

AMERICAN FORK CITY COUNCIL  
SEPTEMBER 28, 2021  
PUBLIC HEARING AND REGULAR SESSION AGENDA

Members Present:

Bradley J. Frost	Mayor
Kevin Barnes	Council Member
Ryan Hunter	Council Member
Rob Shelton	Council Member
Clark Taylor	Council Member

Absent:

Staci Carroll	Council Member
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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
Darren Falslev	Police Chief
Scott Sensanbaugher	Public Works Director

Also present: Steven Fore, Adam Casper, Emma Clark (Charity Vision), Craig (Veterans of Foreign Affairs), Josh Bushman, Scott Fambrough, Roger Dudley, Rebecca Andrus, Christine Anderson, Chris Christiansen

The American Fork City Council held a public hearing in conjunction with the regular session on Tuesday, September 28, 2021, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m. The agenda was as follows:

PUBLIC HEARING

- Receiving public comment regarding the vacation of a portion of a public utility easement at 736 E. Fleming Drive, Lot #8 of the Woodstock Estates Plat D subdivision.

No comments were made.

REGULAR SESSION

1. Pledge of Allegiance; Invocation by Council Member Shelton; Roll Call.
2. Presentation by the Veterans of Foreign Wars, the oldest combat Veteran's organization in America.

As the oldest combat veteran's organization in America, the Veterans of Foreign Wars was created to promote patriotism and to help veterans. They honor first responders in both police and fire protection. On this night they honored Police Sergeant Stuart Fore, and Fire Captain Adam Casper. Fire Chief Brems stood and gave a brief sketch of Casper's career, stating that he had helped

thousands of people and had protected a lot of property in his 15 years of service. He stated that he exhibited composure and competency in all that he did.

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

Emma Clark, representing an international non-profit group based in Provo called *Charity Vision*, stood to explain that the group would like to be involved in American Fork. She stated that their mission was to restore sight to visually impaired children. As 80% of a child's learning was by sight in the formative years, good vision was critical. She stated that 40% of the students in Utah were financially challenged, and as such, could benefit from the program they call "Sight Buddies." They would love to develop a partnership with American Fork schools to help provide prescription glasses to these children. She left materials people could pick up to read more.

The Public Comment period was closed.

4. City Administrator's Report

City Administrator, David Bunker, gave congratulations to Sergeant Ford and Captain Casper for their receiving awards from the VFW. He also mentioned that Planning Commission Chairman Woffinden was excused due to a death in his family. He also reported on the Mental Health Town Hall meeting recently held in which Dr. Christy King spoke about mental health challenges in their community. Also the young lady who serves as Miss American Fork spoke at that meeting, and he stated she did an excellent job.

5. Council Reports

Council Member Taylor had no pressing items, but wanted the group to sing Happy Birthday to Mayor Frost.

Council Member Barnes re-iterated praise for the people of the police and fire departments. He stated that American Fork, as a community, was truly blessed to have had such fine people serving them. He was also grateful for the work of the VFW in the community. All the selfless service rendered often went unnoticed. He mentioned the death in the family of Planning Commission Chairman Woffinden, stating that the deceased was his 8-year-old grandson, Xander, who had been very sick for many months. He invited all to keep these people in their thoughts and prayers. In praise of his friend "Woff" he stated that when the Barnes family had moved to American Fork in 1979, the Woffindens lived down the street, and were the first to welcome them into the community, and they had remained friends all those years. They had rendered much service to American Fork.

Council Member Shelton wanted to recognize the service of the late Dick Colburn, who had been the previous City Recorder. Council Member Shelton had attended his first City Council meeting as a Boy Scout in his youth, and it was because of Colburn that that had happened. He made a great contribution to the City, and had sworn Council Member Shelton in twice as a City Council member. Colburn was originally from California, and was a great transplant. Council Member Shelton thanked the police and fire departments for help in honoring Colburn's memory. His death was a big loss to all who knew him.

