

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD WEDNESDAY, JANUARY 19, 2000.**

**Mayor and Council Present:** Mayor Merle Cole. Council Members: Byron Anderson, Craig Anderson, Kevin Hall, Justin Linares, and Karen Watson.

**Appointed officers and employees present:** Wendy Palmer, City Recorder, Attorney Ronald Elton, and Susan Gustin, City Treasurer.

**Citizens and Guests:** Boy Scout Troop 9166, Jack and Holly Nelson, Josh and Janice Nelson, Neil Blackburn, Virginia Butler, Jeff McNeil, Mr. & Mrs. Paul Castagno, Becky Williamson, Jody Thornton, Julie Matthews, Dee Mair, Richard and Penny Anderson, Barbara Isham, Mr. & Mrs. Wes Bennett.

**APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:** Craig made the motion to approve the minutes as corrected. Seconded by Kevin. All voted in favor, motion carried.

**JUSTICE COURT JUDGE APPOINTMENT:** Mayor Cole recommended Mary Saxon be appointed as the Justice Court Judge for Grantsville City. Byron made the motion to ratify the Mayor's Appointment of Mary Saxon as the Grantsville Precinct Justice Court Judge. Seconded by Craig. All voted in favor, motion carried.

**APPOINTMENT OF CITY RECORDER AND TREASURER:** Mayor Cole recommended that Wendy Palmer be appointed as City Recorder and Susan Gustin be appointed as City Treasurer. Craig made the motion to ratify the Mayor's recommendation to appoint Wendy Palmer as the City Recorder and Susan Gustin as the City Treasurer. Seconded by Kevin. Vote is as follows: For – Craig, Byron, Justin, and Kevin. (Taking the 5<sup>th</sup> -Karen Watson.) Motion carried.

**COUNCIL MEMBER ASSIGNMENTS:** Mayor Cole stated that he would like to keep the current Council in their previous assignments. Byron would be over parks, cemetery, and museum. Craig would remain over Planning & Zoning. Karen would be over public relations and human resources. Mayor asked that Kevin be over Public Works – Streets, Water, Sewer and the Maintenance Department. Mayor stated that he would like to have Justin take special projects that would include economic development, grants, affordable housing study, and water conservation plan.

**RECOVERY RIGHT REQUEST FOR MC NEIL CONSTRUCTION FOR PARK STREET:** Mr. McNeil stated that he had requested recovery rights in August 1999. At that time the City Council asked him if he would like to wait for the recovery right ordinance to be amended. The Council at that time was working on a new recovery right ordinance that would allow for a capacity of line size reimbursement for water and sewer as well as possibly including street improvements. Mr. McNeil agreed to wait to seek his recovery right when the new ordinance took effect. Mr. McNeil stated that in the mean time a new home has been constructed. This new home has not been charged recovery rights.

Mr. Jack Nelson was present who is the owner of the three lots that would connect to this water and sewer line on the West Side of Park Street. Mr. Nelson stated that he felt that it was unfair to expect his son, Josh Nelson whose home is almost complete, to go back and pay the recovery right fee. Josh Nelson stated that he was not told of a recovery right when he applied for a building permit. Mrs. Watson wanted to know why the Nelson's were not told of the recovery right on Park Street? Recorder Palmer informed Mrs. Watson that the City Council had not approved any recovery rights for the office staff to inform the Nelson's about. Mr. Nelson stated that he felt that Mr. McNeil had already been reimbursed for the cost of the Park Street improvements based on the cost of the lots that he sold in his subdivision. Mr. Nelson stated that- "had Mr. McNeil contacted him for help in installing the improvements he may have been able to save some money by doing the work himself." Kevin stated that he had a problem with telling Josh that now his financing is complete and his house is built he must pay an additional \$2200.

Mr. McNiell stated that no one came to him to ask to help pay for the improvements. Jeff stated that the city required him to upsize the water and sewer lines to handle additional capacity than what was needed for Middle Plaza Estates Subdivision.

