

**MAPLETON CITY COUNCIL MEETING**

**February 18, 2009**

**PRESIDING AND CONDUCTING:** Mayor Laurel Brady  
**Council Members:** Ben Christensen  
Mike Cobia  
Michael Nelson  
Ann H. Tolley  
Brian Wall

**Also Present:** Gary Calder- Public Works/Engineering Department  
Cory Branch- Community Development Director  
Robert Bradshaw- City Administrator  
Dean Pettersson- Police Chief left the meeting at 10:50 pm  
Jeannie Bell arrived at the meeting at 11:00 and left at 11:50 pm.

**Minutes Recorded by:** Camille Brown- City Recorder

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**CALL TO ORDER:** Mayor Brady called the meeting to order at 7:07 p.m. Nicholas Shurring gave the invocation and Hunter Roney led the meeting in the Pledge of Allegiance.

**OPEN FORUM:** No comments were made

**CEREMONIAL ITEM:**

**Welcome Home to Officer Derek Wolfgramm:** Mayor Brady read a proclamation to welcome Officer Derek Wolfgramm home from serving in the US Armed Forces in Kuwait for the last year. Officer Wolfgramm thanked the Mayor, City Council and staff for their support to him and his family while he was serving his country.

**Proclamation- White Ribbon Against Pornography Month:** Mayor Brady read the proclamation against pornography declaring February- White Ribbon Against Pornography Month.

**CONSENT AGENDA:**

**1. Approval of City Council meeting minutes- January 21, 2009.**

**Motion:** Cl. Nelson moved to approve the minutes of the January 21, 2009 City Council meeting  
**Second:** Clw. Tolley seconded the motion.  
**Vote:** Passed 5:0

**ACTION ITEM:**

**2. Appointment of alternate members for the Planning Commission.**

Mayor Brady nominated Jeff Hawkins and Mike Tippetts to be considered for appointment as alternates for the Planning Commission, she explained that Mike Tippetts has been interviewed by herself and Cory Branch, the Planning Director. Jeff Hawkins has not been interviewed at this time. The council members suggested that these members be properly trained for their service on the Planning Commission.

**Motion:** Cl. Wall moved to appoint Mike Tippetts as an alternate on the Planning Commission and Jeff Hawkins be considered at a later meeting, after the interview process.  
**Second:** Clw. Tolley seconded the motion.  
**Vote:** Passed 5:0  
Cl. Nelson Aye  
Cl. Tolley Aye

Cl. Cobia                   Aye  
Cl. Christensen         Aye  
Cl. Wall                    Aye

**PUBLIC HEARINGS:**

**3. Section 2.54 of the Mapleton City Code to Manage Conflicts of Interest of a Member of a City Body.**

Consideration was given to the City Administrator's staff report who explained that the proposal for a new city ordinance governing abstaining from voting by a city public body. Cl. Christensen added that under the proposed ordinance there were three areas where you should abstain as councilmembers; if it involves compensation, a councilmembers own business or if a councilmember is doing business within the city. This code also involves the Planning Commission, the Board of Adjustments and other city public bodies.

The matter was opened to the public for comment. No comments were made and the hearing was closed.

**Motion:** Cl. Wall moved to enact section 2.54 of the Mapleton City Code to Manage Conflicts of Interest of a Member of a City Body

**Second:** Clw. Tolley seconded the motion.

**Vote:** Passed 5:0

Cl. Nelson                 Aye  
Cl. Tolley                 Aye  
Cl. Cobia                 Aye  
Cl. Christensen         Aye  
Cl. Wall                 Aye

**4. 1100 West Maple Street-rezone of approximately 17 acres from PRC-5 (Planned Residential Community -5) to R-3 (Residential)-Cory Anderson**

Consideration was given to the Planning Director's staff report which explained the rezone application. Bruce Dickerson addressed the council about this same type of development that he has done in Orem and how it has worked for that city. He explained that he has been in development for 20 plus years and his philosophy is for everyone involved to have a win, win situation.

Cory Anderson addressed the council with regards to his development plan. Cl. Cobia asked if he is still willing to accommodate the neighbors on the agreements he had made before and Mr. Anderson assured the council that he would. Cl. Christensen questioned if this was the best location for this type of project. He said that it would better fit the west part of town near slant road. Cory Anderson suggested that there be a text that is site specific for the CCR's, etc. Cory Anderson stated that staff is recommending 10 TDR's, he has surrendered 5 already and they are not allowed in this zone.

The public hearing was opened at 8:40 pm.

Mr. Anderson stated that he had a neighborhood meeting and he has presented this development plan to them, and he believes that is why there are no neighbors present.

**Motion:** Cl. Nelson moved to continue the item until staff can implement the recommendations that they have listed on the DRC comments including bringing back a revised text.

**Second:** Cl. Cobia seconded the motion.

**Vote:** Passed 5:0

Cl. Christensen         Aye  
Cl. Cobia                 Aye  
Cl. Nelson                 Aye  
Clw. Tolley               Aye

Cl. Wall

Aye

### **ACTION ITEMS:**

#### **5. Public Safety Building(Main Street) -to consider proposals from Architect**

Curtis Miner presented 3 scenarios for the construction of the new Public Safety Building.

