

**MAPLETON CITY
CITY COUNCIL MINUTES
March 4, 2015**

PRESIDING AND CONDUCTING: Mayor Brian Wall

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

Staff in Attendance: Cory Branch, City Administrator
Sean Conroy, Community Development Director
Gary Calder, City Engineer/Public Works Director
Dean Pettersson, Police Chief/Public Safety Director
arrived at 7:30 pm

Minutes Taken by: Camille Brown, City Recorder

The items may not be heard in the order below.

Mayor Wall called the meeting to order at 7:00 pm. Spencer Nielson gave the invocation and Truman Miller led the Pledge of Allegiance.

OPEN FORUM:

Orpha Dee Johnson inquired about how much longer citizens would have to continue to pay a \$45 sewer charge. Mayor Wall explained that the city is still paying on the sewer bonds until 2017, but the rates can be readdressed at that time.

Item 1. Approval of City Council Meeting Minutes –February 17, 2015

Motion: Cl. Nelson moved to approve the February 17, 2015 minutes

Second: Cl.Hansen seconded the motion.

Vote: Passed 5:0

ACTION ITEMS:

Item 2. Consideration of a resolution appointing the 2015-16 Mapleton Youth Council and Advisors and to receive the Oath of Office.

Camille Brown, City Recorder reviewed the staff report for those in attendance. Mayor of the Youth Council Caroline Hickey introduced the Executive Council and each one spotlighted a different activity that they participated in this last year and what their main focus was going to be for the coming year. The Executive Council and Advisors were administered the Oath of Office after which the remaining members of the Youth Council were administered the Oath of Office.

Motion: Cl. Lundberg moved to make a resolution appointing the 2015-16 Mapleton Youth Council and Advisors and to receive the Oath of Office by the City Recorder.

Second: Cl. Nelson seconded the motion.

Cl. Lundberg Aye

Cl. Reid Aye
Cl. Nelson Aye
Cl. Hansen Aye
Cl. Farnworth Aye
Vote: Passed 5:0
Resolution No. 2015-07

Item 3. Consideration of a resolution authorizing the Public Works Director to purchase and replace one service vehicle for the Public Works Department

Gary Calder, City Engineer/Public Works Director reviewed the staff report for those in attendance. He also thanked the employee's that were there from his department. The existing 2005 Chevrolet K2500 has 111,000 miles on it and it's used on a daily basis. The new vehicle will be purchased through the Utah State Contract Bid Schedule. The cost of the new vehicle is \$25,124.00 and \$9,459.21 for the service body and compartments for a total cost of \$34,583.21 which the funds are available in the Public Works Vehicle Replacement Fund.

Motion: Cl. Nelson moved to approve a resolution authorizing the Public Works Director to purchase and replace one service vehicle for the Public Works Department not to exceed the amount of \$34,583.21 and surplus the existing vehicle.

Second: Cl. Farnworth seconded the motion.

Cl. Reid Aye
Cl. Nelson Aye
Cl. Hansen Aye
Cl. Farnworth Aye
Cl. Lundberg Aye
Vote: Passed 5:0
Resolution No. 2015-08

DISCUSSION ITEMS:

Item 4. Discussion with Paul Johnson on adding non-city entities to URMMA

Cory Branch introduced Paul Johnson from URMMA and turned the time over to him. Mr. Johnson explained that recently a special service district has requested to join URMMA. In URMMA's Interlocal Agreement it limits membership to Utah cities. The cities would need to approve the amendment prior to allowing a special service district to join URMMA. The Executive Board is interested in this, thus Mr. Johnson has been attending each council meeting of the member cities to determine their willingness to allow for this. If all cities are on board, a final amendment will come back to the cities prior to July 1st.

The City Council is willing to agree with the principle of letting other special service districts join URMMA and would be willing to have a resolution brought forward prior to July 1st.

Item 5. Discussion regarding a proposed project concept that includes some neighborhood commercial development, approximately 24 townhomes and 38 single family lots located on approximately 20 acres of property at the northeast corner of 1600 South and Highway 89.

Sean Conroy, Community Development Director reviewed the staff report for those in attendance. The Whiting family owns approximately 20 acres of property located on the northeast corner of 1600 South and Hwy 89. About 8 acres of the property is located in the General Commercial zone the remaining 12 acers in the Residential Agricultural zone.

