

AMERICAN FORK CITY COUNCIL  
AUGUST 24, 2021  
PUBLIC HEARING AND 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
Stephanie Finau	Deputy Recorder
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: John Woffinden, Dylan (AFHS student), Diego Carroll, Chad Pollard

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, August 24, 2021, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

PUBLIC HEARING

- Receiving public comments regarding the vacation of a portion of the right-of-way on 900 West from 620 South to 900 South.

Scott Sensanbaugher, Public Works Director, explained that when properties are annexed into American Fork, the City works with the developer to make the best decisions on where the rights-of-way should be located. These are established prior to design. Once the developer works through the design and property deed, then the road gets built. He said that from time-to-time, the property is designed slightly differently than the original annexation was outlined. At times this can result in small parts of the property that were deeded over to the City by the developer that end up not being needed for the rights-of-way. In those cases, it has been the City's policy and practice to deed those silvers back to the developers. That was the basis for this item.

## REGULAR SESSION

1. Pledge of Allegiance; Invocation by Council Member Hunter; roll call.
2. Twenty-minute public comment period - limited to two minutes per person.

There were no public comments.

### 3. City Administrator's Report

David Bunker, City Administrator, said that the fall recreational programs had started. Soccer had a lot of participants. The registration for fall flag football had closed. It also had a lot of participants leading to a full league. At the end of September, they would have their annual Bubble Day, when the bubble was put back on the swimming pool. This would happen on September 27<sup>th</sup>. There would be a couple of days when the pool portion of the fitness center would be closed. Lastly, he congratulated Chase Perry of the Fire & Rescue Department. He was promoted to the level of Captain. Mr. Bunker said that Mr. Perry was a fantastic member of that department and that the City looked forward to having him lead us forward.

### 4. Council Reports

Council Member Hunter said he met with the library board again last week after a summer hiatus. The board invited the mayor, Council and staff and Mayor to their open house on Monday, September 13<sup>th</sup> from 6:30 to 8:00 pm. The date was in conjunction with National Library Card Sign-up Month. They have a fun event planned with the theme of “Charlie and the Chocolate Factory.” He said that they were excited about the PARC funds they received to do the construction project on the expansion that they desperately need for the library addition.

Next he brought up a more personal item. He said that the Mayor or Council could interject if the item was too self-serving. He said that on Wednesday evening his parents would celebrate their 50<sup>th</sup> anniversary. They had been long-time residents in American Fork. His dad was either a 5<sup>th</sup> or 6<sup>th</sup> generation American Fork resident. As part of that celebration his family had rented the pavilion at Rotary Park for a little neighborhood get together. He had been reflecting on what makes a community a community and felt it was because of people that are committed. He said that 50 years did not just happen without that commitment. He just wanted to shout out to them.

Council Member Shelton noted he enjoyed going to the golf committee meeting. He commended them on the accomplishments of the past year. He said that it was really nice to rub shoulders with fellow council members and mayors of neighboring cities.

Council Member Barnes stated to Council Member Hunter that he felt that it was perfectly fine to recognize his parents. He said that 50-year marriages didn’t happen very often, especially in today’s world. He had nothing to report.

Council Member Carroll had nothing to report.

Council Member Taylor just wanted to thank the Council for attending the Golf Committee event that Council Member Shelton spoke about. He said that three very supportive cities attended, as well as every member of the American Fork Council. He then noted some of the golf course's accomplishments such as 150% revenue and 93% of expenses. He said that was the first time in the history of that course to have those kinds of numbers. He thanked the Council and Mayor again for their support.

5. Mayor's Report

Mayor Frost stated he felt that the golf course event led to good momentum around the Fox Hollow Golf Course. He said that the people there were committed and there was a lot of optimism around the course. It is a great course to play on. Although he did not play a lot of golf himself, he observes a lot of courses while traveling. It was his sense that the Fox Hollow Course was as good as any course in the state.

Mayor Frost also reported on the event at the Administration Building. He said he was privileged to meet with several members of the Executive Board and the Chamber. Some of these folks included the superintendent of the Alpine School District, the President of the American Fork Hospital, Frank Smith and some others. It was a good opportunity to report to them on what was going on in the City. There was some discussion about COVID and how it is affecting schools and bus routes. He felt that it was a very productive collaborative meeting with him and Mr. Bunker.

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 July 20, 2021 work session minutes.
2. Approval of the July 27, 2021 City council minutes.
3. Approval of the August 3, 2021 work session minutes.
4. Ratification of City payments (August 4, 2021 to August 17, 2021) and approval of purchase requests over \$25,000.
5. Review and action to approve forfeiture of the durability bond, posted by Connectionz Acquisition, in the amount of \$2150.00 to repair a curb and gutter located at 231 N 825 E.

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

<p><b>RESULT: 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</p>
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## ACTION ITEMS

1. Review and action on an ordinance approving the partial Right-of-Way Vacation for 900 West from approximately 620 South to 900 South.

**Council Member Carroll moved to adopt an ordinance approving the partial Right-of-Way Vacation on 900 West from approximately 620 South to 900 South and authorize the City to sign the necessary documents. Council member Taylor seconded the motion.**

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Staci Carroll, Council Member

**SECONDER:** Clark Taylor, Council Member

**AYES:** Barnes, Carroll, Hunter, Shelton, Taylor

2. Review and action on approval for the Tier-1 Auto Agreement

Mr. Bunker explained that in the past, the Council had a policy regarding tier-1 auto dealerships: new car sales only. This was an incentive package for dealerships to hit certain criteria where they sell above a baseline amount. There were some stipulations to the number of incentives they could receive, such as a limit to the amount of money they could be awarded. In addition, following the incentive payout, dealerships had to make a commitment to stay within the City limits for a period of time after they got the funds. It was meant to incentivize dealerships to continue to sell vehicles in American Fork. This was an advantage for American Fork because it produces a lot of revenue for the City. Doug Smith had been a fantastic partner to our City and had supported American Fork in several ways. Every Steel Day event, fundraiser or project where the City was looking for a participant, he had been so good to step up and help our community.

