praised the Planning Commission for staying true to the ordinances and felt that a joint work session would be best.

Council Member Hunter agreed and said that would allow community input. He valued the Planning Commission and their input, and thought they should be involved in the decision making process.

McCade Quinn, the developer of Crescent Communities, wanted to thank staff. He felt they came up with a creative solution. He said they support TOD development, that the mixed use element makes the community great. They were intentional about not eliminating all mixed use requirements, they want to bring vibrant mix of uses because that attracts residents as well as consumers. He pointed out their community in Daybreak is a great example of what they envision for this project. He made it clear that they were happy to work with the Council to come up with solutions and create a creative place where people want to live and not just another high density development.

Mayor Frost concurred. He said they wanted the unicorn in this area, they get one shot at it, and doing anything drastic or too quickly was a mistake. He's open to solutions and think they should go back to the drawing board.

Council Member Barnes supported a joint work session with the Planning Commission. He praised the Planning Commission for doing exactly what they were asked. He asked about the other 19 supposed developers and asked why the Council hadn't heard from or about them. He would be open to their input. Mr. Hathorne said he spoke with about ten of them, and they all stopped interest with the mixed use requirement because they wouldn't get financing, but that mixed use was already part of Crescent's vision. Council Member Barnes wanted more perspective than from just one developer.

Council Member Shelton asked staff to research flex space and where it has been successful in other areas, to present in the joint work session.

There was discussion regarding scheduling for the joint work session.

**Council Member Taylor moved to table item #3 and hold a work session to discuss potential changes to the TOD code regarding mixed use. Council Member Shelton seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Rob Shelton, Council Member
<b>AYES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

4. 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.

**Council Member Shelton moved to approve Resolution No. 2021-07-29R authorizing the Mayor to sign the interlocal agreement with Utah County for substance misuse prevention services and the Communities that Care prevention model. Council Member Hunter seconded the motion.**

Council Member Shelton would like an administrative report detailing what has been accomplished in the community over the last two years with that grant money.

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

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Ryan Hunter, Council Member
<b>AYES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

5. 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 Key Bank/Crossroads at AF Phase 2, located in the vicinity of 607 West Main Street in the SC-1 Planned Shopping Center zone.

Mayor Frost said they have been waiting for this as it involves not only putting the bank in but realigns the queuing up of the drive thru for In and Out Burger.

**Council Member Shelton moved to adopt the Ordinance No. 2021-07-34 approving a commercial site plan for Key Bank/Crossroads at AF Phase 2, located in the vicinity of 607 West Main Street in the SC-1 Planned Shopping Center zone with instructions to the city recorder to withhold publication of the ordinance subject to all conditions identified in the public record associated with the July 21, 2021 planning commission meeting. Council Member Carroll seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Staci Carroll, Council Member
<b>AYES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor



- b. Review and action on an ordinance adopting the final plat and site plan of Dixie Farms Plat F-1 located at approximately 900 South 900 West in the PR 3.0 Planned Residential zone.

Council Member Carroll asked if this was where they were reducing side yards. Senior Planner Adam Olson answered that yes, the Planning Commission altered some front and side setbacks, which they can do on a case-by-case basis in this zone. It would give the development some variety, and the Fire Marshall said there is no increased hazard. They also adjusted some lot lines. Council Member Carroll asked why it was necessary here and not in other places. Mr. Olson stated this was only for this F-1 plat, that it still complies with ordinances, but provides more building variation. Council Member Barnes expressed his support for the idea.

Grant Lefgren, the applicant, clarified that the common lot line was adjusted to fit the lot due to the angle, not switching the duplex unit to single family unit. The 10 foot reduction in setback allows them to offer three-car garages and a front porch. They bought the property after the subdivision was already approved. They requested the amendment for the setbacks and the one lot line.

Council Member Carroll asked how many total lots there were. Mr. Lefgren answered that it was 64, which includes 16 twin homes. Mr. Lefgren further explained if they wanted a third garage they needed the extra width or they would need to push the living area behind the garage. They wanted to produce a better home with a front porch, reducing the front setback to 20 feet would allow this but the garage would stay at 25 feet back. Changing the side setback from 8 feet to 5 feet would allow more living space toward the front of the house. It was primarily a design and aesthetic consideration.

