

**MAPLETON CITY
CITY COUNCIL MINUTES
JUNE 1, 2016**

PRESIDING AND CONDUCTING: Mayor Brian Wall

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

Staff in Attendance: Cory Branch, City Administrator
Camille Brown, City Recorder
Sean Conroy, Community Development Director
Gary Calder, City Engineer/ Public Works Director
John Jackson, Police Chief
Eric Johnson, City Attorney
Debbie Sanchez, Finance Director

Minutes Taken by: Camille Brown, City Recorder

The items may not have been heard in the order below.

Mayor Wall called the meeting to order at 7:00 p.m. Mayor Wall gave the invocation and Cory Branch led the Pledge of Allegiance.

OPEN FORUM: No comments were made.

APPROVAL OF MINUTES:

Item 1. Approval of City Council Meeting Minutes May 18, 2016
Motion: Cl. Lundberg moved to approve the meeting minutes for May 18, 2016.
Second: Cl. Nelson seconded the motion.
Vote: Passed 4:0

PUBLIC HEARING ITEMS:

Item 2. Consideration of a request to expand the Maple Mountain Recovery Center, a residential care facility for persons with a disability, from 10 residents to 16 residents.

Cl. Reid stated that he has a potential conflict and has asked to sit in the audience for this item.

Sean Conroy, Community Development Director, reviewed the staff report for those in attendance. The Council approved the Residential Care Facility on April 30, 2013 for a maximum of 5 men and 5 women. The applicant is requesting an increase from 10 residents to 16 and has provided information stating that 16 residents are needed for specialized groups, client variety and larger groups result in better outcomes. The applicant, Bud Harper stated that he doesn't intend to revisit all the information given to the council back in 2013, but he would like to go over that there are no residential treatment facilities that have less than 16 residents in Utah County. He stated that he does not see that by increasing the number of beds to

16 to be a danger to the community, there have been no crimes with people in treatment at any time since 2013. He would ask the council to approve the number of residents be increased to 16.

The public Hearing was opened at 8:05 pm.

Darren Parks, 1057 South 800 East, stated that they built a house here about 11 months ago. When he did some research he was surprised to find that reasonable accommodations were made for this type of facility in a residential agriculture zone. Him and his wife have children who walk alone in their neighborhood. It gives them a very uneasy feeling of not knowing who their neighbors are and have such a transient atmosphere near their home. There are people outside when their children are in the neighborhood, and he is curious if there are criminal backgrounds done on these people?

Sean stated that those with a criminal background are not allowed in the facility and Bud has to supply the city with a quarterly affidavit stating that he is abiding by the rules that were set in place by the city code and those affidavits are being received.

Bud Harper stated that patients are not allowed off the property and so this should be nonexistent. They are supposed to be within the walls of the property and this is not transient living at all. Also, he does not take high risk patients, they are a low to medium risk. He wants everyone to be safe.

Dallas Hakes, 753 Hawks Sierra View Dr. stated that it would be naive to think that 60 days is not transient living.

James Wuthrich, 152 East 1100 South, stated that he is deeply concerned that he witnessed two runaways last year and doesn't want this to happen again. He called the police department when this happened and also when he has seen their van speeding down the road and the police put the speed trailer on the street to try and slow down the speeding. He is very concerned about increasing the number to 16 and the increased traffic.

Sid Bastian, 366 East 1100 South, stated that he has empathy for those battling addiction. He stated that Bud said he didn't want to rehash what was said back in 2013, 10 beds was reasonable then, why do they think they need 16 beds in their neighborhood. He stated that if the council just received some information yesterday or today, he thinks this should be continued and not voted on tonight.

Denise Maingot, 1265 South 1000 East, stated that 3 years ago she did a lot of research and presented it to the council. When I presented this research I found that most of the residential facilities were in high density areas. By increasing the number to 16, this will also increase parking and traffic.

Kelly Cook, 665 East 1100 South, stated that he has had more exposure than anyone else. He doesn't believe that Bud has gone through proper procedures to request a change. He thinks Bud is trying to create a nexus when it comes to the Fair Housing Act, he is concerned about the number of beds requested. He stated that if they are taking the residents offsite for group therapy, then why do they need more residents to have more effective therapy. He doesn't believe Bud has supported the need for 16 residents. The permanent residents need to be treated fair as well.

