

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF SNOWFLAKE  
HELD 10/02/2018**

**1. CALL TO ORDER/ROLL CALL:** Mayor Johnson, Kerry Ballard, Allison Perkins, Hunter Lewis, Byron Lewis, Cory Johnson, Greg Brimhall; Staff: Brian Richards, Bob Hall, Katie Melser, Willie Nelson, Terry Cooper, Larry Scarber, Dale Call

**2. PRAYER/PLEDGE** Johnson L/Brimhall

**3. PROCLAMATIONS & RECOGNITIONS**

Recognition of loss of Greg Brimhall's father

**4. CALL TO PUBLIC:** David Flake- Regarding the Academy Foundation: Money raised for renovation, appeal to council to remember to renovate the building; anxious to see the town do something to cause the renovation to happen. Cathie McDowell, has done much; need support of community and leaders of the community. Hunter Lewis- direct staff to refer to the resolutions and make the renovation of the academy building happen.

**5. CONSENT AGENDA:**

- A. Approve Council Minutes dated September 4, 2018
- B. Approve September Check Register
- C. Approve 2018 White Mountain Connection IGA (Public Transit Service)

*Motion by Ballard, 2nd by Johnson C, to approve the Consent Agenda. Motion passed; unanimous*

**6. DISCUSSION/ACTION ITEMS**

**A. Fire Department Report-** The Fire Department is in need of new trucks, it is approximately \$500k for a new truck, there is an opportunity to get 2 used trucks for approximately \$340k for both of the used trucks (2007 and 2008) and they'll be getting them within the next several months; they have joined with other fire districts for a million dollar grant to replace everyone's breathing apparatuses, up to 2018 standard; funding for the trucks comes from wildland funds, not directly from the budget.

**B. Discussion and Possible Approval of Rezone Request from ABACAXI L.L.C.**

-Mayor Johnson- keep order; no arguing; 2 members in opposition may speak; Mr. Holland will be brief, if you have questions that aren't answered in his presentation, he will answer those.

-Hunter Lewis and Cory Johnson recused themselves.

-Joseph Holland for ABACAXI- the item has been recommended for approval by the Planning and Zoning Commission; there has maybe been some misunderstanding about the LLC's plan; explained the map of the rezone for the sake of those in attendance; believes the proposed commercial area is the best for commercial, specifically for a big box store as an example, it is a natural growth area, it would be a good buffer to the industrial park to the north, it is not a good area for residential along the highway; explained the other MF zoned parcels in the area nearby the proposed MF parcel make it an ideal area for these MF parcels, it would not make sense to build a nice new home next to Putter's Paradise, it wouldn't be sellable for fair value, so the proposed MF zone would be able to provide a buffer zone for Putter's Paradise; it is important to note that the LLC does not have a buyer currently for the proposed MF parcel, but the potential investors are all looking for MF zoning; there are no properties that abut to the parcels that are proposed for rezone, the buffer between the rezone and the current property owners is the LLC, and they plan to build nice homes there; in the planned development of Langley this has been in the PAD plan since 2001 to be multi-family;

Lewis B- is sewer sufficient for the proposed changes? Holland was told by staff that the largest sewer line is along HWY 277, there would be accommodation;

Lewis B- what is the guarantee that the developer will use the zoning appropriately? Holland explained that this property is accessible off of the HWY, there is no proposition that people will have to drive this zoning to get to their residential zoning; it is true, we don't have anybody interested at this time but low income housing is not the intent for the parcel more like townhouses or condos here; it is fair to say that nobody knows what a developer would potentially do with the proposed MF zone; the LLC is going to be developing the lots by Sandtrap and other parcels

they have that are ready for it

Lewis B- is the reason for the zone change to increase the profitability of the land? that is correct, to increase the desire of the land and attract a certain kind of developer

Lewis B- Why don't you develop the property? Holland explained that they are just 4 hometown guys that don't have endless funds to be able to develop it, they see a need and are trying to address it and they want what is best for the community; Byron believes Cory, Hunter, Joseph and Justin are all honorable guys.

Frank Panell- live in the area, glad to see progress, there are positives; didn't buy into the area with the idea of having MF or Commercial in the area; one of the major concerns is that we don't know who will be develop it; "creeping" is another major concern to look at; believe it is going to lower property values;

Mayor Johnson- in the overall sense, in your opinion is there a difference between condos, high end apartments, low income? Panell- not when it is zoned MF, because it can become anything, including low income;

Mayor Johnson- you could buy the nicest house in the nicest neighborhood and in 20 years it could be the worst house in the worst neighborhood, you just don't know what will happen because you don't necessarily have control over it, are there any studies that would show that the property values would go down?

Panell- the property values in the current MF zone have dropped by 30% so that stands to reason that it would happen in the proposed area as well.

