

MAPLETON CITY COUNCIL MEETING

November 18, 2009

PRESIDING AND CONDUCTING: Mayor Pro- Tem Mike Cobia
Mayor Brady- Excused

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

Also Present: Robert Bradshaw- City Administrator
Gary Calder –City Engineer
Cory Branch- Planning Director
Chief D. Pettersson- Police Chief
Lorrie Dibble- Deputy City Recorder
David Allen, Finance Controller

Minutes Recorded by: Lorrie Dibble- Deputy City Recorder

CALL TO ORDER: Mayor pro-tem Cobia called the meeting to order at 7:04 p.m. Brian Wall gave the invocation and David Allen led the meeting in Pledge of Allegiance.

CEREMONIAL ITEM: Presentation to Gen Whiting- Museum Committee Chair

Mayor pro-tem Cobia presented a plaque to Genevieve Whiting in recognition of long standing service rendered to the community.

CONSENT AGENDA:

1. Approval of City Council meeting minutes- November 4, 2009

Motion: Cl. Christensen moved to approve the minutes of the November 4, 2009 City Council meeting.

Second: Cl. Wall seconded the motion.

Vote: Passed 5:0

PUBLIC HEARINGS:

2. City Code Title 17 Proposed Amendment

Amended to Title 17, Development Code, Part II; Subdivisions, Section 17.12.030, Streets and Roads; Right of Way Width and Section 17.12.040, Streets and Roads; Width of Pavement; Other Improvements regarding the width of right-of-way, width of hard surface material, and other required street improvements.

Consideration was given to Cory Branch, the Planning Director staff report expressing concern regarding consistency with these codes. There council discussed the issue of the recommendation to delete 17.12.030 and amend 17.12.040.

Cl. Christensen expressed concern about the current road width requirements when only a few cross sections have been adopted to date.

The public hearing was opened for comment at 7:32 pm

Randy Graham 30 North 1900 East raised concern that there is a standard right of way width within the city now. By eliminating the standards, the problem has not been addressed and further problems and issues may arise in the future. The city should not take away the standard.

Public hearing closed at 7:35 pm

Motion: Cl. Christensen moved to adopt an ordinance adding to the beginning of section 17.12.030 the words “subject to the provisions adopted under section 17.12.040, adding numeral 1 and 2 to the first and second sentences of 17.12.030, under section 17.12.040 take out the words, the city” as recommended by the planning commission and adopt the rest.

Second: Cl. Nelson seconded the motion.

Cl. Christensen	Aye
Cl. Nelson	Aye
Cl. Wall	Aye
Clw. Tolley	Aye
Cl. Cobia	Aye
Vote:	Passed 5:0

Ordinance No. 2009-13

3. Hillside Areas Amend the Mapleton City Street Cross Section Standard Drawings in order to add new standard cross section drawings. Applicant – Wendell Gibby

Cory Branch, the Planning Director presented the staff report. Gary Calder, the City Engineer commented on the traffic study done by Horrocks on engineering aspects which indicated the proposed road would be adequate for vehicle access for the proposed development. The report identified some potential design problems with recommendations to mitigate these.

The public hearing was opened for comment at 7:55 pm

Brent Sumsion indicated he had concerns with the typical roadway section. The point of concern would be that this section does not show the 29' section, but 16'. It may help to have a point of critical mass. Snow piles up during the winter and there would be no way to discard of the pile of snow due to the barrier, and it would create a backstop for the snow. Unless the barrier is cast in place, there may be sufficient overturning of the snow and the barrier will lay on its side, down the slope. On the other side of the road, there will be several feet of snow piled in the roadway. Three months out of the year there will be limited sidewalk accessibility due to snow. As trucks access the road during the winter, they will not have enough width to make a turn.

Steve Aldana thanked the council for their hard work and efforts. He voiced concern of the ending sidewalk, no trucks allowed, speeding, and other safety issues. He said the school district has indicated that they will refuse to take the school bus up the roadway into the subdivision.

Denny Murray indicated he was born and raised in Mapleton. He stated this road would become a City dedicated road. He felt that if an accident occurred because of poor judgment, the City would be liability.

Dee Thatcher stated that several years ago a preliminary road was proposed, but that is not what is being proposed tonight. The road being proposed does not meet City codes. The road is dangerous and is a real threat that could result in property damage or human death.