**Council Member Taylor moved to approve the ordinance adopting the final plat of Dixie Farms Plat F-1 located at approximately 900 South 900 West in the PR 3.0 Planned Residential zone and to authorize the mayor and city council to sign the plat and accept the dedications with the findings that (1) The final plat meets the criteria as found in Section 17.7.211 of the American Fork City Municipal Code; and (2) The applicant’s proposed setback variances are permissible due to their appropriateness for the proper development of the lots and that such reduction will not result in the establishment of a hazardous condition. The city recorder is instructed to withhold recording of the plat and publication of the ordinance subject to all conditions identified in the public record associated with the July 7, 2021 planning commission meeting. Council Member Carroll seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Staci Carroll, Council Member
<b>AYES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

- c. Review and action on an ordinance approving a commercial site plan Maverik, located at 500 East Auto Mall Drive in the PI-1 Planned Industrial zone.

**Council Member Shelton moved to adopt Ordinance No. 2021-07-36 approving a commercial site plan for Maverik, located at 500 East Auto Mall Drive in the PI-1 Planned Industrial zone with instructions to the city recorder to withhold publication of the ordinance subject**

to all conditions identified in the public record associated with the July 7, 2021 planning commission meeting. Council Member Barnes seconded the motion. Voting was as follows:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Shelton, Council Member
<b>SECONDER:</b>	Kevin Barnes, Council Member
<b>AYES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

6. Review and action on the CDBG Subrecipient Agreement for American Fork City Culinary Waterline Improvements - CDBG 9.

Council Member Carroll moved to approve the CDBG Subrecipient Agreement for American Fork City Culinary Waterline Improvements - CDBG 9 as presented and authorize the City to sign the attached agreement. Council Member Taylor seconded the motion. Voting was as follows:

Council Member Shelton asked if the plan was to do the asphalt next? Public Works Director Scott Sensanbaugher said yes the asphalt should be very soon after.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Staci Carroll, Council Member
<b>SECONDER:</b>	Clark Taylor, Council Member
<b>AYES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

7. Review and action on a Cooperative Agreement with UDOT for Installation of Engine Brake Restricted Signs.

Mr. Sensanbaugher said this was a housekeeping item for UDOT. Years ago, the city passed an ordinance regarding engine brake signs, but UDOT required there be an agreement that they will install the signs and the city will pay for it.

Council Member Clark moved to approve the Cooperative Agreement for the installation of engine brake restricted signs, as presented, and authorize the City to sign the attached agreement. Council Member Carroll seconded the motion. Voting was as follow:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Staci Carroll, Council Member
<b>AYES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

8. Review and action on the Agreement with UPRR to design the 300 W Pacific Drive Intersection Project

Mr. Sensanbaugher explained that a budget item was approved previously by the Council for improvements at the intersection. He said it will include a signal but the ultimate goal is to get rid of the railroad tracks. However, the railroad requires this agreement that they will be paid for their time and design consultation before initial discussions can take place. The first step would be to approach them with the request to remove the track. There is no guarantee that they will agree to the removal of the tracks, but they would still assist with the design of the intersection.

Council Member Shelton asked how the removal of the tracks would work with the UTA bus rapid transit analysis and study? Mr. Sensenbaugher said that's all part of the larger conversation and that UTA is looking at it and will be part of the conversation. Council Member Shelton pointed out that they had tried working with Pacific Railroad to widen 400 West, which remains a major concern, but the railroad wouldn't allow it to be widened for a dedicated turn lane. He asked if a design for 400 West could be included in this new agreement with the railroad. Mr. Sensenbaugher said they could do that, but that this agreement would cover removing the tracks through the whole corridor. Council Member Shelton clarified that if the railroad refused to remove the tracks but was still getting paid to help design the intersection at 300 West Pacific Drive, he felt that they should also assist with a redesign of the intersection at 400 West. Mr. Sensenbaugher said he would make sure that was part of the conversation, but that there was no limit to what they could look at, according to the agreement. The goal was to get as much removed as possible. He also pointed out the dollar amount on the agreement was a "not to exceed amount" and they're hoping it will be less.

**Council Member Taylor moved to approve the Reimbursement Agreement for Preliminary Engineering Services with UPRR for the design of the 300 W Pacific Drive Intersection Design Project as presented and authorize the City to sign the attached agreement. Council Member Barnes seconded the motion. Voting was as follows:**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Council Member
<b>SECONDER:</b>	Kevin Barnes, Council Member
<b>AYES:</b>	Barnes, Carroll, Hunter, Shelton, Taylor

9. Review and action on an agreement with ROA General, Inc.  
This item was pulled from the agenda.

10. 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 item was pulled from the agenda.

11. Adjournment.  
**Council Member Barnes moved to adjourn the meeting. Council Member Hunter seconded the motion. All were in favor.**

Meeting adjourned at 8:35 p.m.



Terilyn Lurker, City Recorder