Chris Flake- live on the corner of Sandtrap and Frontier Parkway; looked at the zoning before buying their home, that is one of the things that helped make their decision; now is not the time to rezone for MF or Commercial; appreciates what ABACAXI is doing otherwise, happy to see building in the community; when Fairway Manor was built they turned in to low income housing and there is no control to say that this proposed MF area would not become low income as well; they did research on crime/police calls statistics, showing an increase in calls over the years;

Mayor Johnson wanted to be clear that rise in population correlates with rise in calls as well and got agreement from Chief Scarber that it is a correct statement of fact

Chris Flake gave examples of crime in the area; those in opposition feel that the proposed MF zoning will lower their property value;

Perkins- people bought in a residential area for a reason and they want it to stay that way;

Christ Flake- continued with varieties of crimes that occurred once the low income housing went in that didn't occur before; how many places that are already zone commercially go undeveloped, let's use those first; they understand the intent is not for "creeping", but no control over who it is sold to; this area is far away from schools, stores, employment, far from parks. . . people are walking all the time because they don't have cars. They are not trying to discriminate but there are better places in town that are close to these types of amenities; build the infrastructure in a better location for something like this that already has these amenities;

Chief Scarber- his experience with this type of situation is that it is no worse or no better than any other area of the communities; there are no crime free or crime ridden neighborhoods; the calls can include anything from homicide to traffic stops to medical emergencies; calls for service are consistent with population density; highest area for calls for service is not this area in discussion, but is from main street to the wash, 2nd highest is in Taylor, this particular area is 5th; the PD did a study just for the Fairway Manor area and it jumped in 2008 because there was no one there previously, but the numbers have dropped again and the numbers from 2015 are actually lower than the numbers from 2007; again, calls for service being consistent with population density is accurate.

Mayor Johnson thanked Chief Scarber; agreed to allow Gene Hall to speak

Gene Hall- developed Frontier Estates; sold to those that own in the area; spent multi-millions of dollars developing the area; held weekly meetings about the development about the area; if this group wants to get it rezoned, they need to do more studies about police call statistics;

Mr. Holland disagrees with the law on "creeping" as it was presented;

Mayor Johnson- council has a good handle on what is going on, huge responsibility to the citizens of the town; he was always being asked about economic development; now people don't want it here but he is constantly asked about economic development, it will head to the west, just as Mr. Holland described, but it is the council's responsibility to do this properly; the developers don't want this to be a bad place, that isn't their intention;

There was no motion for approval, some discussion was had that even if a vote is held to disapprove the request it can still be brought before the council innumerable times.

***Motion by Lewis B, 2nd by Perkins, to not approve the Rezone Request from ABACAXI, L.L.C. Motion passed; unanimous***

### **C. Discussion and Possible Approval of Special Use Permit Request for Private School Operation**

David Alexander- Founder of White Mountain Academy for gifted individuals- we need a school for kids with special needs in the area, more than just kids with autism;

Council members had several questions and Mr. Alexander answered as follows: it is a K-12 school and the kids will be vanned in and school will begin at 9AM to avoid conflicts with the public school; up to 30 students with approximately 10 staff; the owners will be living in the house as well, the backyard would be used for PE, etc.; owners planning on the school being in the house for 2-3 years and then plan to build the school and they will continue to live in the house.

Dell noted that the SUP doesn't require notification on it like a rezone other than general notification posting

Mr. Alexander explained that no children will be going anywhere by themselves

Lewis B- too many things that are unsettled, would like to ask staff to arrange a meeting to visit about the details.

***Motion by Lewis B, 2nd by Ballard, to table Special Use Permit for Private School. Motion passed; 6 to 1 with Lewis H dissenting***

#### **D. EXECUTIVE SESSION\*:**

a. Country Club Properties Agreement

b. Freeman Home Lease Agreement

c. Water Adjudication

***Motion by Lewis H, 2nd by Lewis B to move into Executive Session. Motion passed; unanimous***

***Motion by Ballard, 2nd by Lewis B to return to Regular Session. Motion passed; unanimous***

#### **E. Discussion and Possible Action Regarding Country Club Properties Agreement**

-Greg Brimhall is recused

-Lewis B, good idea to bring parties together to discuss this item with the involved parties and table the item

***Motion by Lewis B, 2nd by Johnson L, to table the action regarding Country Club Properties; the motion failed 3 to 3 with Brimhall being recused***

Lewis H- don't know how you can restrict someone protecting their house

Lewis B- agrees with Hunter and that is why he would like to table this

Brian- homeowners may put nets up to protect their house, they just shouldn't impede the right of way

#### **F. Discussion and Possible Action Regarding Freeman Home Lease Agreement**

Lewis H-understands that the Freeman home is owned by the Town, but there is a lease agreement with Fred and Viola Adams?

Ballard- They gave us the home and Fred previously had a real estate office in the building;

Lewis H- Can the agreement be terminated?

Bob Hall- there is a provision in the agreement that allows the Town to give 1-year notice to terminate the lease

Lewis H, Fred Adams has been passed for some time, and there is no real estate office in that location

***Motion by Lewis H, 2nd by Johnson L to give 1-year notice to the estate of Fred and Viola Adams to terminate the existing lease agreement for the Freeman Home. Motion passed; unanimous***

#### **G. Discussion and Possible Action Regarding Water Adjudication**

The Town needs a representative to be prepped for deposition/litigation

***Motion by Ballard, 2nd by Lewis B to have Brian be prepped for water adjudication deposition. Motion passed; 5 to 2 with Johnson L and Perkins dissenting***

#### **H. Financial Report**

***Motion by Johnson L, 2nd by Lewis B to dispense with the Financial Report. Motion passed; unanimous***

#### **7. COUNCIL MEMBER REPORTS—**

Lewis B- condolences to Brimhall family for their loss, other councilmembers agree

Johnson L- appreciate the trail system, thank you for the work

Ballard- condolences to Darrell Brimhall family; read an article about hiking becoming an increasing interest for people, and wants to show his support for the trail system the Town is working on

## **8. ADJOURNMENT**