A concept plan has been received that includes a grocery store and a hardware store on the corner with additional retail pads with 38 1/3 acre lots in the RA-2 zone including 18 townhomes. The GC-1 zone allows for residential units with no limit on density from parking requirements and the residential units must be above ground floor commercial. The RA-2 zone allows for lots as small as 1/3 acre with 100' of street frontage.

The townhomes would require approximately 2 acres of GC-1 and the R-3 zone allows for attached residential, the density of 7 units per acre would allow for 14 units rather than 18.

The issues for discussion include the proposed reduction in commercially zoned property, neighborhood compatibility, competing commercial sites and traffic flow. He showed on the zoning map of other commercial zoned areas and the location where a competing site could be located.

Cl. Lundberg inquired if the commercial is ready to go and Sean stated yes and suggested not to record the townhomes until after the commercial spots are finished.

Mayor Wall stated that the retail office zone was brought into place when the general plan was brought forward. He is concerned about allowing a buffer on the first approved commercial site.

Cl. Nelson stated he would prefer to have TDRs brought forward to buy down the density. There could be a TDR Receiving R-3 zone created.

The Mayor stated that he believes this concept plan could work and he would suggest to move forward.

PUBLIC HEARING ITEM:

Item 6. Consideration of a Resolution to approve a request for a General Plan amendment from Low Density Residential (LDR) to Public Facilities (PF) and a Rezone from Residential Agricultural (RA-1) to Open Space-Parks (OS-P) for an 8 acre property located at 580 West Maple Street.

Sean Conroy, Community Development Director, reviewed the staff report for those in attendance. The applicant owns approximately an 8 acre parcel in the RA-1 zone. He submitted an application for a 13 lot subdivision, and then he became interested in a cemetery. The applicant had approached the city for a public/private partnership, but the applicant is now proposing a private cemetery. The applicant is seeking a General Plan amendment from LDR to PF and a rezone from RA-1 to OS-P. The OS-P zone allows for a private cemetery as a conditional use.

The Planning Commission has reviewed the amendments, but the City Council has the final decision on zone amendments. The Planning Commission would review the Conditional Use Permit. Staff is seeking the council's direction on the site plan and operational items for the Planning Commission to review with the Conditional Use Permit. When considering a rezone the council can consider if this will serve as a public purpose and be compatible with the general plan. Staff wants to make sure that this proposal does not create a leapfrog form of development that would impact the provision of services and have an adverse impact on adjacent properties.

Staff would recommend that there is a need for a cemetery and it does serve a public purpose and the general plan encourages creation of a cemetery

The property is centrally located and there is access off of major collector road, which limits impact on residential neighborhoods. There will be no city funds used and this would better serve the public than a residential subdivision.

Some residents have expressed concern that in the past ground water has been a problem. The applicant, Ben Peay has had a geotech report done and it is noted there is no water at 8' depth. The depths vary from 12.4' to 16.5' since 2012. The Planning Commission determined groundwater may be a concern, but it presented no basis for a denial of the rezone request.

The increased traffic that would be used if there was a cemetery would increase, but not as much as if a subdivision was put in.

Some studies have indicated that cemeteries can have negative impact on property values and some studies have indicated that cemeteries can increase values.

The applicant, Ben Peay reviewed the points that Mr. Conroy reviewed and discussed property values. He brought his relator and geotech engineer to answer any questions. He has also met with a farmer that he knew in Provo and he is cognizant of their feelings of the groundwater in this location and he took him to the site and he doesn't believe groundwater will be an issue.

The Mayor reviewed the process of how the city was going to be in partnership with Mr. Peay and the pros and cons of doing this. When Mr. Peay brought the proposal forward, the Mayor and staff reached out to other landowners who had large parcels of land, but there was not a feasible way to construct this without having large payments and/or bonds to the citizens. Mr. Peay did have a geotech engineering study done in August 2014. The Mayor also stated that the law prohibits that if there is not significant evidence showing that property values will be decreased from this, and the law protects the landowners to develop the land in a way that they wish to do so.

Cl. Lundberg inquired as to where the monitoring well is in relation to this property. Gary Calder reported that it is on 1100 West and about 200 North. There is an additional test well by the GAK building in the city park and 800 West and 600 South and there are 16 additional monitoring wells from Maple Street to 2000 South and from Main Street to Harvest Park.

Public Hearing was opened at 8:05 pm.