Bill Stevenson made reference to the truck drivers that would be entering the area. He stated that there would be a need for two flagmen at the intersection, during construction to make it safe. Cup outs would develop by the power of the trucks going up the hill. It is a problem that could not be solved unless concrete is installed instead of asphalt. There is no way to maintain these roads satisfactorily with loaded trucks.

Kevin Gurr has lived in Mapleton for 35 years. He expressed concerns of safety, on the roadway of width and slope of the roadway. He spoke in support of the road.

Glenda Stevenson commented on the safety factor of the road. She felt the City would be liable for the streets and accidents that occur on this road.

Denise Mangum stated that Mapleton should make the standards higher, not lowers them, and should be stricter in regards to safety.

Joyce Clifton 130 North 1900 East, plead with the council to take this situation seriously and the decision that are being made.

Lily Graham 41 North 1900 East stated that there are many issues that still need resolution. She stated that she feels the City is trying to placate Mr. Gibby. She asked that the council take into consideration the community of Mapleton.

Randy Graham The right of way leaves no flexibility for the City in the future. He is concerned that City dollars will be used to narrow the roadway on Dogwood Drive. He is concerned about the issues of the radius of the curve and the sub-standard of the City. The right of way is too narrow and will cause future problems and safety issues for the City. He feels the city has no responsibility to provide a citizen personal access.

Diana Aldana stated that since the City erred at one point by narrowing a road, are the same errors going to be made, or can we learn.

Rick Maingot stated that the decisions made by the council have decreased the standards and turned them into something that people don't really want. The council is taking something that is sub standard and forcing it into something that works to placate other issues. This is setting

precedence in the future for the City. He feels that the city has already given Mr. Gibby what he has asked for.

Trudy Gibby stated that they have tried to make this the very best subdivision and access possible. They did what they could with what they had. Offers were made and not accepted. Comments made have been in attempt to stop the deal. There is no hesitation to continue to make the area beautiful. There has been more than one access given to the area. There has to be legal compromise on both sides and is required if a resolution is to be made. She said that they are willing to work with the adjoining property owners to acquire additional right of way within reason.

Public hearing closed at 9:06 pm

Motion: Cl. Christensen moved to separate the two proposed street cross standards approving hillside cross standard 1 having a 56' right-of-way, 32' of asphalt, with a 2' curb on both sides of the street, and a 5' sidewalk on one side of the street.

Second: Cl. Wall seconded the motion.

Cl. Wall	Aye
Cl. Christensen	Aye
Clw. Tolley	Aye
Cl. Nelson	Aye
Cl. Cobia	Aye
Vote:	Passed 5:0

Ordinance No. 2009-12

Cl. Christensen stated that on the other cross section, there needs to be more right of way at the bottom of the hill for safety concerns for the city long term. This will be a benefit long term for the subdivision.

Motion: Cl. Wall moved to deny the second cross section

Motion died for lack of second.

Motion: Cl. Christensen moved to continue the item.

Second: Clw. Tolley seconded the motion

Discussion: Cl. Christensen stated that the city shouldn't be involved in widening that road, that is should be on the applicant. The city has been told by the City Attorney that in order to fulfill the MOU the city will have to provide a final plat approval for Mr. Gibby. The City Attorney stated that is what Judge Mortensen has stated that preliminary plat is insufficient. Cl. Christensen feels that the cross section could be approved at final plat,

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

Vote: Denied 3:2

Motion: Cl. Wall moved to deny the second cross section
Motion died for lack of second.

Motion: Clw. Tolley moved to approve the 29' right of way on standard no. 2
Motion died for lack of second

Motion: Cl. Christensen moved to approve hillside cross section no. 2 as follows: 34' right of way, having 28' of asphalt with a 2 foot curb on both sides of the street along the entrance to a proposed subdivision off Maple Street.
Motion was withdrawn

Motion: Cl. Wall moved to abide by the preliminary plat that the original access is allowed that the Council required, 56' right of way, with 36' asphalt.
Motion died for lack of second

Motion: Cl. Wall moved to deny
Motion died for lack of second

Motion: Cl. Christensen moved to approve hillside cross section no. 2 for a 34' right of way, and the engineers will have to specify how to configure the road from that width.

