

MAPLETON CITY COUNCIL MEETING

August 5, 2009

PRESIDING AND CONDUCTING: Mayor Laurel Brady

Council Members: Ben Christensen
Mike Cobia
Michael Nelson
Ann H. Tolley- Excused
Brian Wall

Also Present: Robert Bradshaw- City Administrator
Gary Calder -City Engineer
Cory Branch- Planning Director
Chief D. Pettersson
Scott Bird – Public Works Operations Director
Camille Brown- City Recorder
Lorrie Dibble – Deputy City Recorder

Minutes Recorded by: Lorrie Dibble- Deputy City Recorder

CALL TO ORDER: Mayor Brady called the meeting to order at 7:02 p.m. Jared Johns gave the invocation and Troop 1461 led the meeting in a flag ceremony.

OPEN FORUM:
No comments were made.

CONSENT AGENDA:

1. Approval of City Council meeting minutes- July 15, 2009

Motion: Cl. Cobia moved to approve the minutes of the July 15, 2009 meeting.

Second: Cl. Christensen seconded the motion.

Vote: Passed 3:1 Cl. Wall abstaining

2. Harvest Park Homes requests to amend Title 18, Development Code; Part III; Zoning, Section 18.56A.040, Conditional Uses in order to allow home occupations as a conditional use in the SDP-1 (Mapleton-West Specific Development Plan) Zone. Applicant- V. Blaine Turner

Cory Branch, the Planning and Zoning Director reported that the proposed ordinance changed has been circulated to the residents of Harvest Park on June 21st. Public Hearing was opened for comment.

Steven White addressed the council and has requested a home occupation license. His work is primarily conducted by phone and his going to and from clients homes.

Alan Nielson lives in Harvest Park and has concerns about the type of businesses that would be allowed in Harvest Park. Cory Branch explained that applications for business license that would have clientele or employees in their home would need to go through the Planning Commission. These types of businesses would be public noticed and residents would be able to address their concerns.

The public hearing was closed.

Motion: Cl. Cobia moved to re-affirm the City Council's previous decision at the July 15th meeting to amend Title 18, Development Code; Part III; Zoning, Section 18.56A.040,

Conditional Uses in order to allow home occupations as a conditional use in the SDP-1 (Mapleton-West Specific Development Plan) Zone

Second: Cl. Wall seconded the motion.

Cl. Cobia Aye

Cl. Christensen Aye

Cl. Nelson Aye

Cl. Wall Aye

Vote: Passed 4:0

Ordinance No. 2009-09

3. Northeast corner of 1600 West (HWY 89) and 1600 South. Request to rezone of approximately 7.75 acres from the GC -1 (General Commercial) Zone to the A-2 (Agricultural-Residential) Zone on property. Applicant- Mark Whiting

The applicant requested a continuation of the item to August 19, 2009

Motion: Cl. Cobia moved to continue this item to August 19, 2009

Second: Cl. Christensen seconded the motion.

Cl. Cobia Aye

Cl. Christensen Aye

Cl. Nelson Aye

Cl. Wall Aye

Vote: Passed 4:0

DISCUSSION ITEM:

4. Land to the south' of Mapleton/North Spanish Fork - Ensign Bickford/Presidio Mesquite- Environmental Issues -presentation by Utah State Department of Water Quality.

The mayor gave a brief overview of the Ensign Bickford matter. She stated that the council would not be taking any action on this matter tonight, that it was strictly for information purposes only on the contamination of the property. All questions should be addressed to Jack Evans and the State of Utah Representatives.

The State of Utah, from the Department of Environmental Quality gave a presentation on the Ensign Bickford property clean-up. Jack Evans, the managing director of Presidio Capital explained their interest in the property. Brad Maulding from the State of Utah gave a power point presentation. The background on the Ensign Bickford company was given. He stated that it was an explosive manufacturing plant that operated from the 1940's to 2006 when at that time it was closed. During the 66 years or so, there was contamination that occurred to the soil and water. There were many waste management practices that developed in the early 1980's. Part of the over-site of the State of Utah is to do an evaluation of the property. The details were to look at the facilities operations, past and present, to help those involved in the investigation better understand potential locations of spills or hazardous materials. There were 44 sites on the property identified and needed further investigation. There was a work plan to investigate the properties 44 sites.

David Nemelka asked if the contamination was the result of a compliance issue or a violation?

BRAD MAULDING, stated that the state was required by rule to take this investigation. In 1994 a legal document was made with a stipulation.

Mayor Brady asked if the city had a copy of the document?

Bob Bradshaw stated that we would obtain one, and get it on the city's website.