Jess Warren, 486 West 800 North, stated that he has had many family members from past generations try and farm this area and they could never get a crop off this land. He thinks the water table is much too high to have a cemetery in this location.

Gay Law, 580 West Maple Street, stated that she is very concerned with the water table in this area. She has lived in this area a very long time and the water comes in the first of May and doesn't leave until October. While she was young her husband worked graveyards and she would stay awake at night wondering if the pump was going to come on and wonder if she was going to have to find someone to come and fix it. Their family was never able to get any crops off this land and there was a drain but it was always full. She believes that there are plenty other places to put a cemetery than in her backyard. She would like to see the concept plan and the layout of the cemetery, because she certainly would not like the bathrooms next to her home.

Orpha Dee Johnson, 160 North Main, stated that it is not nice to talk about death like this. Historically people don't like to think about death and where they will be buried, but it should be on a hill and not where water sits.

Lee Nelson, 400 West Maple Street, stated that he has heard all the talk about property values, he doesn't have an opinion on how it should go, but he believes that if all residents have their properties appraised this June and then reappraised in 5 years and see their property values have been affected.

Mark Beutler, 557 West Maple Street, stated that he is concerned about what the proposed cemetery will do to his property value. He has done research and found that it will affect his home value and he further reviewed an article he found in the Wall Street Journal. He also stated that the floor of his home sits below where the cemetery would be and he has continually has had to pump water out of his basement.

Richard Beesley, 190 North 1200 East, stated that he has lived here for a number of years. He would like to bring to your attention his experience with the burial business. The land where the

Provo cemetery currently is had cattails in it and they had to put tiles and drain pipes in it. They drained the area and then started to bury there. Over the years they have seen a fluctuation of the water in the area, the water came from Slate Canyon, and they had to quit putting the water in the catch basins. When they would dig a grave or have a disinterment, the vault would need to be drained because it was too heavy to move or if the hole had too much water, they would have the service and then clean out the hole prior to burying up the vault. Ground water in cemeteries is not a new thing, it is very common. If you look at the city map of this parcel and around the area as it gets developed there will be more drain pipes, and utilities and that will take care of the ground water.

Kerry Oman, Summit Sotheby's Realty, he was asked by Ben Peay to gather information on the effects of property values when they are located near a cemetery. He looked at the pros and cons and it depends on your buyers, some will like it and some won't. The most thorough study he found was from Redfin in October of 2013 and it looked at 600 cities and towns and had a 100 homes near a cemetery and their study showed that it does not have a negative impact on property values.

Morris Warren, 1775 East 400 North, stated that he has already talked to some of the council members about ground water issues. If this land was rezoned for a park that would be great, but a cemetery will not work, Mr. Peay is here to do the city a favor, he thinks, but it is an injustice. He would like to see if others in Mapleton are interested in having their property used for a cemetery, for instance down on the Hwy where the Childs own a lot of land. He thinks by doing this now it will be more burdensome later.

Pete Robinson, 195 North 800 East, stated that he doesn't know a whole lot about high water or putting homes in a high water area, but he does know Ben Peay and if he says he is going to put in something nice, he will stick to his word. He will take every step necessary to make sure families are protected. He thinks a cemetery will be a very nice thing for Mapleton to have.

Michelle Estes, 265 West Maple Street, stated that City Council's in the past have talked about having a cemetery and she has heard that the city has contacted land owners who have declined to have their property as the site for a future cemetery. Now there is a cemetery being proposed and the neighbors do not want it in their backyard. She would like to gather more information on this topic so that she can fully understand the matter and see why the city is not able to put in a cemetery where people would like to have one.

Cory Branch explained how much work the city staff has undertaken to figure out whether or not it is feasible for the city to put in a cemetery. Staff has spent many hours studying this topic. They have visited different cities and gathered a lot of information on cemeteries and the amount of money it costs to run a cemetery is surprising. Most cemeteries are running in the red and for what Ben Peay proposing is not against state or federal laws.

Cl. Hansen stated that throughout this process the council has learned that vaults are going to collect water regardless if the ground is wet or not. The storms from above ground can seep down into the ground and the vault is going to collect water. The city has had numerous meetings with Mr. Peay who has educated the council about cemeteries.

Barbara Jensen 1276 West Maple Street, inquired from the council if their minds were made up prior to coming to the meeting tonight.