Michelle Bowman, Santaquin, stated that she works at the facility and mentioned that 8 is ideal for treatment. There are many reasons that take individuals out of therapy and with 8 you can get a good number with some being absent.

Jenny Mower, Herriman, stated that she is a licensed therapist at the facility. You need a good number for the type of treatment that they have started to do. When working with addiction you do trauma work and they go hand in hand. There is security aspect when you talk about certain things with men and women and you have to split them up so being able to have 8 men and 8 women would work well from a therapy stand point.

Jesse Mclean, 763 East 900 South, stated that him and his family are new to the area, they moved here in December. He would like to applaud Mr. Harper for providing this service, he has a family member that is battling this problem. The only gripe he has with this is the location. He has to put the shoe on the other foot where he lives in the area. He stated that it is only a matter of time until there is an incident, it is the reality of the world we live in.

The public hearing was closed at 9:15 pm

Bud Harper stated that he requested 16 beds from the beginning, he has 18 beds but is asking for 16. He is sorry that a visitor came to Mr. Hakes' house and they do not allow "high" individuals to visit the facility,

safety is their number one concern. Also, the residents are not out on the streets they are inside getting treatment.

Eric Johnson, City Attorney, stated that he has looked at the law and wants to give the council guidance, in making the decision. The reasonable accommodation to therapeutically treat the individuals and the square footage could treat people better. The primary justification for wanting more than 10 is that at times there are absences and groups would be smaller. Whether in an A2 zone or other residential zone, does not impact a reasonable accommodation.

Cl. Farnworth stated that the facility has been in operation for a while now, there have not been many great issues because there are maximum 10 patients there, but if you were to increase this to 16, it would increase the risk to have an incidence. This falls back on reasonable accommodations and 10 was reasonable. He hasn't seen anything to say that this still isn't reasonable. He feels that the responsible accommodation has been met.

Cl. Lundberg stated that he would echo what Cl. Farnworth said. He stated that in the April 5th letter it talks about many successful treatments you offer and it has been stated that the facility has a gold seal, and he would hate to see the success diminish by adding more beds.

Bud stated that they are trying to be the best they can. They have to be able to split the males and females and they need to have 6 to 8 people to make a valid group.

Eric Johnson, asked for questions of Bud, in research that showed 6 to 8, originally gender specific 5 was needed, thus 10 was approved. Do you have evidence showing 6 to 8 is reasonable and anything less than 5 is not productive. Where is that evidence?

Motion: Cl. Farnworth moved to deny the request to expand the Maple Mountain Recovery Center, a residential care facility for persons with a disability, from 10 residents to 16 residents.

Second: Cl. Nelson seconded the motion.

Cl. Nelson Aye

Cl. Reid Abstained

Cl. Farnworth Aye

Cl. Lundberg Aye

Vote: Passed 3:0

Item 3. Consideration of an Ordinance annexing approximately 113 acres of property at approximately 800 South Slant Road and the approval of a concept plan and development agreement for approximately 100 acres for DR Horton.

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

A concept plan was reviewed of the development and the park. The trees existing will be used as the barrier for the proposed park. The amities and annexation process were reviewed. Staff is supportive of the project and is requesting approval.

The applicant, John Linton with DR. Horton stated that they are a very large home builder, and some of the management team lives here in Mapleton. The project will be built out in the next 3-4 years.

Cl. Lundberg stated that he is concerned that there is not a breakdown of impact fees in the attached exhibit. Sean stated that there is a breakdown, but for some reason it is not in the packet. Cl. Lundberg stated that he doesn't know why the annexation and concept plan couldn't be approved tonight and since the impact fee breakdown is not attached the development agreement could be approved with the preliminary plat approval. John stated that he can provide the cost breakdown as early as later tonight. It was decided to continue the approval of the development agreement to another meeting.

Public Hearing opened at 7:16 and no comments were made.

Cl. Farnworth stated that individuals have the right to develop their property and with that sometimes comes large developments. There is certain criteria that needs to be followed and our general plan is one of them.

