

AMERICAN FORK CITY  
COUNCIL MEETING MINUTES  
NOVEMBER 10, 2015

**ATTACHMENT**

Members Present:

James H. Hadfield	Mayor
Carlton Bowen	Councilman
Brad Frost	Councilman
Rob Shelton	Councilman
Jeff Shorter	Councilman
Clark Taylor	Councilman

Members Absent:

Staff Present:

Dan Rojas	Chief Building Official
Craig Whitehead	City Administrator
Nestor Gallo	City Engineer
Richard Colborn	City Recorder
Terilyn Lurker	Deputy Recorder
Cathy Jensen	Finance Officer
Kriss Garcia	Fire Chief
Doug Bateman	Fire Marshal/Battalion Chief
George Schade	IT Director
Kasey Wright	Legal Counsel
Derric Rykert	Parks and Recreation Director
Lance Call	Police Chief
Audra Sorensen	Public Relations/Economic Development Director
Dale Goodman	Public Works Director
Adam Olsen	Senior Planner

Also Present: Russ Mecham, Barbara Christiansen, and 34 additional persons

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, November 10, 2015, in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m.

1. PLEDGE OF ALLEGIANCE; PRAYER BY FIRE CHAPLAIN DAVID LAYCOCK;  
ROLL CALL

Mayor Hadfield led the audience in the Pledge of Allegiance and Fire Chaplain David Laycock offered a prayer.

2. TWENTY-MINUTE PUBLIC COMMENT PERIOD - LIMITED TO TWO MINUTES  
PER PERSON

Mayor Hadfield recognized Councilman-elect Kevin Barnes in the audience this evening

along with Councilmembers-elect Brad Frost and Rob Shelton. They would be sworn in Monday, January 4, 2016 at noon.

Mayor Hadfield invited the Scouts in attendance to come forward and introduce themselves.

<u>Troop 18</u>	Bryson Harrison Nephi Nay	Joshua Healey Ronald Nay	Isaac Rowbury Tyler Winters
<u>Troop 26</u>	Timmy Riggs		
<u>Troop 171</u>	Ethan Coleman		
<u>Troop 800</u>	Tyler Sleight		
<u>Troop 820</u>	Charles Williams		
<u>Troop 824</u>	Bryce Garner Ryan Myers	Jaydon Jenkins Mark Rich	Drew Anderson Dale Parmley
<u>Troop 830</u>	Conner Freestone	Tylan Parkinson	
<u>Troop 842</u>	Enoch Adams		
<u>Troop 1114</u>	Michael Elmer	Jose Arcentales	Joshua Crapo
<u>Troop 1149</u>	Trace Richardson	Devin Swindle	
<u>Troop 1174</u>	Kim Nelson		
<u>Troop 1177</u>	Timothy Muhlestein		
<u>Troop 1335</u>	Cameron Carter		

Mayor Hadfield wished them well on Scouting's Trail and encouraged them to come to American Fork City when it was time for their Eagle Scout Project.

Mayor Hadfield invited anyone wishing to make a public comment to come forward. No one came forward.

### 3. CITY ADMINISTRATOR'S REPORT

Mayor Hadfield expressed that they were happy to have Mr. Whitehead back with them.

Craig Whitehead commented that it was good to be back. He noted that the Street Department had followed the old adage, "Make hay while the sun shined," in getting asphalt down on 980 North on Sunday and Monday before the storm. It was a great job done.

4. COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS

Councilman Bowen had nothing to report at this time.

Councilman Frost reported that tomorrow all the Fifth Graders would be attending the Veterans Day Program at the LDS Tabernacle. The keynote speaker would be former U.S. Senator and Astronaut Jake Garn. Everyone was welcome.

Councilman Frost commented that the election was now in arrears. He had a love-hate relationship with campaigning. He thought he got “swore in” a couple of times while he was on the campaign trail. He for sure learned some things.

Councilman Shelton expressed that he was very honored and grateful for the opportunity to be trusted to serve as a Councilmember for another four years.

Councilman Shelton reported that the Friends of the Library sponsored a Scary Story Contest and had over 150 entries. The Library has been weeding out books that had not been checked out for an extended period of time and put those up for sale at the Library and use the funds for new books. They hoped to raise \$9,000 this year.

Councilman Shelton reported that Amnesty Week at the Library was November 9-14. One could get their Library fines reduced at the rate of 50¢ per donated food can up to \$10. The Chamber of Commerce had a very successful Trick or Treat on Main Street on October 30. It continued to grow each year. He attended the ribbon cutting for the Colon Health Institute this past week. Popeye’s had their ribbon cutting today.

