

MAPLETON CITY COUNCIL MEETING

May 14, 2013

PRESIDING AND CONDUCTING: Mayor Pro-tem Jim Lundberg

Mayor Brian Wall- Arrived Late

Council Members: Ryan Farnworth
Scott Hansen
Jim Lundberg
Mike Nelson
Jonathan Reid

Also Present: Cory Branch- City Administrator
Camille Brown- City Recorder
Gary Calder- City Engineer/Public Works Director
Sean Conroy- Community Development Director
Eric Johnson, City Attorney
Chief Pettersson- Police Chief

Minutes Recorded by: Camille Brown- City Recorder

CALL TO ORDER: Mayor Pro-tem Lundberg called the meeting to order at 7:00 pm. Cory Branch gave the invocation and Sean Conroy led the pledge of allegiance.

APPROVAL OF MINUTES:

1. Approval of City Council meeting minutes- April 30, 2013

Motion: Cl. Farnworth moved to approve the minutes of the April 30, 2013 City Council meeting.
Second: Cl. Nelson seconded the motion.
Vote: Passed 5:0

PUBLIC HEARING ITEM:

2. Consideration of Final Plat approval for the Harvest Park Plat “G” subdivision consisting of forty (40) lots located in the Specific Development Plan (SDP-1) zone (approximately 1750 W Elm).

Sean Conroy, Community Development Director, stated that he has spoken with the applicant and they are working through a few issues and would recommend continuing the item to the June 4, 2013 City Council meeting.

Motion: Cl. Nelson moved to continue the item to the June 4th meeting.
Second: Cl. Farnworth seconded the motion

Reid Aye
Nelson Aye
Hansen Aye
Lundberg Aye
Farnworth Aye
Vote: 5:0

ACTION ITEM:

3. Consideration to approve an Electric Utility Franchise and General Utility Easement Agreement between Mapleton City and Rocky Mountain Power.

Cory Branch, City Administrator, stated that he received the Franchise Agreement from Rocky Mountain Power and he had contacted them regarding concerns pertaining to the proposed Section 18 of the agreement which waives the right to a jury trial in the event of litigation. Mr. Branch stated that Rocky Mountain Power requests this item be continued until this issue is resolved.

Motion: Cl. Nelson moved to continue the Electric Utility Franchise and General Utility Easement Agreement between Mapleton City and Rocky Mountain Power to the June 4, 2013 meeting.

Second: Cl. Hansen seconded the motion

Reid Aye
Nelson Aye
Hansen Aye
Lundberg Aye
Farnworth Aye
Vote: 5:0

DISCUSSION ITEM:

4. Consideration of a request from Dave Scoville for a discussion item regarding a potential annexation proposal and concept plan for 41 acres located at approximately 3125 South and 800 West

Sean Conroy, Community Development Director, reviewed the staff report for those in attendance. The subject parcel consists of 41 acres and is currently outside the city limits located in the unincorporated area within Utah County.

Mr. Conroy presented the proposed concept plan. The proposed plan consists of 69 units. The plan which was proposed previous to this plan consisted of 63 units, but could go up to 78 units with the use of 15 TDR's. The one acre lot that was previously being proposed as being donated to the City is now being showed as a retention basin.