Cl. Farnworth, stated that the council has been working on this for months and not one of the council members had their mind made up prior to coming tonight.

Cl. Nelson exclaimed that has been looked at in depth, whether it is optimal or not Mr. Peay has decided to move forward, it is his capital and he can do what he chooses with his money. There is a law that a trust account must be opened having so much money and then an amount from each plot purchase goes into this account and the account is built up so that there is money to take care of the cemetery.

James Reeb, 675 East 1700 North, stated that he has lived here for 3 years now. His parents are getting older. He moved here from Mesa, AZ and when his parents pass on he would like to have them buried close by so that his children can visit their final resting place and not have to travel far.

Public hearing was closed at 9:17 pm.

Ben Peay, stated that he has to put \$25,000 into a trust account and a portion of the plot that is sold is put in also put in the account. The account accrues interest and this helps to pay for the venture. He has been in contact with people about cemeteries from Idaho to St. George.

Sean Conroy stated that an indemnification clause could be added to the conditional use permit.

Cl. Lundberg stated that he would like to respond to accusations being made that the council's mind is already made up. Each one of the council members has to look at all the facts and each one of the comments tonight will weigh on their decision, some of you may not want a cemetery right there, but if the applicant meets the standards to rezone the property then the city has to approve it.

Mayor Wall stated that the question has been asked why can't the city have a cemetery? It is still a factor that the council represents all the citizens in the community, citizens may or may not want to bury their family in this cemetery, but in the research as with many things in government, the city is not the best entity to operate a cemetery, if the city were to bond for the property, it would cost taxpayers money, plus the cost of the cemetery is running at a loss. There has been evidence tonight that goes both ways, as the city evaluates this and unless there is compelling evidence, then the city is at risk for a potential lawsuit if they were to deny the proposal. There are many within the city that would like to make sure their rights are protected.

Motion: Cl. Farnworth moved to approve the request for a General Plan amendment from Low Density Residential (LDR) to Public Facilities (PF) and a Rezone from Residential Agricultural (RA-1) to Open Space-Parks (OS-P) for an 8 acre property located at 580 West Maple Street

Second: Cl. Reid seconded the motion.

Cl. Nelson Aye

Cl. Hansen Aye

Cl. Farnworth Aye

Cl. Lundberg Aye

Cl. Reid Aye

Vote: Passed 5:0

Resolution No. 2015-09

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS:

Gary Calder informed the council that himself and Sean went to a UDOT meeting in Spanish Fork regarding the combining of the existing railroad crossings. He will report as more progress is made.

Chief Pettersson thanked the Mayor and Council for their service. As he sat in the audience tonight, it's a different view from sitting up there with each of them. He also introduced the new police officer, Steven Fritch who has been with the city for about 10 days. Steven thanked the council and he gave a brief history of where he was from and is excited to work for Mapleton City.

Cl. Nelson inquired if the water rates are where they should be. Cory stated that they are putting together the revenues vs. expenditures now that the rates have been raised. Cl. Farnworth inquired if our city would be able to do away with the tier system. The tier system is high and the city has the highest rates in the county. Mayor Wall stated that they are considering modifying the tiers from 4 to 2. Gary explained how he had Lani look at the water of 400 users and how the city is conserving now. The residents who are on culinary are much more conservative than those on PI. I will be nice to see the numbers as Spring and Summer is here and then into August the city will have good data to go by.

Mayor Wall showed the council the book on Mapleton City that April Clawson and Kjirstin Youngberg did. It is very interesting and gives a good history of Mapleton. He also inquired from the council if they are still interested in getting direction from the citizens for the general plan. He talked with a citizen, Tracy Maylett who owns a business who puts together surveys for cities. He explained the process and how it can be online and also a paper copy. The council was for this and advised the Mayor to move forward with preparing the survey.

Cory Branch reported that Stacey had a company reach out to her to have a traveling circus come to Mapleton. The council instructed Cory to call Spanish Fork and Springville and get their views on this where they have had these events in the past. Also the Spring ULCT conference is coming up April 8-10 in St. George and he asked council to email him if they wanted to attend.

Motion: Cl. Nelson moved to close the meeting

Second: Cl. Farnworth seconded the motion

Vote: Passed unanimously

Meeting adjourned at 10:10 pm.

APPROVED: March 18, 2015

Camille Brown, City Recorder