Councilman Shorter had nothing to report at this time.

Councilman Taylor mentioned a letter he received regarding the contribution to American Fork by Mr. John Miller for over 35 years. The letter suggested that the City provide something for him because of the national notoriety that he had given to American Fork City. May 2016 would be his final month.

Mayor Hadfield responded that they could move forward as was seen fit.

5. MAYOR'S REPORT

Mayor Hadfield reported that he attended the Popeye’s Chicken ribbon cutting ceremony this morning. They were some very nice people and he was happy to have them in the community. There would be ribbon cuttings in the next few weeks for both the CVS Pharmacy on 500 East State and the Maverik Station on 1100 East State. American Fork City was healthy and growing.

COMMON CONSENT AGENDA

1. Approval of the October 20, 2015 City Council Special Session minutes
2. Approval of the October 22, 2015 City Council Work Session Minutes
3. Approval of the October 27, 2015 City Council minutes

4. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$25,000
5. (Common Consent Agenda) - Approval of the purchase of a Perpetual Utility Easement associated with the 500 East 980 North Art Dye Park Access Project - Deveraux *(Requested by Dale Goodman, Public Works)*
6. (Common Consent Agenda) - Consideration regarding authorization to release the Improvements Construction Guarantee in the amount of \$548,533.24 and Issue a Notice of Acceptance for Harbor Village Plat B at 700 South 100 West. *(Requested by Dale Goodman, Public Works)*
7. (Common Consent Agenda) - Consideration regarding authorization to release the Improvements Construction Guarantee in the amount of \$0 and issue a Notice of Acceptance for the South Point Phase 1 Subdivision 740 East 400 South *(Requested by Dale Goodman, Public Works)*
8. (Common Consent Agenda) - Consideration regarding authorization to release the Improvements Construction Guarantee in the amount of \$82,318.97 And Issue a Notice of Acceptance for the Star Mill Subdivision, Plats A & B at 600 North 150 East *(Requested by Dale Goodman, Public Works)*

Councilman Bowen asked that they move Common Consent agenda item No. 5 to the Action Item agenda. He also noted on the approval of the City bills and the purchase requests over \$25,000 there was a million dollar payout for landscaping for Art Dye Park.

Mayor Hadfield explained that it was to S&L Landscaping for the construction of the bridge, the 980 North road, the roundabout, and a little bit of landscaping.

Councilman Bowen thanked the Mayor for the explanation.

Mayor Hadfield moved Common Consent Agenda Item No. 5 to the Action Items.

**Councilman Shelton moved to approve Common Consent Agenda Items No. 1, 2, 3, 4, 6, 7, and 8. Councilman Taylor seconded the motion.**

<b>RESULT:</b>	<b>APPROVED [4 TO 1]</b>
<b>MOVER:</b>	Rob Shelton, Councilman
<b>SECONDER:</b>	Clark Taylor, Councilman
<b>AYES:</b>	Brad Frost, Rob Shelton, Jeff Shorter, Clark Taylor
<b>NAYS:</b>	Carlton Bowen

#### ACTION ITEMS

(From Common Consent Agenda No. 5) APPROVAL OF THE PURCHASE OF A PERPETUAL UTILITY EASEMENT ASSOCIATED WITH THE 500 EAST 980 NORTH ART DYE PARK ACCESS PROJECT - DEVERAUX *(Requested by Dale Goodman, Public Works)*

Councilman Bowen clarified for the record that the City previously purchased part of the Deveraux land for the construction of the bridge. Additional land was inadvertently utilized for access that was needed. This was a settlement with them.

**Councilman Shelton moved approval of the purchase of a Perpetual Utility Easement associated with the 500 East 980 North Art Dye Park Access Project - Deveraux. Councilman Taylor seconded the motion.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Shelton, Councilman
<b>SECONDER:</b>	Clark Taylor, Councilman
<b>AYES:</b>	Bowen, Frost, Shelton, Shorter, Taylor

2. REVIEW AND ACTION ON THE APPROVAL OF THE SUB-RECIPIENT AGREEMENT FOR THE FY2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PHASE III FOR WATERLINE REPLACEMENT. *(Requested by Dale Goodman, Public Works)*

Mayor Hadfield explained that the City had been involved in waterline replacement throughout the community utilizing CDBG money from the Housing and Urban Development Department of the Federal Government for a portion of that work. This phase would be on Center Street from Main Street to 400 South.