Gary Calder, the City Engineer stated that 1 foot or 25 feet it is the same process. Cl. Christensen added that he thinks that 5 feet would help the process. The City Attorney stated that it would be ok for Cl. Wall, Mayor Elect to mediate with the Grahams, Thatchers and the Gibbys.

Motion died for lack of a second.

Motion: Cl. Christensen moved that the item be continued pending the outcome of the discussions from the parties.

The Planning Director stated that the Planning Commission had continued the item until the February 25, 2010 meeting and that the applicant contacted him today and that he has requested that both staff and the council go back to the Planning Commission and ask them to move forward with that item and reconsider that timeframe of February 25, 2010 and hear the item on December 10, 2009.

Motion: Cl. Christensen moved to continue hillside cross standard 2 pending discussion from the parties until December 16, 2009.

Second: Cl. Wall seconded the motion.

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

Cl. Cobia Aye
Vote: Approved 5:0

4. 2000 East Maple Street Final Plat approval of Freedom Vista Subdivision, Plats “A”, “B”, “C”, and “D” (54 lots proposed), on property located generally at. The subject property is located in the PD-2 (Planned Development - 2) zone. Applicant – Wendell Gibby

Motion: Cl. Wall moved to continue Item 4 encouraging the Planning Commission to consider this item at their next meeting.

Second: Cl. Nelson seconded the motion.

Cl. Christensen Aye
Cl. Nelson Aye
Cl. Wall Aye
Clw. Tolley Aye
Cl. Cobia Aye
Vote: Passed 5:0

The City Council temporarily recessed at 9:45 pm

Motion: Clw. Tolley moved to open a closed meeting pursuant to U.C.A. §52-4-205 for the purpose of discussing reasonable imminent litigation.

Second: Cl. Wall seconded the motion

Cl. Cobia Aye
Cl. Christensen Aye
Cl. Nelson Aye
Cl. Wall Aye
Clw. Tolley Aye
Vote: Passed 5:0

Cl. Nelson moved to close the closed meeting and reconvene the regular session
Cl. Wall seconded the motion

DISCUSSION ITEM:

5. Utility shut off policy in conjunction with changes to the City Code relating to overdue utilities accounts.

Dave Allen, the Finance Director presented the staff report. He explained that the issue was to establish a procedure to collect monies in an efficient and timely matter from overdue utility accounts owed to the City, and any fees that would be charged to an account in which a shut off notice is mailed and an in the event an actual shutoff occurs.

Motion: Cl. Nelson moved to adopt the staff recommendation by eliminating the notice

fee.
Second: Cl. Wall seconded the motion

Cl. Cobia Aye
Cl. Christensen Aye
Cl. Nelson Aye
Cl. Wall Aye
Clw. Tolley Aye
Vote: Passed 5:0

ACTION ITEM:

6. Legal Services- To review and consider contract extension

Consideration was given to the letter received from Blaisdell and Church, P.C. dated November 18, 2009, outlining proposals for entering into a contract for the provision of legal services. It was noted that City Attorney Eric Johnson joined the partnership of Blaisdell and Church P.C.

Motion: Cl. Wall moved to enter into an agreement contract with Blaisdell and Church P.C. for the provision of legal services in accordance with the rate structure as outlined in the letter, subject to revised terms for the rate of paralegals, effective December 1, 2009.

Second: Cl. Nelson seconded the motion.

Cl. Cobia Aye
Cl. Christensen Aye
Cl. Nelson Aye
Cl. Wall Aye
Clw. Tolley Aye
Vote: Passed 5:0

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS:

Chief Pettersson reported on the winter parking permit ordinance and stated he would like to see this ordinance rescinded.

Cl. Wall stated a proposal to Jack Evans was made to postpone the meeting until the State decides what they will do with the Ensign Bickford development. There will be a work session forthcoming.

Harvest Park has asked that the council reconvene to answer the questions and allow them to give their arguments of quality issues. The City Administrator stated that the city has made their decision.

The City Administrator reported that the Economic Development Commission will put forward a proposal for a cost benefit analysis study at no cost to the city, assessing economic development potential of the Ensign Bickford property.

Motion: Cl. Christensen moved to adjourn the meeting

Second: Cl. Wall seconded the motion

Vote: Passed unanimously

Meeting adjourned at pm 11:26 pm

Lorrie Dibble, Deputy City Recorder

APPROVED: December 16, 2009