Council Member Hunter echoed Council Member Shelton’s remarks. He praised the memories of those who had passed. He mentioned the upcoming U.S. Nationals, a professional firefighter challenge held in Sandy. He stated that American Fork’s awesome fire crew had won the competition for the last two years, and he was looking forward to another win! The Fire Chief had assured him they would do it! He praised the Mental Health for Heroes Foundation, founded by Sunny and Reno Mahe (after the death of their daughter) as a way to acknowledge the mental health trauma it was for first responders who dealt with life and death on a daily basis. He also praised the fire and police departments for their invaluable service to the community, and pledged support to those groups.

6. Mayor's Report

Mayor Frost lamented the fact that the first responders that had been in the room had left before they could hear the amounts of praise given to them. He acknowledged the great team effort it takes to protect and serve the City, and that they were all in it together. He reported on a Meet and Greet at the High School where he and others met with 30 kids who would vote for the first time on Election Day. It was a good time for him. He felt it was like speed dating for candidates! The young people fired off good questions, and the candidates had only 15 seconds to answer each question.

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 August 24, 2021, City Council minutes.
2. Approval of the September 14, 2021, City Council minutes.
3. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$365,951.50 and issue a Notice of Acceptance for the Millpond Apartments construction of public improvements located at 79 North 1020 West.
4. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$ 154,581.52 and issue a Notice of Acceptance for the RIVULET APARTMENTS construction of public improvements located at 449 South 860 East.
5. Ratification of City payments (September 8, 2021, to September 21, 2021) and approval of purchase requests over \$50,000.

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

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

ACTION ITEMS

1. Review and action on a Class B Beer license for Little India located at 987 West 500 North Suite 101.

**Council Member Taylor moved to approve a Class B beer license for Little India located at 987 West 500 North Suite 101. Council Member Hunter seconded the motion. Voting was as follows:**

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

2. 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 subdivision plats for Greenwood Creek A and B located in the area of 900 North 640 West in the R-1-9,000 Residential zone

John Bushman made comment. He stated he lived across from the development in question. He felt that there had been multiple codes that had been worked around to get this development approved. For example, streets don't line up and roads were at angles that were beyond that which was allowable. He felt his family's quality of life would be impacted negatively by those things. He knew that the developer had other designs to choose from and asked that those other designs be looked at. He was especially concerned that a street pointed right at his front door and that in another place a street pointed right at a driveway.

Scott Fambrough stood to comment. He stated that his house was directly across from 1000 North, and that when he built his house in 2009 he assumed 1000 North would eventually go straight through. They had hearing and sight-impaired children, and felt that the current design would create safety hazards such as blind spots. He cited two codes. The first stated that roads must have perpendicular angles, and if an angle varied even ten degrees it must be approved by the City Engineer. Without a full 90-degree angle it would be hard to see oncoming traffic. The second code (15.01.1850) stated that the center line of a street could not be within 50 feet of a driveway in a residential area. He urged review of the developer's other plans. He wanted his voice to be heard, and put into the record, in case there were safety concerns in the future.

Mayor Frost clarified that since a certain plan got approved, they were not going to start over by looking at other plans. Scott Fambrough respectfully objected to what had been approved, stating that theirs was an existing home and the approved plan would make it unsafe for them. Frost asked who among the staff would be the best-suited to speak to this problem.

Roger Dudley, an engineer for the project, stated he had had several discussions with the neighborhood people and staff concerned the intersection in question. He felt they had a very good plan and that he didn't agree with the concerns that had been expressed. Ryan Hales was also present. He was a traffic engineer who had helped to write the American Fork traffic code. Hales had a PowerPoint presentation he was willing to share, but Mayor Frost felt that since the Planning Commission had not seen the presentation, they shouldn't show it to the City Council. The PowerPoint had been e-mailed to Council members for review, but he didn't feel it should be in

the packet for the night's discussion. He then asked Public Works Director Sensanbaugher to comment.

Public Works Director Sensanbaugher stated there had been quite a bit of communication on this process, and he was aware of the issues. However, Rebecca Andrus had interacted more with the residents and developers, so he turned the time over to her.