Council Member Shelton said that when this program came up a couple of years ago with National GMC, he voted against it. Although Mr. Bunker said that the City had a policy, he questioned that. He said that he knew the Council had approved an agreement, but was not sure if there was a policy for incentives in American Fork. He felt as though the City really needed to look into when they would award incentives. Although the Council approved National GMC, they turned down Ken Garff. He expressed worry that as an elected body they might treat businesses differently. Because of this, he had a hard time looking at incentives without having a policy in place. He recognized that so far, the City had targeted tier-1 auto dealerships, but he asked about retail businesses that also contribute to American Fork's sales tax. Could the policy include that retail businesses that perform in the top ten, could also get incentives? He said that he loved Doug Smith and thought that it was a great dealership. He said that if there was any one entity that qualified for incentives based on their service to the community, he agreed that it was Doug Smith. Another concern he had was that when the City did their fiscal review with Jason Burningham, Kyle Palmer (?), and Anna Montoya, on average, the City's expenses were 0.6% higher than its revenues. When we did our fiscal review with Jason and Kyle, we averaged .6% on our revenue over the last decade. They were not bringing in enough to meet the City's annual expenses. He noted that the Council decided not to raise property taxes this year and said that at some point the City needed to have a good fiscal policy on how they were going to move inside the City. He felt that in regards to the incentives there should not be questions about why one individual was awarded them and others were not. The Council needed to be fair to everybody.

Council Member Hunter said that having a policy is important, but the Council had a precedent. The policy had been based on an individual deal. He said that he supported this item and said that it was critical to the City. He did not see the City losing anything. He said that the Doug Smith Autoplex Group had been stellar in supporting the community; there would be a significant loss if the dealership chooses to leave. He did suggest looking into a formal policy, but he did not see the two as mutually exclusive.

Council Member Shelton said the Council had a conversation when they denied Ken Garff about engaging Jason Birmingham firm. He said that the challenge was that often the Council had so much on its plate that while they say implementing a policy would be a good thing, often it never got done. He said that to motivate the completion of creating these policies that it was sometimes necessary to tie approval of an item to the creation of the relevant policy. He did not feel that taking the time to create that policy would impact the deal in front of the Council tonight. He also noted that typically the Council discusses personal contract items in a work session so that the Council had time to reflect on the item as opposed to getting the proposal the day of a council meeting. His biggest concern was the City's financial stability. The City did see a 20% increase in sales taxes in the past year and a 12% increase in sales tax revenues the prior year. Despite this, the City continues to fall short in its revenues relative to its expenses.

Council Member Taylor said that the agreement before the Council tonight was very different from the agreement that came before the Council for Ken Garff. Both Doug Smith and National GMC were established partners so the agreements were not apples to apples. He said that he did understand the 0.6% deficit and need. He said that he felt that this agreement would be a net gain for American Fork. He felt that this situation and that with Ken Garff were very different situations that shouldn't be compared. Brings me to Ken Garff and I said I wouldn't do that because of Doug Smith. He noted that agreements like this had been done with other businesses such as the Woodbury's. He said that he was in favor of this. He felt that losing Doug Smith would only increase the 0.6% deficit that already existed.

Council Member Shelton said that it was challenging to find out just five minutes before the start of a meeting that there was a chance that one of the City's largest sales tax generators was pulling out. He wished that the data had been provided before the start of the meeting. He said that he felt the situation was similar to Ken Garff who came in and bought an existing dealership. That contract would have been performance based and contingent on new net sales.

Council Member Taylor asked if those details were critical right now.

Council Member Shelton said that he felt that they needed to be careful as a City. He said that for him, the power they hold as a Council to tax someone was a sacred power to say that they were going to take money out of someone's pocket. For him, if they had two situations that were comparable and they said no to one and yes to the other, he hoped they would have the integrity to go back to Ken Garff and say that they changed their minds. Council Member Taylor said that they were not the same. Council Member Shelton said that was a point of disagreement and that was why he wanted a policy with specific criteria.

Council Member Carroll said that at some point she would like some clarification on the .6% deficit brought up by Council Member Shelton. She said that she knew that the fund balance had increased over the last couple of years and wanted to understand what that meant. She did not feel that this conversation had to happen now, but that a conversation would be valuable so that

the Council was on the same page and understood what they were looking at. She added that this agreement was a performance-based incentive. Dealerships had to get above a certain benchmark that they already met. After that the incentive was capped and the dealership had to stay longer. She felt that this was a win for the City. She wanted Dough Smith to stay and continue to be a partner with American Fork.

Council Member Shelton told Council Member Carroll it was the 02-28-2019 meeting with Jason Birmingham that gave that .6% analysis. That same year in March at the Council Retreat the same data was presented to the Council. Then, in April of 2021, Anna Montoya, Finance Director, showed us a graph of revenues to expenses and the deficit was indicated there.

**Council member Taylor moved to approve the Tier-1 Auto Agreement with Doug Smith Auto. Council Member Hunter seconded the motion.**

Council Member Shelton asked for clarification about the contract itself before the entered into the vote. He said that the contract contained certain criteria that were required to be met. He wanted to know what they were and what was the agreed upon reimbursement.

Mr. Bunker asked if Council Member Shelton was referencing the item #3, Qualification Improvements, in the contract. He explained that the improvements were those on Roosevelt. They were improvements that Doug Smith was already in the process of doing.

Council Member Shelton said that he did not know what those improvements were and did not see them outlined in the packet. He said that he would like to see those improvements outlined in the contract because the calculation of the cap was based upon those improvements. He wanted to make sure that those details were nailed down and clarified before they moved forward with the approval of the contract.

Mayor Frost asked Council Member Taylor if he would like to amend his motion to include any of that. Council Member Taylor said that if helped to add the development of Roosevelt Ave he would be willing to include that. He asked Council Member Shelton what clarification would need to be there?

Council Member Shelton said that even if he voted against the contract, he wanted to make sure that if the item passed that they had a great contract to protect the City from potential litigation that could come down the road. He said that in Section 4, the contract read that “we will give up \$2 million dollars or the total cost of the qualified improvements whichever is less.” He wanted to identify what the qualified improvements were so that there was not a moving target on the amount of money that could be awarded. He asked what those improvements the City was providing reimbursement were for. He suggested that an exhibit was added outlining the improvements. He wanted to know how long Doug Smith had to make improvements, what would count as an improvement, and who was the decision maker on what did or did not qualify.

Council Member Carroll asked if there was a definition anywhere about the improvements. She said that she did not see that in the contract itself. Mr. Bunker said that this was not defined in the agreement. However, the improvements did include land acquisition and the expansion of the dealership onto the parcels acquired.

Council Member Taylor asked if language was included in the contract to the effect of, “acquisition of land, improvements on those land” and specifications of the geography and Roosevelt Avenue and the time frames for those improvements, would that satisfy Council Member Shelton.

Council Member Shelton said that he did not see any of those details in the five-page contract. He felt that it was up to the Council to decide what specifications should be added to the contract.

Council Member Taylor again listed details such as the acquisition of the land, the expansion of the dealership, and details of the exact geography/address.

Mayor Frost suggested that they just list all the improvements associated with the land acquisition.