Craig stated that he felt that the city has the responsibility to negotiate with Mr. McNeil for the Josh Nelson home and the other lot owners should be notified that they will have a recovery right for the water and sewer. Kevin agreed stating that the City Council has dropped the ball in approving the recovery right. Attorney Elton stated that the City Council should have approved the recovery right request when Mr. McNeil requested it in August 1999. The city should negotiate the recovery with Mr. McNeil for the home of Josh Nelson. Craig asked Mr. McNeil if he would like to seek recovery rights under the existing ordinance or the proposed ordinance. Mr. McNeil stated that he would like to seek recovery rights under the existing ordinance. Craig made the motion to declare that Grantsville City is responsible for the recovery rights for the Josh Nelson Home on South Park Street. The recovery right fee to be negotiated with McNeil Construction for recompense. Seconded by Byron. All voted in favor, motion carried.

Craig stated that the owners of the remaining lots should be notified that there is a potential recovery right at this time. Craig made the motion to approve the recovery rights for water and sewer on Park Street extending South of Durfee 660 feet. It is the understanding that Mr. McNeil agrees to not apply for recovery rights under a new recovery right ordinance in the future. Seconded by Byron. Vote is as follows: For – Byron, Craig, Justin, and Kevin. Opposed – Karen.

**CONSIDERATION OF RELEASE OF LOTS IN LITTLE RENO ESTATES SUBDIVISION:** Byron made the motion to approve the release of lots 36 & 37 in the Little Reno Estates Subdivision, and authorize the Mayor to sign the deeds. Seconded by Kevin. All voted in favor, motion carried.

**APPOINTMENT TO TOOELE VALLEY MOSQUITO ABATEMENT BOARD:** Mayor recommended Dar Butcher remain on the Mosquito Abatement Board for an additional term. Byron made the motion to ratify the Mayor's appointment of Dar Butcher to the Mosquito Abatement Board. Seconded by Craig. All voted in favor, motion carried.

**PLANNING COMMISSION ISSUES:**

**Consideration of setting public hearings:** Attorney Elton explained that the consideration of reduction of square footage requirement for large animals is really two separate issues. The first issue is that Mr. Paul Castagno officially asked that the square foot requirement of 10,000 square feet for each large animal be reduced to 5,000 square feet. The Planning Commission denied this request. The other recommendation from the Planning Commission is that the first large animal still be required to have 10,000 square feet but, each additional large animal only be required to have an additional 2,000 square feet. Mr. Castagno was present and asked to address the Council. Mr. Castagno stated that he appreciated how helpful the Zoning Administrator, Shauna Kertamus was in assisting him by defining the path to follow to request this change in the zoning ordinance. Mr. Castagno stated that he was raised around horses his whole life and most of the corrals for his horses were only 80 to 120 square feet. Mr. Castagno stated that he appreciated most of the Planning Commission members who were willing to hear his presentation. There was one Planning Commission member who wanted to "shut him down before he had an opportunity to present his case." Mr. Castagno stated that if you have one horse that you are taking care of an additional horse is not going to make a difference. Mr. Castagno stated that he agreed with the 100 foot requirement to maintain the animals from neighboring residents, but felt that you should be able to keep your animals closer to your own house. Craig made the motion to uphold the Planning Commission's denial of reducing the square footage to 5,000 square feet per large animal. Seconded by Byron. Vote is as follows: For- Craig, Byron, Karen, and Kevin. Opposed – Justin.

Craig stated that he would like to add to the Planning Commission's recommendation of 10,000 square feet for the first large animal and 2,000 square feet for each additional large animal for a maximum of four. Craig would also like to include in the public hearing to remove the 100 requirement from the animal owner's residence. Craig stated that if the home owner would like their animals in their backdoor they should have that right.

Penny Anderson, Anderson Ranch Subdivider, stated that she agrees with the removal of the 100-foot requirement from the animal owner's residence. Penny also stated that she agrees with the reduction of square footage requirement for large animals.

Council Member Linares stated that he agreed with the proposed changes. Attorney Elton stated that since the Planning Commission did not send Craig's proposed recommendations forward to the City Council, the City Council needs to send Craig's recommendations back to the Planning Commission for their input. Craig made the motion to send the recommendation of removing the requirement of 100 feet set back from the animal owners home and setting a cap of 4 large animals as a maximum in a residential zone to the Planning Commission for their recommendations. Seconded by Byron. Becky Williamson was concerned that even though she owns 7 acres in a RM-7 zone that she would be limited to only 4 animals. Council Member Anderson stated that her property is in a split zone of RM-7 and A-10 she would be able to have her animals without a problem. All voted in favor, motion carried.