BRAD MAULDING :The investigation phase was a lengthy endeavor. There were nearly 500 acres and 44 known contamination sites. Two methods have been employed to take care of the contamination. An onsite thermal treatment of the soil, and the excavation and off site shipment of contaminated soil to permitted landfills. The amount of soil that was contaminated and taken from the site was nearly 200,000 tons. The decision was made to close and remove the buildings. Through soil samples it was determined that the removal of more soil would be necessary. It was done in a phased approach. Various depths were taken depending on the determination of contamination. Deep bore hole sites were 100 ft and the more shallow bore holes were 30-40 feet.

In response to a question from Alan Nielsen, he stated the record of analysis is through The State of Utah Division of Soil and Waste. Other important documents can be found through Mapleton City. Currently at the site, the major soil removal effort is over. At this point the facility is undertaking and removing soil from the sites and storing it to at a single location on the property. There will be 2 feet of regular soil and vegetation on the cap.

He further stated they have looked at the impacts that the cap could cause. There is a well called R-1 that will be pumped until it is decided to turn it off. There will be infiltration of the water system.

In response to a question from Mayor Brady, he stated the fault line is west of the site.

Mayor Brady asked if there was any danger to the water supply?

BRAD MAULDING stated that there are wells in place for the down pouring of the water.

David Nemelka stated that there is a honeycomb under the site and along the fault line.

Jack Evans advised that all fault lines in the city have been mapped, and are available for citizens to view.

Harvey Kroft has lived in Mapleton for 12 years. He was an underground utility contractor. He personally does not understand why Mapleton wants the property. He suggested the City consider buying the property when the land is totally clean.

Mayor Brady stated that the city is looking at the contamination of the property. Whether this property ends up in Spanish Fork or Mapleton, the property remains and we should all have an interest in knowing what is going on with the property.

Harvey Kroft asked if 10 years down the road, stating the property is remediated, who ultimately is going to pay the bill if there is environmental cleanup, if there is a problem?

BRAD MAULDING said that when or if they Ensign Bickford goes out of business, it will be the responsibility of the new owner. The legal document will run with the land. It is a document that the Executive Secretary will sign, as well as Ensign Bickford. It would be notarized and recorded. If sold, the new owner would have to be signatories to the property.

David Nemelka stated that when you are working with a company that has environmental issues, they must post a bond.

BRAD MAULDING stated that the future actions that may be taken by the end of the year would be a final report with information about the current findings on the property, after the soil has been removed. This information is used as a risk assessment that will provide useful details that the sites are acceptable for residential development with or without restrictions. Brad Maulding and the State will review it. A site management plan will be given by Brad Maulding and would state the restrictions, if any that will be made on the site. It will then be made available to the public. This is an Environmental Covenant which is legal document giving information about the site. It is a binding document with a signatory and The State of Utah. This document is notarized and recorded. Any future land owners will need to abide by information found within the document.

A map was shown. The brown colored areas represented no restriction, where residential development could occur. The blue-green colored areas represented the area that have been cleaned up and available for residential development but will need to have some restrictions. The Presidio Capital has

decided it will not be developing in the blue-green areas. Near where residential development is allowed, but with restrictions, there is an area that would not be available for residential development, but would be used for industrial development.

JACK EVANS stated that if they continue, there may be restrictions, but have chosen to not even develop these areas.

BRAD MAULDING: The area in blue-green will be capped, restricted and will have yearly inspections. The areas not colorized would have no controls, due to no evidence of contamination. All contamination removed or concentrations are below human health standards. The controlled areas have low level contaminations that remain and human health is protected if rules are followed.

Mayor Brady asked for clarification of what low levels of contamination are considered at.

Chris Bidner, from the State of Utah, stated that non cancerous effect standards that are taken into effect are over a lifetime of study. If there is less than 1 in a million chance then it is clean. If there is 1 in 10,000 there could be exposure. If there is more than that, it must be cleaned up. The frequency of cancer in our lifetime, in Utah, is between 1 and 2, and 1 and 3. Low level refers to a concentration, but all chemicals are different.

Dave Nemelka: Today, from a financial standpoint it is part of Spanish Fork, it may be in your interest to go to Spanish Fork. Financially it will be a big burden.

Resident: stated it would be beneficial to have current information on the Ensign Bickford's website in reference to a contamination report from 1986, but does not give current information to the citizens.

Dean Allen: RDX is linked to the rock below the ground and there will always be contamination. He stated that it would be very helpful for the mayor and council to walk the property and feels that Ensign Bickford has not given enough to the city because of what has transpired. He would hope that the city would not annex the property.

BRAD MAULDING: The end phase, of the remediation phase of the soil is coming to a close. Legal documents will be drawn up as the final process. A 30 day public comment period for the site management plan will then be held. A public meeting may be held to understand what exactly is taking place, this may be near December. The document will govern the future management of the site.

Mayor Brady: If there are low levels of contamination, which is not suitable for residential use, some of those areas could be utilized as a park; are there health risks?