Council Member Shelton clarified that what was being discussed was square foot and physical facility expansion. He also asked if Doug Smith was looking to purchase more cars to put on the lot. He felt like it was important to identify in the contract if the improvements were capital or operational.

Mr. Bunker noted that the criteria for the incentives were all capital improvements. Council Member Hunter suggested that those additions be included in the motion.

**Mayor Frost confirmed if that was part of the amended motion, and Council Member Hunter seconded it.**

**RESULT: APPROVED [4 TO 1]**

**MOVER:** Clark Taylor, Council Member

**SECONDER:** Ryan Hunter, Council Member

**AYES:** Kevin Barnes, Staci Carroll, Ryan Hunter, Clark Taylor

**NAYS:** Rob Shelton

3. Review and action on the master plan amendment and development agreement for the Lake City Row

Cherylyn Egner, Legal Counsel, apologized that the wrong contract got sent out. Staff had worked with Mr. Swaney along with Woodbury to come up with the development agreement; it had been on the agenda a couple of times. She said that last week they had reached an agreement that the City thought everyone was satisfied with. The difference between the contract that was sent out in the packet the week before and the contract that was sent out today was that in the initial version, all of the additional property owners within this master plan area were listed as signatories in the original version. They were not comfortable with that and pulled out. The property owners were still signatories, but more as an acknowledgement that the master plan is changing and that they understand that this contract may impact the shared parking agreements. The understanding is that the developer will have to work with the property owner for this zone change to reach those parking agreements with the numbers that were sent to the Council in the original council meeting where these issues were addressed. She said the parking numbers changed a little bit in the presentation. They are still bound by the MOU, to the extent the MOU is binding, and they all understand and acknowledge that. The version of the contract sent to the Council today was amended by Mr. Swaney and his group. Staff looked at it, sat down and went over the give and take and felt comfortable with the modifications. Staff accepted them and

added a few modifications that she thought met what the Council was looking for in the development agreement. She said that she was happy to address any questions.

Ms. Enger then described the exhibits. Exhibit was a description of the master plan area as a whole. Exhibit B was the concept plan that was provided to the Council during the initial presentation. The concept plan presented on the screen at the meeting would be attached.

Council Member Carroll said that for her the inclusion of all the signatories was an integral part of it being documented that everyone was okay with the parking agreement changing.

Ms. Egner said they were still signing the contract as incidental parties and were addressed in the contract itself. Section 4 addressed the shared parking. The language in that section acknowledges that the parking has to stick with the concept plan.

Council Member Carroll asked if all the signatories are listed as the parties. Ms. Egner said that Section 16 included the language where the parties acknowledge the changes to the parking agreement. It reads, “incidental parties are party to this agreement to acknowledge and consent the modifications to the Lake City Road Master Plan and for the purpose of memorializing developer's obligation to provide shared parking pursuant to paragraph four of this agreement.” The signatories acknowledged the zone change, accepted the zone change, and understand that this has an impact on their shared parking and they are ok with it. She believed that this was spoken to the other residents by the developer and they were all on board with the change.

Mayor Frost asked if there were any questions for staff or the applicant. Council Member Hunter said that on item 16, page 6, the 2<sup>nd</sup> line, it said the Kurt V. Trust, it should say Kurt V. Vest Trust. Ms. Egner agreed with Council Member Hunter.

**Council Member Taylor moved to approve the development agreement for the Lake City Row Project. Council member Barnes seconded the motion.**

Council Member Barnes asked Ms. Egner if she was totally comfortable with the agreement as our legal attorney because he would base his whole decision on her. Ms. Egner said that staff had a number of discussions with the developer. She felt comfortable that they were on the same page. The agreement was what the Council had asked for.

<p><b>RESULT: 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</p>
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4. Review and action on an ordinance approving a zone map amendment located at 860 East 930 South, from the PI-1 Planned Industrial to the PC Planned Community zone.

**Council Member Carrol moved to adopt the ordinance approving a zone map amendment located at 860 East 930 South, from the PI-1 Planned Industrial to the PC Planned Community zone. Council member Barnes seconded the motion.**



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

5. Review and action on an appeal of the American Fork City Planning Commission's denial of the site plan for Lake City Flats located at approximately 95 North Barratt Avenue in the CC-1 zone.

Council Member Carroll stated formally that she had a conflict of interest on this issue. Her husband Diego Carroll is one of the applicants of this project. She said that by law she is only required to make the declaration of conflict to the Council in an open meeting and by law she can still participate in the conversation on the vote on the issue. However, she was bothered by the ethics of voting on an item that has such a direct financial impact to her personally. Throughout the permitting process of this project, she had remained silent, even when approached she had forcefully spoken of her determination to stay out of the issue. She was hopeful that the planning commission would make a judgment as they are the land use authority of this area. As it stands, she was forced to make a hard choice as to whether to participate. As a City council member, she had been elected to research issues, understand nuance, and make determination about what is best for the City. She said that this was her privilege and obligation. She said that she had definite thoughts and well researched opinions about it. Because of this, it was with great, thoughtful anguish that she chose to recuse herself from voting or speaking about this item. Upon the advice of the Council, she chose to stay in her seat to be able to participate if the topic veered substantially.

Ms. Enger laid the groundwork for where they were in terms of where they were legally. The initial application came forward with the request for a parking rate of one parking stall per unit. That went forward to the Planning Commission who denied that request because of the parking reduction. She said that American Fork's code required two stalls per unit, plus 0.25 for visitors. The code did also allow a reduction to that parking code to be granted by the Planning Commission if there was a basis for that reduction. She said that the Planning Commission did not find there to be a basis. The developer appealed, which was what was before the Council. The question before the Council tonight was whether or not to overturn the Planning Commission's denial of the reduction and allow the one parking stall per unit, or to uphold the Planning Commission's decision. She said that at this point the question is one stall per unit or denial of the proposal. Council had the ability to make that decision.

Adam Olsen, Senior Planner, said that Ms. Enger gave a great analysis of why the development agreement was denied. He said that in the two meetings that occurred before the proposal went before the Planning Commission, they made it clear that they liked the concept of higher density downtown and was something that downtown needed. However, the reduction as proposed was too severe for them.

Council Member Taylor asked what was meant by the Planning Commission's statement that the proposal was denied without prejudice. He said that was curious to him.

Mr. Olsen said that he did not remember the wording that was used. He didn't know why those words were used.

Mayor Frost invited the applicant forward to be heard by the Council.

Chad Pollard, applicant, was present with Diego Carroll, second applicant. He said that they were both longtime residents of American Fork. He had lived in the City for 22 years. Both he and Mr. Carroll were civil engineers and were acting as project managers for the development. In response to Council Member Taylor's question, he said that when Jeff Dupee said "without prejudice," his comment was that this was an escalation to the City Council. He said that in the parking program that he was familiar with was a program that UDOT used. There was an escalation ladder. At that time, the Planning Commission wanted to escalate and not vote on the issue.