**Councilman Shelton moved to approve the Sub-recipient Agreement for the FY2015 CDBG funding in the amount of \$200,000 and authorize the Mayor to sign the Sub-recipient Agreement. Councilman Frost seconded the motion.**

Councilman Bowen stated that CDBG Grants had been discussed by this Council in the past. These CDBG Grants were administered through the Federal Housing and Urban Development branch of government. These Grants were not constitutionally authorized. The Federal Government was not created to provide housing, other than maybe to the military and that was not through HUD. The Federal government was not created to take money from the states and local communities and then give it back to the states and local communities.

Councilman Bowen noted that the Federal government was 18 trillion dollars in debt. That was a huge amount of debt. The City was basically asking an entity to give it money that had to be borrowed and also asking for money that was not constitutionally authorized.

Councilman Bowen added that each of them took an oath to uphold and defend the U.S. Constitution. He personally believed that approving any Community Development Block Grant request violated that oath and it was also bad for the nation. It was also bad for our community. The money came with Federal strings and subjects that project to all kinds of regulations. He felt it was bad all the way around and that was why he would be voting against it. He had asked in the past and no one has been able to show him where in Article 1 Section 8 of the Constitution that this type of grant or HUD was authorized.

Mayor Hadfield responded that the Housing and Urban Development put out the guidelines. American Fork City reviewed those guidelines that were based on the median household income and the neighborhoods in which this work was done fell within these guidelines. If American Fork City did not take that money he promised that there would be many other communities falling in line to get their fair share of the money. Holding

back would not do much to solve the national debt.

Councilman Bowen expressed that if all communities took a stand on this and obeyed their oath to the Constitution it would make a difference.

**Mayor Hadfield called for a vote on the motion.**

<b>RESULT:</b>	<b>APPROVED [4 TO 1]</b>
<b>MOVER:</b>	Rob Shelton, Councilman
<b>SECONDER:</b>	Brad Frost, Councilman
<b>AYES:</b>	Brad Frost, Rob Shelton, Jeff Shorter, Clark Taylor
<b>NAYS:</b>	Carlton Bowen

2. REVIEW AND ACTION ON A CLASS “A” BEER LICENSE FOR CVS PHARMACY #10577 AT 495 EAST STATE ROAD. *(Requested by Craig Whitehead, Administration)*

Mayor Hadfield welcomed CVS Pharmacy to American Fork.

Mr. Russ Mecham introduced himself noting that he would be the Store Manager. He explained that CVS Pharmacy was relatively new to Utah. He would be glad to work with Eagle Scout Projects as he was an Eagle Scout and he was happy to be in the community.

**Councilman Frost moved approval of a class “A” beer license for CVS Pharmacy #10577 located at 495 East State Road. Councilman Shelton seconded the motion.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Brad Frost, Councilman
<b>SECONDER:</b>	Rob Shelton, Councilman
<b>AYES:</b>	Bowen, Frost, Shelton, Shorter, Taylor

3. REVIEW AND ACTION ON AN ORDINANCE ADOPTING AMENDMENTS TO VARIOUS SECTIONS OF THE AMERICAN FORK CITY DEVELOPMENT CODE RELATING TO PROJECTIONS INTO THE FRONT SETBACK AREA. *(Requested by Adam Olsen, Planning)*

Councilman Shelton explained that he dealt a lot with setback issues during his time serving on the Board of Adjustment and was comfortable in moving this forward.

**Councilman Shelton moved to adopt Ordinance No. 2015-11-72 amending various sections of the American Fork City Development Code relating to projections into the front setback area. Councilman Taylor seconded the motion.**

Councilman Bowen pointed out that this change made the setback requirement less restrictive on property owners and developers and because of that he would be voting for the change.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Shelton, Councilman
<b>SECONDER:</b>	Clark Taylor, Councilman
<b>AYES:</b>	Bowen, Frost, Shelton, Shorter, Taylor

4. REVIEW AND ACTION ON SUBDIVISIONS, COMMERCIAL PROJECTS, CONDOMINIUMS, AND PUD’S INCLUDING 1) PLAT APPROVAL; 2) METHOD OF SATISFACTION OF WATER RIGHTS REQUIREMENTS; 3) POSTING OF AN IMPROVEMENT BOND OR SETTING OF A TIME FRAME FOR IMPROVEMENT INSTALLATION; AND 4) AUTHORIZATION TO SIGN THE FINAL PLAT AND ACCEPTANCE OF ALL DEDICATIONS TO THE PUBLIC AND TO HAVE THE PLAT RECORDED.

a. Review and action on the Final plat of Jockey Hollow Plat D Subdivision, consisting of five lots, located at 750 North 650 East. (Requested by Adam Olsen, Planning)

Mayor Hadfield asked if there were questions of staff on this item.