Cl. Farnworth stated that he was concerned with traffic measures as it related to access points to Hwy 89 and whether or not the existing 2600 South Street could handle additional traffic. Sean Conroy stated that the applicant is requesting a range of unit sizes from .23 acres to 1.35 acres. The applicant would prefer RA-2 zoning for the southern 20 acres thus allowing for 1/3 acre lots. Mr. Conroy stated that they are in compliance with the General Plan. The applicant stated that the property would be lined with 1 acre lots as a buffer to the north. Cl. Farnworth stated that it is up to the council to change a zone, the annexations we have done recently have had a benefit to the city, with different utilities and such, if the zone is changed he would like to see TDRs used. Cl. Hansen stated that he is for the annexation and thinks that there should be a place in Mapleton for smaller lots. Cl. Nelson stated that he thinks there needs to be a stub street near the southwest corner of the property. The applicant stated that the reason they are here tonight is to get ideas from the council. He also stated that he believes having a 1 acre retention basin would be a benefit to the city. The applicant inquired of Gary Calder, City Engineer if this proposed basin would help with the Storm Water Master Plan. Mr. Calder stated that the Boggess parcel would be a good use for a retention basin, but they are still in negotiations. He also thinks that full improvements should be required for all proposed roads. Cl. Lundberg inquired if this would be a joint annexation with the Boggess property. Bart Boggess was in the audience and stated that they are very close to submitting for annexation. Cl. Farnworth stated that there needs to be some major improvements to the roads.

PUBLIC HEARING ITEM:

5. Consideration of a request from Wendell Gibby for Preliminary Plat approval for the Freedom Vista Subdivision Plats A-D and Final Plat approval of Plat A located generally at 2000 E Maple Street in the RA-1 and CE-1 zones.

Sean Conroy, Community Development Director, reviewed the staff report for those in attendance.

Cl. Farnworth stated that the lots up against the mountain would have to have regulations as to what can be built. Sean Conroy stated they would work with the constraints of each lot.

Cl. Lundberg stated that there are regulations in the CE-1 zone and asked what remediation could be done to the existing areas in the CE-1 zone that have been altered. As part of the approval could remediation in the CE-1 Zone be required. Mr. Conroy stated that as part of the approval a landscape plan would be required that would address remediation. Mr. Calder stated that Rocky Mountain Power would continue to want the power line road as a way of access for a fixing the power lines. Mr. Calder stated that in the CE-1 zone, there has been much excavation on the hillside and that remediation should be required as a condition of final plat approval.

Mayor Wall arrived at 7:50 pm

Mayor Wall stated that the city agreed to treat Mr. Gibby like any other developer and when he does excavation Mr. Gibby should be treated the same as anyone else.

Cl. Lundberg inquired about the grade of the road. He lives relatively close to this area. He stated he has 6-8 inches of snow on his driveway compared with 2 inches here at the city center. He has a lot of concerns about the excess amounts of snow that is going to be received up on this hillside.

Mayor Wall stated that the city has been informed that the garbage and busses will not be able to drive up the proposed steep roads during the winter months.

Public Hearing was opened at 8:00 pm

Dee Thatcher, 1882 East Maple Street, He is very pleased with the comments that he has heard tonight. He stated that the city has certain codes to make the city a better place to live. Mr. Gibby should be able to develop his land, but will also need to follow the rules. As our engineer said, he does not want to have a snow plow in his back yard.

Evan Roundy, He is concerned that they can't develop their property without a stub street. He stated that their primary concern was safety and that is why the stub street should be provided.

Rick Maingot, 636 South 1200 East, He stated that he would like to begin by apologizing for his behavior at the last meeting. He has tried to follow this development, but it has been awhile. He asked if the number of lots have gone from 47 to 58. The Mayor stated that under the RA-1 standards Mr. Gibby can get more lots on the property than 47. Cl. Lundberg stated that there was an original agreement and then there were amendments, including a rezone to RA-1. Mr. Maingot inquired what the steepest grade in the city is and the City Engineer stated that Maple Canyon is about the steepest grade at approximately 12%. Mr. Maingot stated his concern with the proposed grade of the road.

Melanie Roundy, She is concerned that the busses or garbage carriers would not go up that steep of a road. If busses and garbage carriers won't go up, what about our own public safety vehicles. She sees this as being a big liability for the city and was not aware how dangerous this area was.

Public Hearing was closed at 8:40 pm

Mayor Wall stated he wanted to refer to a couple of things as he was reading through the special conditions from planning commission. The commission went through each condition prior to the motion being made. The motion was made with approval minus condition no. 2 (requirement for a stub street). Mayor Wall discussed the special conditions, and asked Mr. Calder about the irrigation pond and the detention ponds.