Council Member Barnes asked if the Planning Commission had escalated this item to the Council without an opinion.

Mr. Carroll said that was what they understood. He said that he had written a statement about this already. He said that he could read it to the Council. He said it was not very clear in the minutes, but that if the audio of the meeting was listened to, it was pretty clear. He said that because the decision impacted them so much, they wanted the Council to remember what happened. He said that "without prejudice" was part of the motion. He said that after the motion during the discussion, Commissioner Anderson asked, "are you going to include something to make sure that the Council is not biased by your opinion." This was so that the City Council would not be negatively biased by the Planning Commission's action to deny.

Mr. Pollard said that he wanted to make sure that the Council understood that the Planning Commission denied because they did not want to vote on the matter and that the Council was not influenced by the denial thinking that the Planning Commission felt negatively about the reduced parking proposed.

Council Member Shelton said that he appreciated that point. However, he had to chuckle because the Planning Commission was the recommending arm for approval. He said that although he understood the concept of escalation, in his 10 years on the Council he had never seen the Planning Commission give a denial that they didn't actually mean to deny because they wanted the City Council to make the tough decision.

Council Member Hunter brought forward what Ms. Enger had stated; the opportunity for the Council was to either uphold the Planning Commission's recommendation or to deny it. He said that he didn't know what it meant, so he googled what it meant to deny a motion without prejudice. He read this answer so that it was on the record. "A case dismissed with prejudice is over and done with, once and for all, and cannot be brought back to court. A case dismissed without prejudice means the opposite. It was not dismissed forever." He supposed that might be where the discussion was going. He suggested that the Council have some sort of a work session.

Mr. Carroll said that he felt that in this case the confusion was probably because of how little cities see proposals for the CC-1 zone. He said that the Planning Commission was the land authority and the applicants were appealing that decision to the Council. He said that as applicants they were prepared to make a case to the City Council for the proposal. He said that they were open to working with the City and felt they had demonstrated that. He said that he wanted the opportunity to introduce the project. He said that they had partnered with the

Romero's who had been on the property for many years. They saw the property as a legacy. As developers, he and Mr. Pollard were working with them to leave a legacy behind so that it was known to the public as Romero Place. He said that Elizabeth Romero wanted to live at the project they were developing. He noted that they were local and that despite the jacket they were not high roller developers.

Mr. Carroll shared with the Council another project that he and his partner had developed in downtown Salt Lake. He said that the project was already fully occupied and was very similar to what was being proposed in American Fork. He noted that the footprint of the development was very small and something that he was proud of. He said that it provided a lot of value and affordability for folks.

He then talked about why he thought it would be viable for them to move forward with a project in downtown American Fork with micro apartments and one parking space per unit. He had five quick reasons. One, they sell. Two, they have the experience and it's a good fit. Three, they checked with City staff and were pointed to the property as an ideal location for the types of micro apartments that were presented to the City. Four, they had good data showing that parking demands would be about half to one parking space in the area. Lastly, they checked with the Planning Commission who told them a year ago that they were willing to adjust the parking rate and conveyed one parking space per unit as reasonable for the type of project proposed. He recognized that the July 8, 2020 meeting was a discussion. However, they also expected that the Planning Commission would hold some level of that commitment. He said that the Council might be surprised that downtown American Fork did not just attract capital investment. It did not sell itself to investors.

Mr. Carroll then requested that he outline some of the reason why he and Mr. Pollard thought the Council should approve their project.

Council Member Barnes interjected that he thought that several members of the Council had already heard most of those details before. He said that he thought that the point of discussion was really around the parking. It was his understanding that the Planning Commission denied the proposal because American Fork had an ordinance that stated two spaces per unit. He said that he felt like all of these other details were irrelevant to the parking issue.

Mr. Carroll said that he agreed with Council Member Barnes and that the details that he had to present were to provide context around the parking argument.

Mr. Pollard said that the City attorney had read the code, "the Planning Commission shall have the authority to increase or decrease the number of off-street parking spaces and specify upon a finding made following a study on the matter that the use characteristics of the proposed use warrant an adjustment." He said that because the code required a study, he would have Mr. Carroll speak briefly to what they had done in regards to a parking study.

Mr. Carroll said that he knew that parking was a very emotional topic. It was influenced by personal anecdotal experiences. He said that in reality the parking for these types of units required a paradigm shift. He had three points.

First, he said that intuitively it made sense for a 350 square foot to demand and require less parking than a typical apartment that was 1,000 square feet or more. He said that when he talked

with his 17-year-old son who ran an Airbnb in Salt Lake on a unit of a similar size that the reduced parking made sense. In addition, when talking with their project engineer, who was in her 20s, she also could not believe that the City would require two parking spaces for these little units. As applicants, however, they had to focus on the data. He said that professional studies had been completed. Following those studies, the City engaged a third party to review the original study. The study, based on Institute of Transportation Engineers (ITE) data, found that 69-95 spaces would be needed for the 109 units. That number was based on a suburban area making it a higher number than a downtown zone.

Council Member Taylor asked for clarification about if the City had hired the third part to conduct the study.

Mr. Carroll responded that they had hired Hales Engineering to conduct a review of it. He said that the number resulted from a scientific process. ITE was a national source and factored in circumstances like guests and deliveries.

Council Member Taylor wanted to know more about the ITE data. He asked if ITE was national data on how rural American Fork was differentiated from Salt Lake City that had additional transit available. He asked how those details were parsed out and made applicable to American Fork.

Mr. Carroll said that there were limitations to ITE. In his professional opinion it was not the best source to use. The City wanted to use an independent party and this was an accepted method. The ITE data did have different criteria which allowed the developer to consider the size of the apartment. ITE data also allowed different contexts, such as if the units were in a downtown or mixed-use area, to be considered as well. He said that in calculating the number of needed stalls they pick the highest conditions: far away from rail transit and in a suburban area. Those conditions suggested that they would need 95 spaces. He said that a case could be made that the area was mixed use if shops were around. This would mean that the necessary spaces would be 62-77 instead of the range between 69-95. He said that this was an area of expertise for him. He and his partner interface structural design with community development. In 2018 he worked for MAG and WFURC to establish parking forecasts that could be used in the Point of the Mountain Area which is defined as American Fork to Sandy. He said that there was very specific socio-economic data that comes from the census. He said that it was the University of Utah who put out this data. This was originally focused on Orem City who had been concerned about their apartment growth and how on-street parking had spilled out into neighborhoods. Some of that data was used in the model which included both off-street and on-street parking. That range of data suggested that .75 to 1 parking space would be needed. He said that there was a lot of data. He did not know what findings the Planning Commission had because those were not expressed at the meeting. It seemed to him that they were ready to deny the project based on recommendations of planning staff.