Rebecca Andrus stated that this had been approved because it met code. She felt the code was misunderstood, so she offered explanation. She stated that the idea was to line things up that were across from each other to avoid counter movement. If that wasn't possible, there was an order of operations for intersections, which was to make the new roads 50 feet off of driveways and to make road accesses 150 feet apart, in this case on 960 or 950 North. They had made sure that requirement was met. There was a skew in the road, so these 150 feet rule had been invoked. Very rarely did new roads line up exactly with old ones, and there were examples all over town.

Public Works Director Sensanbaugher inserted that there was a difference between requirements and recommendations, and that this project met all requirements of the code.

Planning Commission Member Christine Anderson stated that Planning Commission Chairman Woffinden had asked her to attend this meeting. She acknowledged that sometimes minutes of meetings don't convey everything that had been said and she was prepared to make things clearer. The 16 existing homes were in a horseshoe. She stated she lived in a similarly designed neighborhood. She stated that there was little traffic going in and out. She felt the only traffic would be that generated by the 16 residents and their visitors. She tried to clear up a couple of misunderstandings of the code. The first was that making a "T" configuration didn't mean making an exact "T," it meant creating something that allows connectivity, so there were no cul-de-sacs. The concern that a driveway was within 50 feet of the intersection was not a correct interpretation of the code. The table in Section 15.01.1850 on "Intersection and Access Spacing," referenced minimal residential access from one residence to another residence. It had to be 50 feet between one driveway and the next driveway, not 50 feet from the intersection. The document gave recommendations for minimum signalized public streets and access spacing. She talked about spaces between signals, between streets, and commercial accesses and residential accesses. She stated they were not worried about space between a driveway and an intersection. She did not see the street going into the driveway as a safety hazard. Many neighborhoods in the city were like the one being proposed. The plan was not in opposition to any of American Fork's code. She mentioned that the Planning Commission wanted all homes to be safe, and they felt this plan was a reasonable option for that goal, and it met code, so they approved it. She acknowledged that change concerns people, but this would not be an unreasonable change.

Chris Christiansen praised Planning Commission Member Christine Anderson. He stated they had looked at it, felt it met the code, and so they approved it. Mayor Frost admitted they had a lot of questions to ask to settle on a decision. John Bushman asked to make another brief comment, and Mayor Frost agreed.

John Bushman stated that the developers had a lot of voices of why this works. It benefits the developer not to have to align the road. But, the City Council was the only voice that residents had. Residents had an untrained expertise of what would not be good for their neighborhood. All he was asking was that the Council hears them.

Council Member Shelton welcomed Rebecca Andrus back and was glad to see her in good health, and expressed that it was also great that Chris Christiansen and Christine Anderson had come to clarify the issue. He stated he took the comments of residents not lightly at all. When residents had concerns the City Council was there as an elected body to hear them. However, it was hard to know where the line of fairness came into play. Codes had been developed, and were intended to help keep the peace. They couldn't change codes per project. They didn't have an option except to approve what's there.

Council Member Taylor expressed appreciation for all opinions, and agreed that the Council was the voice of the people. Nevertheless, the Council had to have backing on why they chose what they did, and couldn't arbitrarily make decisions based on opinion. He acknowledged that it was a difficult situation when one feels that their home, where their family was, had its safety threatened. He understands the feelings of coming to a meeting and hoping for a result that favored your opinion. Unfortunately, the City had codes to represent citizens' voices in decision-making. He cited a similar situation in his own neighborhood. The situation exists in many places in the City. They had to stick to the codes. He acknowledged this was not the answer the citizens wanted, but it had to stand.

Council Member Hunter commended the Planning Commission for making a split decision. He had read the minutes and had driven to the area. He mentioned his own home, which was 60 years old, and how four streets came up to homes in his neighborhood. It was just the nature of the situation.

**Council Member Shelton moved to approve the final plats for Greenwood Creek A and B located in the area of 900 North 640 West in the R-1-9,000 Residential 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 8, 2021 planning commission meeting. Council Member Hunter seconded the motion. Voting was as follows:**

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

3. Review and action on an ordinance approving a vacation of a portion of a public utility easement at 736 E. Fleming Drive, Lot #8 of the Woodstock Estates Plat D subdivision.