Motion: Cl. Lundberg moved to approve an ordinance annexing approximately 113 acres of

property located at approximately 800 South Slant Road and approve the concept plan for approximately 100 acres for DR Horton and move to continue the development agreement portion to a future council meeting.

Second: Cl. Farnworth seconded the motion.

Cl. Farnworth Aye

Cl. Lundberg Aye

Cl. Nelson Aye

Cl. Reid Aye

Vote: Passed 4:0

Resolution No. 2016-34

Item 4. Consideration of a resolution for equipment and vehicle purchases and inter fund transfers between enterprise funds and the capital improvement fund.

Debbie Sanchez, Finance Director, reviewed the staff report for those in attendance. She stated that a notice went out to all residents informing them about this hearing and the transfers. The transfer will be taken from the following funds, water, sewer, storm water and pressurized irrigation.

Public Hearing was opened at 7:35.

Leon Vansickle, 1471 North 160 East, stated that he is concerned about the lease amount that will be paid for 5 years. He did his own research and found a 2009 dump truck for \$ 59,000. Gary Calder stated that the current fleet of trucks that Mapleton City currently has are salvage trucks from UDOT. The Public Works department has 5 trucks and after the first storm last winter 3 trucks were down. The trucks they are currently looking at come off the state contract price. They will be smaller trucks than we currently have. These new trucks will last 20 years.

Richard Nixon, 260 West 2000 North, stated that he is concerned that money is being taken out of the Pressurized Irrigation fund and other funds. He questioned why this purchase could not be taken out of the general fund, he does not agree with money being taken from the utility funds. He said that if there is extra money in the funds, then it should go back to the citizens. Debbie Sanchez stated that the vehicles help service those utilities and therefore can be paid for from those funds.

Albert Harmer, 342 West 2000 North, inquired if this proposed truck includes the plow and sander and then if after the final payment, does the city own it outright. Gary Calder stated that yes the plow and sander are included and the city will own the trucks after the final payment.

The public hearing was closed at 7:50 pm.

Cl. Lundberg stated that it is necessary that the accounting be done like this, as per the City Auditor and we do not control this.

Motion: Cl. Farnworth moved to approve a resolution for equipment and vehicle purchases and inter fund transfers between enterprise funds and the capital improvement fund.

Second: Cl. Reid seconded the motion.

Cl. Farnworth Aye

Cl. Lundberg Aye

Cl. Nelson Aye

Cl. Reid Aye

Vote: Passed 4:0

Resolution No. 2016-35

ACTION ITEM:

Item 5. Consideration of a Resolution authorizing the Public Works Director to purchase two new Multi-Purpose Dump Trucks with snow plows for the Public Works Department.

Gary Calder, City Engineer/Public Works Director, reviewed the staff report for those in attendance.

Motion: Cl. Farnworth moved to approve a resolution authorizing the Public Works Director to purchase two new Multi-Purpose Dump Trucks with snow plows for the Public Works Department.

Second: Cl. Reid seconded the motion.

Cl. Reid Aye

Cl. Farnworth Aye

Cl. Lundberg Aye

Cl. Nelson Aye

Vote: Passed 4:0

Resolution No. 2016-36

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS:

Sean Conroy gave a brief update on the trail, also the tentative date of July 11th is set for the ribbon cutting. He stated that there were comments during the last meeting about The Junction property. His department will be taking care of the enforcement action.

Gary Calder informed the council that work will start next Monday by Ira Allen Parking lot where they are ready to do road improvements. Also, improvements have begun near Whiting Cove and improvements are in at Stonebridge.

John Jackson reported that Brian Cook will begin to install cameras this next week. He also stated that his officers will be helping out Springville with Art City Days and they come up and help with our 24th of July, so it is a win win for both cities. The new explorer has the light bar and the markings will be completed tomorrow.

Debbie Sanchez stated that the South Utah Valley Solid Waste District is looking to be bought out of the Bay View property. Ryan Farnworth added that they are looking into having a statewide facility and if this was the case they would have more support.

Cory Branch stated that the open house for road fee will be June 15th from 4:30-6:30 pm.

Motion: Cl. Farnworth moved to adjourn the meeting.

Second: Cl. Nelson seconded the motion.

Vote: Passed unanimously at 10:10 pm.

APPROVED: **June 15, 2016**

Camille Brown, City Recorder