Mr. Carroll then directed the Council to pages 117-119 as they provided examples of other cities that have similar parking requirements for studio and one-bedroom apartments. He noted that Holiday had done a great job of redeveloping their village center. He said that their requirement was that in residential zones there was one space per one bedroom unit. The next example provided was Clearfield who allowed one parking space for studios and one bedrooms, as well as allowing developers to count on-street parking. His last example was Midville's downtown which was very similar to downtown American Fork. They had both a minimum and a

maximum requirement of one space. He then turned to some statements in the minutes such as that they had not addressed the guest parking issue. He said that he thought they had. He said that the question was raised by staff in February. He clarified that the numbers they collected on the needed spaces included guest parking.

Lastly, Mr. Carroll said that he was nervous. He and his partner had high stakes in the project and had put a lot of work into it. He said that as much as they have tried to be collaborative, they feel betrayed by the Planning Commission and as though they had been strung along. In his final plea he said that the City Council had proposed a vision for downtown and recognized that there were some steps that needed to be taken. He recognized that it was scary to take a step. He said that they were not asking for any contributions or incentives. They were a private business that was seeking to invest in American Fork. They had met all of the City's requirements, including parking requirements. He read the code again. He said that they were appealing the Planning Commission's finding because they did not consider study findings based on characteristics for the proposed micro apartments. He told the Council that as community leaders they should approve the proposal because of the five benefits it provided to the downtown area. First, the project would catalyze downtown development; construction in the downtown area would bring in positive attention and demonstrate that the Council was serious about the downtown area. Second, it would provide a facelift to downtown. He said that they proposed a new building that would improve the appeal of downtown. Third, the project would encourage walkability. The placement and design of the project was meant to encourage walking. He said that after more than 20 years of visiting towns all over the world, he understood what it took to be a meaningful downtown area. Four, the project would create downtown living and bring bodies into downtown. Finally, a downtown was something that no other City in northern Utah County had. It would set American Fork apart. He asked that the Council approve a one-to-one ratio of parking spaces to units.

Mr. Carroll said that if it was the Council's decision to send the item back to the Planning Commission, he and the other applicant would have to take some other course of action. He said that they had been strung along. He said that they originally went before the Planning Commission on July 8th 2020 to make sure that the project was something that the City wanted. After he was told that the only way to make sure was to go to the Planning Commission and his partner went through the burdensome process of submitting a site plan.

Mayor Frost said that he was not on the Planning Commission. He said that he felt that there was good reason that there was a separation between the Planning Commission and City Council. He said that the Council did read the Planning Commission's minutes and seek deliberation. However, he knew that when items were up for discussion, just like in a City Council Work Session, that the discussion should not be interpreted as decisions or made decisions. He said that unless something was stated on an action and explicitly stated as such an opinion cannot be bound to them.

Mr. Carroll said that he had been working with cities for a number of years and understood the difference between a discussion and action. However, he felt as though there was a level of integrity between the discussion and action. He said that the Planning Commission expressed a level of comfort that had dissipated over the last couple of months that the applicant did not understand why.

Mayor Frost asked what Mr. Carroll meant by “other actions” should the Council deny their appeal. Mr. Carroll listed legal action, alternative proposals like a hospitality business, a trailer park, etc.

Council Member Shelton noted his appreciation for additional conversation for clarification and Mr. Carroll’s willingness to work with the City as they updated the CC1 zone. He asked if in the code that Mr. Carroll had referenced read, “the Planning Commission shall,” or “the Planning Commission may.”

Mr. Carroll said the code said that the, “...Planning Commission shall have the authority...”

Council Member Shelton asked if from a legal perspective the code said that and an applicant came in with studies that were applicable and supported a difference in parking spaces from the ratio outlined in the code, did it mean that the City shall (as in had to) grant the change in parking requirements or may (as in had the choice to) change the parking requirement.

Ms. Enger said that the Planning Commission and an appeal to the City Council may. They have the authority to make a decision to vary away from the 2.25 parking space requirement if they wished based on the study. She said that a comment was made that the Planning Commission didn’t make a finding on the parking in their denial. She said that the Planning Commission didn’t have to because the denial was based on the fact that the proposal did not meet the 2.25 parking requirement. She said that the only finding that would have had to have been made was if they decided to increase or decrease that parking requirement.

Council Member Shelton said that he was debating on two different fronts. He said that Mr. Carroll’s experience changed what he was used to, whereas he, as a council member, had not ever experienced micro apartments before. Rather, he’d experienced vineyards exploding with high density and the parking issues that exist. Because of this he said that he appreciated the opportunity to evaluate Mr. Carroll’s traffic studies. He said that what he was struggling with was that when the Council decided to approve high density housing in downtown, they did not apply any sort of density caps other than the criteria that it would self-regulate based on a parking requirement of 2.25 stalls per unit. If one stall per unit were allowed it would change the meaning and function of the code for the CC-1 zone. Because of this he had two points of struggle: the functionality and utilities, and how density was regulated.

Council Member Taylor asked if there were micro apartments anywhere in Utah County.

Mr. Carroll said no. He said that he thought someone would have a hard time finding a studio. He said that Batchelor Pads in Provo had followed a model where they have a minimum of 800 square feet floor plans and encourage four people staying in the unit. He said that whenever a new development comes in, he’s the ugly guy who is insistent on parking because he hates cars in the street. Although data was important to him, he’d yet to see data align with the amount of parking needed. The parking issue was just parking his reservation. American Fork had never had micro apartments. There have been countless consultants give advice on what to do with Main Street of American Fork. He felt that it was a waste of money. They all say that the City needed to get residents downtown. The micro apartments were the first opportunity to actually do that. He said that he loved that the applicants were going to come in and build something, align with the design guidelines for the area, and that the applicants were working with the City. Because of all of this, he felt that this development was worth the parking gamble because of the

benefits it would bring to downtown. He felt as though vision often comes through someone's developmental proposal and wanted to make that happen. He did not love the parking situation, but he believed in the development.

Council Member Hunter said that he felt similarly to Council Member Taylor. He said that he was on the Planning Commission when the applicants came before that body. He said that he liked a project like this. He said that he didn't feel as though 2.25 stalls were required for this project, but didn't know what the appropriate number was, but he felt it was somewhere between 2.25 and 1. He said that 2.25 spaces would be more square footage than the development itself. He didn't feel that this was the meeting to have the discussion about what the right number was. He also added that as they are talking about developments that are coming into downtown that they should be talking about park strips. He felt that they should not put grass in them, that all landscaping should be xeriscaped.