Cl. Nelson inquired if there was already a 12% grade road in the Jack Evans property. Mr. Calder stated that the Jack Evans property did receive approval for a preliminary plat that included a 12% road.

Cl. Lundberg stated that it was only preliminary approval and that the applicant may come back with something completely different. He also stated that in the Jack Evans project, the 12% road was straight compared with Mr. Gibby's roads that include sharp S turns. Given the location and design, Mr. Gibby's roads are not sufficient for public safety.

Cl. Reid inquired what the code stated about the grade limit and Mr. Conroy stated that the code reads 8% unless agreed to by the City Engineer. Eric Johnson stated that the settlement agreement as well as general principles require that Wendell Gibby be treated just like any other developer. The city has approved 12% grades elsewhere within the city. It would not be difficult for Mr. Gibby in Court to argue that there are already 12% grades in the city and he is not being treated fairly, because he is being denied.

Cl. Reid stated that he does not agree, he stated that we are hearing testimony from our public officials that this is a safety hazard. He stated that he thinks public safety is more important. He believes that public safety is at risk and that is far more important to him.

Eric Johnson stated that he concurs and asked staff to provide studies on the safety of the roads.

Cl. Lundberg stated that there needs to be research done to evaluate the safety issues related to the grade of the road. He recommended continuing this item, subject to additional information namely the road configuration, the 12% road, and the steepness of the road relating to public safety. The city cannot make a final decision on Plat A until we know where the stub street, water easement, and the proposed trail easement will be located. Sean Conroy asked for guidance on the trail and whether the easement is adequate. Gary Calder suggested that the city hire a third party engineering company to review the road issue. Eric Johnson stated that you can continue this and ask the applicant for more information on a remediation plan as well.

Motion: Cl. Lundberg moved that we continue the request from Wendell Gibby for Preliminary Plat approval for the Freedom Vista Subdivision Plats A-D and Final Plat approval of Plat A located generally at 2000 E Maple Street in the RA-1 and CE-1 zones with a request for the following changes or additional information:

- 1) The applicant shall provide the location of the proposed water line easement;
- 2) The applicant shall provide a stub street to the Roundy property;
- 3) The trail easement shall be revised to be consistent with the settlement agreement;
- 4) The applicant shall provide a remediation plan for any grading in the CE-1 zone; and
- 5) Staff shall consult with a third party engineer regarding the safety of the proposed roads.

Second: Cl. Reid seconded the motion

Reid Aye

Nelson Aye

Hansen Aye

Lundberg Aye

Farnworth Aye

Vote: 5:0

PUBLIC FORUM:

Stan Egan, 1331 West 2100 South, He is concerned with the proposed roads and wondered if they will connect to Hwy 89. The Mayor stated that if any property fronting 2800 South was ever developed the fronting property owners would be required to put in the road improvements. Cl. Lundberg stated that if you wanted the developer to put in a road for you and you make an agreement you could do that.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS:

Cl. Nelson brought up that he has been approached by a few citizens about chickens and rabbits and that they are not being raised in the right zones. He stated that he believes the city needs to be more direct when citizens ask where they can have certain animals.

Cl. Farnworth reported that the Solid Waste District is proposing to start charging the cities for recycling, because they are losing money. He will keep the council updated on this issue.

Chief Pettersson reported that Officer Warner's last day with the city will be on May 16th. The Police Department will be advertising for another officer.

Mayor Wall brought up a topic about the general plan and using TDRs without being penalized for double dipping. Cl. Nelson stated that he would support that.

Motion: Cl. Farnworth moved to adjourn the meeting

Second: Cl. Nelson seconded the motion

Vote: Passed unanimously

APPROVED: June 4, 2013

Camille Brown, City Recorder