BRAD MAULDING: In response to a question from Mayor Brady, he stated that all areas with low levels of contamination in areas that could be utilized as parks or other open areas, which are not suitable for residential use is restricted, but may impose a health risk. We understand the passion of the community and the number one concern is to protect the environment. It is important that a site is not sitting idled. That is why it is being cleaned up. This is a success story and we have come a long way with this remediation process.

In response to a question by Dr. John Camerman, he stated that Dr Miner may seek Chris Bidner's assistance in understanding the toxicology reports.

Keith Eagan stated that every document he receives, comes to Mapleton City and should be found in Mapleton's library and are in the Public Works Department, and the No. 1 well.

Albert Harmer: When you dig holes on the property, wouldn't it be better to leave the ground with nothing on it for the safety to Mapleton? Would it be better if nothing was on the property? When you start putting roads, etc on it then it changes water flows.

BRAD MAULDING stated that he would not be able to answer that. There are too many aspects to be considered. The water infiltrates other areas, but the soil has been removed and is at a safe level. When the remediation is complete, it is then the decision of the property owners as to what he does with the property.

Albert Harmer: Mapleton City had better put protection on it and make sure that they bond heavily

for it, because your tax payers will have to clean it up. Big protections need to be on Mapleton before the land is brought into the city.

Mayor Brady stated that the City would have more control over the property and what happens on it, if it is annexed into the city.

JACK EVANS- If the city would like to have any influence then it would need to be annexed into the city. To some extent there will be a commercial enterprise and this could generate revenue for the city. Another well would be dug that could benefit the rest of the city. He stated that losing a life is not a statistic, but cancer is everywhere.

Resident: Inquired of the water contamination and what the parts per million was when it was discovered and what is it now.

Mayor Brady stated that the No. 1 well was affected years ago. There are concerns about high nitrate levels, but the city is running that water through the pressurized irrigation system, that it is not used for drinking.

Jack Perry spoke about Spanish Fork holding meetings in their town that Mapleton would have no standing to argue with what is done on the property because it would be in Spanish Fork boundaries. It would make more sense to be in Mapleton. If meetings are being held in Spanish Fork council chambers our citizens are not going to know what is happening with the land.

Lori Allen stated that she would like to see the city of Mapleton more informed and be in more control. It is important to have access to all information that is available. She said that personally if she was a decision maker, the timing for her would seem curious because of the complexity of the matter. She stated that she felt there were many benefits for the developer. She does not think that the ways in which the city has worked with the Presidio Group have been fair, that the responsibilities of the city officials are so important in representing your constituents.

Mayor Brady said that we have been talking about this as an annexation, but would be a boundary line adjustment. The City is not making a decision tonight, the issue will be studied in great depth.

DISCUSSION ITEM:

5. Amendment to the current Election Sign Ordinance Subsection E of Title 18.86.070.

Cory Branch, the Planning Director stated that this item will be brought before the Planning Commission on August 13th and to the City Council on August 19th. Cl. Cobia also stated that it would accomplish nothing to discuss the matter tonight.

April Clawson stated that as a candidate for the election, expressed concern that one candidate has displayed campaign signs, in violation of the City Ordinance.

Cl. Christensen added that the sign ordinance is clear and that since there is no Primary Election, this year, political signs are not allowed until September 8th, 60 days before the elections with which the sign are associated.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS:

Gary Calder stated that as of 3 weeks ago the PI system was working adequately. The culinary water system is satisfactory. The tank and distribution line has been drained and the crowd canyon tank as of today has been added to our line.

Chief Pettersson gave an update on a storm that occurred in the afternoon. With all the power outages and trees down the Officers and Fire department responded in a timely manner. The police department has a position open for a crossing guard.

Cl. Nelson – summer concerts are going extremely well. The concerts are better organized than last year because of the fine arts committee's involvement.

Cl. Cobia reported that the church and the state need to have clear boundaries set for organizing the parade.

Mayor Brady Opening Ceremonies for the Utah County Fair August 12, ribbon cutting ceremony, and the City Council members and Mayor are encouraged to attend this event.

Cl. Christensen stated that it is appropriate for the current updated ordinances to be included on the city website so that anyone would know if there are changes to the code being done. In addition, a historical listing of which ordinances were changed and the language of the ordinance changes should be on the website.

Cl. Nelson inquired if the sidewalk located at 300 N was going to be done before the school year commenced. Gary Calder stated that it is up to the school board and the state and they have not made a commitment. They are aware of the problem.

The City Administrator inquired about the possibility of still having an opening ceremony of the Crowd Canyon Water Tank. It was suggested that we do it before council meeting on September 2nd at 6:00. The City Administrator reminded the Council that in September, the city typically provides a staff appreciation dinner. It was agreed to have this event on Tuesday September 15th.

Motion: Cl. Christensen moved to adjourn the meeting.

Second: Cl. Cobia seconded the motion

Vote: Passed unanimously

Meeting adjourned at 10:55 pm

Camille Brown, City Recorder

APPROVED: July 15, 2009