Council Member Shelton said that the applicants were the first project that he had seen come forward proposing high density housing in downtown. He said that the Harrington, which was near this proposed development, was also experiencing difficulty in considering high density housing. He said that the Council always knew that parking downtown was going to be a challenge. He said that just as the financial agreements that were discussed earlier in the meeting, the Council's decision on this development would set a precedent. Because of that, he felt that the Council needed to be careful and look down the road. Even though the Council might love these two developers and have all the faith that they will deliver a great project, what precedent would it set down the road for other developers. He said that he did think that there was an unintended consequence with this proposal and that more discussion could be had on the coupling tied to density and parking. He didn't think that was intended in how it ended up functioning in the code and therefore needed to be examined.

Council Member Hunter said that it was valuable to have the Planning Commission's opinion to give insight on the parking matter. He said that he felt as though the Council should meet with the Planning Commission if they were going to continue to consider the project. He didn't feel comfortable telling the applicants to go back to the Planning Commission.

Council Member Shelton said that from a procedural standpoint there were items on the agenda tonight that he wanted to discuss that did not relate to the parking appeal. He said that he didn't think that those issues could be addressed tonight. He expressed that was probably not what the applicants wanted to hear, but he hoped that what they did hear was that there was someone who was willing to talk and look at this from a more holistic standpoint. He felt that the Council might need to look at some code changes. He said that he would like to have a conversation with the Planning Commission about the relationship between the and the City Council to make sure there was a good understanding. He said that there were a few things that came up over the last couple of months that he hoped did not make them feel as though their opinion did not matter, or that if an item was sent back to the Commission that meant there was something wrong with their decision. He felt that the more collaboration the Council and Commission could have the better. However, with this particular item he did not know if that was the right procedure to move forward because the item was on the agenda as an appeal authority. His thought was to deny the item, but then to bring the item back as a collaborative discussion to be able to look at other issues beside the utility of a one-to-one parking to unit ratio.

Mayor Frost said that the Council did have a joint session with the Planning Commission the following week. They were going to talk about the CC1, architectural standards, the flex space and the TOD. He said that he did not know if there would be space to add this as an additional item.

John Woffinden, Planning Commission Chair, said that the reason why the appeal was before the Council was because the Planning Commission felt adamantly that the 2.25 spaces per unit as outlined in the code needed to be followed and the applicants felt that the 1 space per unit should be allowed. Neither party was willing to budge. He said it was because of this that the item was before the Council to decide which number to be honored. He said that there were other causes for the denial of the proposal, but those were subsidiary to the parking issue.

Mayor Frost suggested that they bring the item into a work session and include the Planning Commission in that discussion. He said that he felt that micro apartments would probably have a different parking requirement.

Mr. Pollard added that in the last Planning Commission meeting the applicants had asked, perhaps not in the right way, if the number was not one, what was the number because they wanted to move the project forward and be collaborative. He said that they would consider a number like 1.25.

Mayor Frost asked if they would consider 2.

Mr. Pollard said no. He said that even if they moved to 1.25 the amount of parking, they would provide would be more than 40% over what was required by the data. He said that they could easily just knock off the top floor of the building and reduce it to four stories and have 1.25 spaces.

Council Member Taylor said that he did not want to belabor the point. He felt comfortable going back for a discussion to be able to move the project forward. However, knowing the ordinance and that a study was done to confirm that two spaces were needed so denied the application, what was there left to consider?

Ms. Enger said that she thought that there was some confusion about the request for the study. She said that the request for the study did not come from the Planning Commission, but came from staff in the conversation about the site plan. She said that it was her understanding that the issue was as much about if the 2.25 spaces per unit as outlined in the code was the right number given the different densities and types of housing. A different study would be needed to consider adjusting that number in the code.

Council Member Taylor asked the applicants who paid for the study and if staff or the Planning Commission had asked for the study to be completed.

Mr. Pollard said that neither staff nor the Planning Commission asked and that they as the applicants paid for the study. He also informed the Council that it took 176 days to get the review. They waited almost six months.

Mr. Bunker said that the requirement was for the development to provide a traffic study. That traffic study was provided by Mr. Carroll's firm. Their study was peer reviewed by Hale's. The



City did not commission a study, but asked the firm to look at the study that was submitted by the developer.

Mr. Sensanbaugher said that he was trying to be polite and not interrupt, but added to what Mr. Bunker said. He said that the traffic study was done by the applicant. Staff did a peer review that was commissioned by the City. Eventually, however, the cost of peer reviews was paid for by the developer. He said, however, that the traffic study was clearly focused on traffic. Parking is not usually an issue that traffic studies address. He said that it was atypical to see a study that addressed both traffic and parking. When Hale's was commissioned to review the document, their focus was primarily on the traffic implications because there was a unique set of circumstances with the road and railroad.

Council Member Taylor asked how the recommended parking number had been determined. Mr. Sensanbaugher said that one thing that the Hale's review did not do was say that the parking was okay. It was clear that was not the intent or the spirit of Hale's finding. He did not know where the 63-99 required spaces came from. He said that Hale's was concerned about parking and how that would impact some of the intersections.

Mr. Hunter asked where the comments were in the packet. Mr. Carroll said towards the beginning there was a table: 69 spaces was the low end of the range with 95 on the high end of the range.

Mr. Hunter said that he wanted to know where the comments by Hales that were followed up with responses from the applicant were. Mr. Carroll said that everything was not included in the packet. He said that there were some materials in the Planning Commission packet that were not in the City Council packet.

Mr. Sensanbaugher said that his primary conversations with Hale's were around traffic and how it would impact some of the intersections. He noted that the applicants had worked very hard to resolve those concerns.

There was discussion about a section of the packet with Hale's comments, the applicants' response, staff's response, and the applicants' response to staff's comments. Mr. Carroll provided a timeline of when those comments were made around Planning Commission meetings and when an addendum was added.

Mayor Frost suggested that this item be continued via a Council work session. He emphasized that was not to just kick the can down the road but because micro apartments were a unique situation that the Council needed to learn more about before they could make a good decision. Because this would set a precedent, he wanted to make sure that they were able to talk to different parties to have multiple perspectives.