**Grace Nay** inquired if the basement was not finished, does the provision have to be made for an elevator shaft to which the architect replied that legally you could not do that.

**Roger Michaels** supported scenario 2 for the Fire Department and asked for large window wells to be installed on the east and west sides.

The City Administrator stated that there is a shortfall in the amount of \$650,000 from the amount that is available from impact fees to complete the process. He said Zions Bank had indicated that a bond could be purchased at a 5% interest rate for 20 years which would cost each household about \$30 a year.

Cl. Wall asked if all three scenarios could be sent out for bid and the architect stated that that would not be cost effective, because there needs to firm construction drawings to get a correct request for bid.

**Motion:** Cl. Wall moved to approve the following motion:

- (i) That the architect Curtis Miner be authorized to proceed with the preparation of contract design drawings based on the new second and third stand alone option as outlined at the meeting;
- (ii) That upon completion of the contract drawings, a Request for Proposal be public noticed inviting bids for undertaking the General Contractor function for this project;
- (iii) Following appointment of the General Contractor for this project, bids be sought through public notice inviting the construction of the public safety building based upon which the City Council would at that time identify which phase of the building could be financed.

**Second:** Cl. Cobia seconded the motion

**Vote:** Passed 5:0

Cl. Christensen Aye

Cl. Cobia Aye

Cl. Nelson Aye

Clw. Tolley Aye

Cl. Wall Aye

### **CLOSED SESSION:**

**Motion:** Cl. Cobia moved to close the meeting pursuant to Section 52-4-205 Utah Code Annotated to discuss the purchase, exchange, and/or lease of real property and reasonably imminent litigation.

**Second:** Cl. Tolley seconded the motion.

**Vote:** Passed unanimously at 9:30 p.m.

**Motion:** Cl. Wall moved to close the closed meeting and reconvene into an open session.

**Second:** Cl. Christensen seconded the motion.

**Vote:** Passed unanimously at 10:50 p.m.

#### **6. 35/75 East Maple Street- Real Estate Purchase Agreement**

**Motion:** Cl. Nelson moved to approve the following motion:

- (i) that the City Administrator be authorized to make a counter offer to the prospective buyer requiring their bid to be increased by \$25,000 and the removal of condition 2 as stipulated in Addendum 1 to the REPC dated January 28, 2009.

- (ii) That city occupancy of the fire station garage area continue until the completion of the construction of the new Public Safety Building at which time the city will arrange for the total demolition of the building and site clearance.

**Second:** Clw. Tolley seconded the motion.

**Vote:** Passed 3:2

Cl. Christensen	Nay
Cl. Cobia	Aye
Cl. Nelson	Aye
Clw. Tolley	Aye
Cl. Wall	Nay

**DISCUSSION ITEMS:**

**7. 2100 West Mapleton Slant Road-Annexation Agreement being considered for annexation into Mapleton City. Brian Bowers, agent for Sabadell, Inc**

Consideration was given to the Community Development Director's staff report. He explained there are still outstanding issues that need to be addressed by the council from previous meetings and from DRC. Gary Calder explained the water shares did start out at 3/4 of a share for water shares. With the TDRs they either need to be bought now at fair market value or wait until he is ready to development and then purchase the TDRs. The seven TDRs should be bought from the city at the \$50,000. Mr. Bowers would have a year and half to complete the process. Mr. Bowers will come back to the council for the final annexation and he was instructed to get with the Cory Branch to resolve the outstanding DRC issues.

**8. Financial overview- Finance Controller**

The finance controller circulated to the council a Short Fall and Savings for 2008-09 for Mapleton City document. The city would be able to transfer capital projects funds to the general funds to account for the shortfall. It was discussed that the water fund is in good shape and the sewer fund is not where it should be and it could be possible that sewer rates may have to be raised within the next year or two.

**ACTION ITEM:**

**9. Insurance claim for vehicle accident against Mapleton City by Stacey Hood**

The City Administrator reported verbally on his discussions with the Council's insurers regarding this claim.

**Motion:** Cl. Cobia moved to allow the City Council's insurers for this vehicle accident to negotiate within the limits as now agreed as recommended by the city's insurer.

**Second:** Cl. Christensen seconded the motion.

**Vote:** Passed 5:0

Cl. Christensen	Aye
Cl. Cobia	Aye
Cl. Nelson	Aye
Clw. Tolley	Aye
Cl. Wall	Aye

**MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

Gary Calder: The Central Utah Water Grant money is still available. The city would need to put a feasibility study together to present to Central Utah. If the city were to move forward with this in the right away, the city could receive this money within a year or so, this is a matching grant of approximately 5

million dollars.

Westwood Well could be up and running as soon as next week.

Ann Tolley reported on the solid waste district and the revenues are down. They are interested in bids from contractors for bids to catch the methane for the use of electricity.

Mike Cobia reported that himself and Bob were successfully able to negotiate with Spanish Fork City with regards to the property of Ensign Bickford.

Mayor Brady reported that the April 15<sup>th</sup> City Council meeting is cancelled and moved to April 22, 2009.

**Motion:** Cl. Christensen moved to adjourn the meeting.

**Second:** Cl. Wall seconded the motion

**Vote:** Passed unanimously

Meeting adjourned at 12:30 am

Camille Brown, City Recorder

**APPROVED: March 18, 2008**