There was no public comment.

**Council Member Taylor moved to adopt Ordinance No. 2021-09-47 approving the vacation of a portion of a public utility easement at 736 E. Fleming Drive, Lot #8 of the Woodstock Estates Plat D subdivision. Council Member Hunter seconded the motion.**

Before a vote was taken, Council Member Shelton had a question. He wondered why in some areas they had 15 foot easements on lots. He wondered if they could move some of the sewer lines in more.

Public Works Director Sensanbaugher answered that 2 years ago, easements used to be 10 feet on the back and side of each lot for a total of 20 feet. One of the reasons they had reduced it was that it ended up being too much, and restricted private property more than what was needed. It had been a rare situation that the City needed to use the back easement, but this one was different. This one had surface drainage in the back, which had been there for a long time.

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

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

4. Review and action on a purchase agreement for property at 975 East Harvey Boulevard.

**Council Member Taylor moved to approve the purchase agreement for property located at 975 East Harvey Boulevard and authorize the mayor to sign the purchase agreement and all other necessary documents. Council Member Hunter seconded the motion.**

Before the vote, Council Member Shelton asked how this item would impact the budget. Was the funding from bond proceeds or impact fees? City Administrator Bunker replied that it was funded 100% from bond proceeds.

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

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

5. Review and action on a resolution authorizing the mayor to sign a letter of intent with Windy City Development LLC for the purchase of property.

**Council Member Taylor moved to adopt the resolution approving a letter of intent with Windy City Development LLC for the purchase of property and authorize the mayor to sign all necessary documents for the purchase of the property. Council Member Barnes seconded the motion.**

The question was asked if the language of the resolution included that the City Council not only had the authority, but the ability to sign the letter of intent and the purchase and sale agreement, subject to approval of the City Council. City Administrator Bunker replied that that was indeed the language of the resolution.

Council Member Shelton inquired about the budget impact. City Administrator Bunker replied that funding was mostly from impact fees, with a little bit of bond proceeds for the public safety portion. Council Member Shelton requested a breakdown in the next administrative report, to which City Administrator Bunker replied that the report would show that.

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

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

6. Review and action on a purchase agreement for property located at 187 North 300 East

**Council Member Hunter moved to recommended approval of the purchase agreement for the property located 187 North and 300 East. Council Member Taylor seconded the motion.**

Before voting, Council Member Shelton asked for a breakdown in the next administrative report about budget impact. They bought a lot of real estate and he wanted to know the impact on the budget.

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

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

7. Review and action on authorizing the Mayor to sign a notice of approval for a quit-claim deed for Rockwell Ranch Owner Association.

**Council Member Taylor moved to authorize the Mayor to sign the notice of approval of the Rockwell Ranch Owner Association, Inc. quit-claim deed. Council Member Shelton seconded the motion. Voting was as follows:**

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

8. Consideration and action to enter into a closed session to discuss the character or professional competence of individuals and to discuss pending or reasonably imminent litigation or to discuss other items described in Utah State Code 52-4-204 and 52-4-205.

**Council Member Barnes moved to enter into a closed session at 8:00 p.m. Council Member Shelton seconded the motion. Voting was as follows:**



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

The mayor announced to the public that they would move to a room downstairs for the closed session and would adjourn when the closed session was over.

The American Fork City Council met in a closed session to discuss litigation at 8:07 p.m. Those present included Mayor Brad Frost, Council Member Kevin Barnes, Council Member Ryan Hunter, Council Member Shelton and Council Member Taylor. Also present included City Administrator David Bunker, Legal Counsel Cherylyn Egner, and Deputy Recorder Stephanie Finau.

The closed session was audio recorded as required by state law.

9. Adjournment.

**Council Member Hunter moved to adjourn the meeting. Council Member Taylor seconded the motion. All voted in favor.**

The meeting adjourned at 9:00 p.m.



Stephanie Finau  
Deputy Recorder