Mr. Carroll said that this was a 1.35-acre project. It was a small development project. He said that as applicants they were stretched very thin and had already gotten eight invoices from Engineering and had to respond to a lot of changes. He said that he did not know if they could afford to pay for additional studies and consultations because they were such a small property. They were a single parcel that was not trying to subdivide. He said that in other cities all they would have needed to do was go straight to a building permit. He said that he understood the parking concerns. They had tried their best to provide data. He said that they were stretched so

thin after having been strung along. The process had taken so much longer. They were not high roller developers. He wanted to convey how much of a hardship doing what the Council suggested would be. He said that there were several concerns. When they were before the Planning Commission there was a comment from planning staff that regardless of what the applicants did the decision to deny was going to come back. He said that they were not in the business of coming in and changing City codes or building TODs. They were a small, local, development company. They did not have the bandwidth to get together in work sessions.

Mayor Frost said he was not suggesting that Mr. Carroll had to be a part of those discussions. He would be welcomed, but the Council could learn about micro apartments from someone outside of the applicant.

Council Member Shelton said he appreciated Mr. Carroll's comment. However, he worried that if they started making decisions on projects based on applicants' financial abilities those decisions became difficult. He recognized that the applicant wanted the proposal to go through, but for him he still worried about the precedent that would be set. He said that the biggest risk taken in development was entitlement and City approval. He said that he felt that American Fork could do better in streamlining its process so that applicants like Mr. Carroll did not feel as though they were strung along in the development process.

Council Member Taylor said that he needed to be educated on the relationship between staff, the Planning Commission and the City Council. He said that he did not understand why there were so many studies for the sake of exercise. He said that while the data that was received was on target with what the applicants needed, it was not what the City wanted so it made no difference.

Mr. Sensenbaugher said that he did not believe that was accurate. He said that traffic studies were always required in conjunction with developments. He said that very rarely was there a parking discussion as part of the traffic studies. The applicant usually just submits a development plan that compiles with the code and it meets the standard. It was only when something was done differently, especially something so dramatically different, than what the code says the application requires more scrutiny. He said that when the City received traffic studies, they would often engage in a third-party review depending on the complexity of the development, if there were difficult traffic questions, or because the staff load at the time means City staff don't have time to review what was submitted. He confirmed what Mr. Carroll said that the outside firm did review the whole document, including the sections on parking, but their findings were really focused on the traffic portion of the study.

Council Member Taylor questions how in any situation you could look at traffic without looking at parking. He said that for him they went hand-in-hand.

Council Member Shelton provided a proposal for the course of action moving forward. First, he wanted to provide kudos to the applicants to get Council Member Taylor to be such an advocate of their project. That was a big accomplishment. He felt it showed all of the work they had done. He said that personally, he appreciated the information and data that the applicants provided. He felt that it helped him as a council member become more educated. He said that it might be good for the City to take on a study and the cost to redo its downtown parking ordinance. He said that he would like to look more at the other examples of micro apartments provided and their associated parking requirements. He saw these steps as a code change and wanted to have the Planning Commission involved, but this was an issue that escalated to the Council level without prejudice. Because of that, perhaps it was the responsibility of the Council

to make the code change and could speed up the time table. He said that he felt like this issue aligned a lot with the question of the CC-1 zone and architectural standards. He said that if that was two weeks away, he hoped that staff time could go towards preparing some materials so that the parking issue and potential code change could be a discussion at that meeting.

Council Member Hunter stated that he served on the Planning Commission when the decision was made not to place a density restriction in the downtown area and instead have that be regulated based on if the 2.25 parking spaces per unit could be met. It was his understanding, however, that the Planning Commission did have the authority to change that number for extenuating circumstances if there was evidence, such as a study, to support the change. He said that because the CC-1 zone was governed by the Planning Commission, every single project that deviated from the 2.25 requirement would end up coming before the Council if the Planning Commission did not feel comfortable making the determination. He felt as though the applicant had made a strong case, surprising himself because parking was a real concern for him.

Mayor Frost stated that he heard that the Council wanted to bring this issue into a work session. He said that he did not think that they would have enough time to address this in the next scheduled work session.

Council Member Shelton said that he felt as though the data was already there and that was why the City should bear the cost of the study because it had Hale's comments. He said that he felt that he had already gone through a good educational process and that for him it was a matter of getting into a collaborative environment to see where the data pointed. He said that in regards to a procedural standpoint he wanted to get legal counsel's opinion on if the Council needed to deny the item and then bring it back.

Ms. Enger said yes. Based on the discussion of the Council to go into a work session to discuss a different number than one would mean a denial of the item.

**Council Member Shelton moved to deny the application presented and requested that the item be discussed at the joint work session on September 7, 2021. Council Member Barnes seconded the motion.**

Mayor Frost asked staff if that was something that they could be prepared for. Mr. Bunker said that they would do their best. He said that Mr. Olsen's last day was September 2, 2021. He said more time would be beneficial, but he understood the urgency.

**RESULT: DENIED [4 TO 0]**

**MOVER:** Rob Shelton, Council Member

**SECONDER:** Kevin Barnes, Council Member

**AYES:** Kevin Barnes, Ryan Hunter, Rob Shelton, Clark Taylor

**RECUSED:** Staci Carroll

6. Review and action on an agreement with Utah County for the FY22 Communities that Care Grant.

**Council Member Hunter moved to approve the agreement with Utah County for the FY2022 Community Grant. Council Member Shelton seconded the motion.**

Council Member Carroll asked if they had not just done a Communities that Care allocation. Darren Falsev, Police Chief, stated that they did the annual contract of Communities that Care and this was grant on top of that.

**Council Member Hunter moved to approve the agreement with Utah County for the FY2022 Community Grant. Council Member Shelton seconded the motion. Voting was as follows:**

<p><b>RESULT: APPROVED [UNANIMOUS]</b> <b>MOVER:</b> Ryan Hunter, Council Member <b>SECONDER:</b> Rob Shelton, Council Member <b>AYES:</b> Barnes, Carroll, Hunter, Shelton, Taylor</p>
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7. Review and action on an amendment to Section 17.5.131 Water and Sewer Connection Standards

Mr. Sensanbaugher said that he received a phone call from a developer that built a multi-story office building. It was under one ownership and one water account. The owner told him that he had several people that wanted to purchase the suites instead of leasing in the office building. Effectively, the building owner wanted to condo-minimize it. The owner was concerned that American Fork's code stated that even if you don't use water in those individual suites that the owner would have to have meters and stub out to individual suites that didn't have any water in them. When this issue was brought to him, he realized that it didn't make any sense. What this code change would do was allow staff to evaluate situations when someone condominiumized a suite that didn't have any individual water usages this could break up the suites without having to set up separate meters.