Councilman Bowen noted that the Planning Commission minutes on this item mentioned a reverse curb. He asked what that was.

Mayor Hadfield believed that it should have been a reverse curve.

Councilman Bowen responded that made a lot more sense than a reverse curb.

**Councilman Shelton moved to approve the final plat of Jockey Hollow Plat D Subdivision, consisting of five lots, located at 750 North 650 East and to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record associated with the October 21, 2015 Planning Commission meeting. Councilman Shorter seconded the motion.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Shelton, Councilman
<b>SECONDER:</b>	Jeff Shorter, Councilman
<b>AYES:</b>	Bowen, Frost, Shelton, Shorter, Taylor

b. REVIEW AND ACTION ON AN AMENDED FINAL PLAT OF RIVULET SUBDIVISION, LOCATED AT 860 EAST 400 SOUTH IN THE PC PLANNED COMMUNITY ZONE. (Requested by Adam Olsen, Planning)

Mayor Hadfield reported that this has a positive recommendation from the Planning Commission. The City Council had seen this once before and had some questions regarding meeting the City’s Ordinance on parking. This had been reworked to meet the City’s requirement.

**Councilman Shorter moved to approve the amended final plat of Rivulet Subdivision, located at 860 East 400 South in the PC Planned Community zone and**

**to authorize the Mayor and City Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat subject to all conditions identified in the public record associated with the September 16, 2015 Planning Commission meeting. Councilman Taylor seconded the motion.**

Councilman Bowen noted that part of the land was being dedicated to the City as a park, which he thought was great. He asked the size of the proposed park.

Adam Olsen responded that this was a portion of that park. There would be another property to the west that would finish it off. This parcel was close to seven acres. The park's purpose would be a regional detention facility but could be used as soccer fields, etc.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Shorter, Councilman
<b>SECONDER:</b>	Clark Taylor, Councilman
<b>AYES:</b>	Bowen, Frost, Shelton, Shorter, Taylor

- c. REVIEW AND ACTION ON AN ORDINANCE APPROVING AN AMENDED SITE PLAN FOR RIVULET APARTMENTS, LOCATED AT 860 EAST 400 SOUTH IN THE PC PLANNED COMMUNITY ZONE. *(Requested by Adam Olsen, Planning)*

Mayor Hadfield asked if there were questions on this item.

**Councilman Taylor moved to adopt Ordinance No. 2015-11-73 approving a site plan for Rivulet Apartments, located at 860 East 400 South in the PC Planned Community zone, with instructions to the City Recorder to withhold recording of the site plan subject to 1) all conditions identified in the public record associated with the September 16, 2015 Planning Commission meeting and 2) submittal of a complete landscaping plan that addresses the entire area covered by the site plan approval. Councilman Frost seconded the motion.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clark Taylor, Councilman
<b>SECONDER:</b>	Brad Frost, Councilman
<b>AYES:</b>	Bowen, Frost, Shelton, Shorter, Taylor

5. Consideration and action on entering into an Executive Session to discuss the professional character and competence of an individual.

**Councilman Shorter moved to enter into an Executive Session to discuss the professional character and competence of an individual at 8:03 p.m. in a main floor room. Councilman Shelton seconded the motion.**



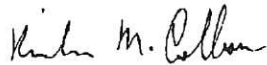
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Shorter, Councilman
<b>SECONDER:</b>	Rob Shelton, Councilman
<b>AYES:</b>	Bowen, Frost, Shelton, Shorter, Taylor

(See ATTACHMENT)

**Councilman Taylor moved to return to regular session at 9:16 p.m. Councilman Shorter seconded the motion. All were in favor.**

6. ADJOURNMENT


**Councilman Bowen moved adjournment at 9:16 p.m. Councilman Shelton seconded the motion. All were in favor.**



Richard M. Colborn  
City Recorder

**AMERICAN FORK CITY  
MAYOR'S AFFIDAVIT  
James H. Hadfield, Mayor**

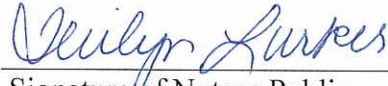
I, Mayor James H. Hadfield, do solemnly swear and affirm that the sole purpose of the executive session of the American Fork City Council on Tuesday, November 10, 2015, was to discuss the professional character and competence of an individual.

  
\_\_\_\_\_  
James H. Hadfield, Mayor

State of Utah  
County of Utah

Subscribed and sworn to before me this 11 day of November, 2015.



  
\_\_\_\_\_  
Signature of Notary Public

My Commission Expires: 2/4/16