Council Member Shelton asked if any problems might emerge down the road if the owner decided to un-condominiumize the building. Mr. Sensanbaugher said that he did not think that uncondominiumizing the building would be an issue. The issue would be if a suite that didn't previously have water usage decided to add a bathroom. At that point, they would have to come back to the City anyway to get a building permit to do that modification. At that point, the City could review the proposals and have them added onto a separate meter.

Council Member Shelton asked when a connection was added into a lateral if it required cutting into the road. Mr. Sensanbaugher said it would depend. He said that most of these situations would require staff review. Usually, it would be a separate connection to the main. Council Member Shelton said that he didn't want to complicate the process for developers, but it was much easier to throw the connections into the trench during the construction phase and put a nice bit of asphalt over the top. He would hate to reconstruct a road only to have someone come in five years later with a need for water wanting to cut the road. Mr. Sensanbaugher said that when someone built an office it was much easier to make the decision to lay water lines upfront. He said that most do. He said that it was fairly rare that someone came to staff saying that they want to sell suites as opposed to owning and leasing them.

Council Member Shelton requested that language be added that if it was necessary to go in and cut up the road that the owner would bear the cost. Mr. Sensanbaugher said that he felt like that was already communicated and enforced in the code that it was the responsibility of the owner to cover the cost.

Council Member Carroll stated that the City did require condominiums to have a separate line per unit. She said that was not typical policy. Many cities did not require that. This did hamper developers from building different types of housing projects. This incentivizes people to only build apartments not condominiums. She said that she would like to look at that to see what other cities did.

It was clarified that this code change was only affecting commercial condominiums, not residential units.

**Council member Taylor moved to adopt the ordinance amending Section 17.5.131 Water and Sewer Connection Standards. Council member Hunter seconded the motion. Voting was as follows:**

<p><b>RESULT: APPROVED [UNANIMOUS]</b> <b>MOVER:</b> Clark Taylor, Council Member <b>SECONDER:</b> Ryan Hunter, Council Member <b>AYES:</b> Barnes, Carroll, Hunter, Shelton, Taylor</p>
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8. Review and action on a resolution approving an amendment to the FY2022 fee schedule

Mr. Sensenbaugher said that the City will frequently have a contractor or builder who calls the inspection group and will block out a lot of time slots beyond what they need and will cancel within minutes of their appointment. This messes up the schedule, the ability to be efficient, and the ability to schedule other builders. Right now, there was no consequence for this behavior. Staff requested a new line item or fee that if someone cancels within less than 24 hours working, they will be charged \$50. Working hours needed to be specified because if a builder's time was scheduled for 10:00 a.m. on Monday morning they needed to call the previous Friday. The other request in conjunction with this code change was in association with the reinspection fee. He said that it was not upcoming for staff to show up only to find that the contractor wasn't ready or there. He said the fee had been in place at a rate of \$50, but staff would like to raise it to \$79. He said that calling the City within less than 24 hours was not great, but it was better than staff showing up to one being there. He wanted to make clear that these fees would apply for both commercial and residential developers. He also said that Council Member Barnes felt that 24 working hours was not clear.

Other members of the Council felt the language "24-working hours" was not clear.

Ms. Egner said that a better way to word the code change "at least one business day prior to inspection, or 2 business days prior to the scheduled inspection." She said that this would mean that someone who had an 8:00 a.m. appointment could not cancel at 5:00 p.m. the previous day.

Council Member Shelton asked if someone called on a Thursday to cancel a Monday appointment would that be okay. Mr. Sensenbaugher explained it would depend on what time they called.

Ms. Egner said that the purpose of the timeframe was because the City would not be able to scramble to schedule another inspection that quickly.

Council Member Hunter asked how this would impact workers at the job site. He said that sometimes in a project getting concrete scheduled on a certain day might not be able to happen which would affect when an inspection could be done. Mr. Sensanbaugher agreed that could happen, but staff was trying to encourage contractors to call early so that the City could rearrange their schedule with enough time to allow somebody to take advantage of the appointment.

In addition, staff noticed that there was an error and that the TSSD fee was incorrect. Part of the motion was to correct the TSSD fee to its correct amount.

**Council member Hunter moved to approve the amendment to the Fiscal Year 2021-2022 fee schedule with adjustment to the verbiage including lines for residential as well as 2 business days prior notice and the TSSD fee. Council member Barnes seconded the motion. Voting goes as follows:**

<b>RESULT: APPROVED [UNANIMOUS]</b> <b>MOVER:</b> Ryan Hunter, Council Member <b>SECONDER:</b> Kevin Barnes, Council Member <b>AYES:</b> Barnes, Carroll, Hunter, Shelton, Taylor
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9. Review and action on awarding a contract for redevelopment of the Hospital Well

Mr. Sensanbaugher explained that this item was part of the larger project of rehabilitating the hospital well. He said that it was one of the more heavily used wells and also one of the oldest. Part of the project was doing some redevelopment work such as pulling the pump and getting everything out of the way with a well driller to clean the casing. He said that staff were confident that these actions will increase the yield of the well. This will allow staff to accurately size the new highly efficient pump and motor that will be put in later to increase the yield of the well further.

Council Member Shelton asked if they were extending the depth of the well or if this was just improving the development of the existing depth of the well.

Mr. Sensanbaugher said that it would not change the depth of the well. The casing would stay in. It was just cleaning it.

Council Member Shelton said that he appreciated the water tour. He noted discussions about the aquifer and the mobilization cost of \$30k. Given that, he asked if it made sense to go any deeper at this point or is that was against regulations or permits.

Mr. Sensanbaugher said they could do that. It would be a significant increase in cost. He felt confident that this action was the best expenditure to increase yield. He said that it would get the same result as deepening the well, but more efficiently.

**Council member Taylor moved that the City accept the bid submitted by Widdison Termite Services, LLC for \$160,900 for construction of the hospital well project. Council member Carroll seconded the motion.**

Council Member Shelton asked if there was going to be a contract that comes back before us on this.

Mr. Sensanbaugher stated that this approved staff to work on the project.

Council Member Shelton said that because this was a well that the City counted on, he wanted to make sure that it was completed on the specified timeline and wondered if overages or penalties could be included if the contractor did not meet the deadline.

Mr. Sensanbaugher said that it had clear penalties. Staff intended to do this project once the irrigation season ended in October. There were additional steps, but the intent was to have the whole project done by the 2022 irrigation season.


**Voting was as follows:**

<p><b>RESULT: 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</p>
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10. Motion to: Consideration and action to enter into a closed session to discuss items described in Utah State Code 52-4-204 and 52-4-205.

**Council Member Barnes moved to go into the closed session. Council Member Shelton seconded the motion. The motion passed unanimously.**

11. ADJOURNMENT  
The meeting ended at 9:57 p.m.



Stephanie Finau  
Deputy Recorder