**Recovery Right Ordinance:** Attorney Elton stated that the Planning Commission recommended that there be an interest calculation of 3% per annum and that the recovery right be retroactive for three years. Craig and Kevin both felt those single lots and minor subdivisions not be required to pay the recovery right fee until the building permit stage. Major subdivisions should pay at the time of request for approval of the final plat. Mayor stated that all developments declare up front during the development agreement that they intend to file recovery rights on the final expenses for public works improvements. Craig made the motion to set the public hearing for February 16, at 7:00 p.m. to receive input on the proposed recovery right ordinance. Seconded by Craig. All voted in favor, motion carried.

**Consideration of amending the fee structure for conditional use permits for businesses:** Craig stated that the Zoning Administrator suggested that the fee structure for businesses applying for conditional use permits be increased. Mayor and Council requested that the Zoning Administrator present a breakdown of fees for all of the conditional use permits for the next City Council meeting.

**CONSIDERATION OF SURPLUS PROPERTY:** Craig made a motion to declare the surplus property list presented by the Police Department as surplus. Craig stated that he would like to give the Senior Citizens and library first choice on the ownership of the computers. Seconded by Kevin. All voted in favor, motion carried.

**RESCHEDULE THE MARCH CITY COUNCIL MEETING:** Mayor Cole stated that he would like to reschedule the City Council Meetings in March 2000 due to other meetings that will be conflicting. Byron made the motion to set the March City Council meetings for March 8 and 22, 2000. Seconded by Craig. All voted in favor, motion carried.

**APPROVAL OF BILLS:** Recorder Palmer was asked to have Joel Kertamus initial off on all of the Butler Builders bills. Council Member Kevin Hall stated that his business was on the list of bills for the hauling of road salt for the city. Council Member Hall stated that he has been hauling salt for the city for the past 5 or 6 years. Byron made the motion to approve the bills. Seconded by Craig. All voted in favor, except for Kevin who abstained.

**LOCAL OFFICIALS DAY:** Mayor stated that all went well with this event.

**OTHER BUSINESS:** Mayor Cole stated that Jack Smith, prior to his death, had begun the sequel to the history of Grantsville. This project was in the information gathering stage and Cliff Williams has decided to try and see this project through. Recorder Palmer stated that Mr. Williams had contacted her and she agreed to assist Mr. Williams in gathering the history of the city government. Mayor asked for a volunteer from the Council to attend some of these meetings. Karen stated that she would attend.

Mayor stated that Mayor of Stockton Barry Thomas is the new chairman of the Council of Governments. Mayor stated that he will have Recorder Palmer update the consolidated plan projects which will include the replacement of lead water pipe, water line to the industrial park. This needs to be turned into Lane Nielson within two weeks. Mayor stated that he is still getting compliments on the New Years Eve Party. Utah League convention in St. George is scheduled for April 13, 14, 2000. Mayor asked for a volunteer to carry the pager for Emergency Management alternates in case the Mayor can not be reached. Kevin volunteered to carry the pager.

Justin suggested that the City Council meetings will be more organized if he could have all of the information that will be brought up or discussed ahead of time. Justin presented an example of a book that is used in another agenda for meetings he attends for another organization. Recorder Palmer stated that she would be glad to make the changes. Recorder Palmer stated that she must be able to remove items from the agenda for those that do not have all of their information to her by Friday before the Council Meeting at 12:30 p.m. Recorder Palmer was given that latitude. Justin asked if the 4<sup>th</sup> of July would be held on the 4<sup>th</sup> or on the weekend prior to the 4<sup>th</sup>? It was determined that the 4<sup>th</sup> of July would be celebrated on Tuesday, the 4<sup>th</sup> of July.

Karen stated that Jody Thornton and Julie Matthews were present to discuss the recreation center. These two ladies announced that they would be buying Brandee Guild's Dance Company. Attorney Elton stated that they would need to negotiate their own lease for the Recreation Center Building. Jody and Julie stated that they understood that there was a war going on between the city and the Volunteer Summit and they did not want to get involved if this was true. Byron stated that he was the liaison for the Recreation Center. If they have any problems they are to bring them to him. Karen stated that the last week of October is the Haunted House for the Youth City Council and the City uses the building the weekend after Thanksgiving for the Santa Claus event.

Karen wanted to know if the city had planned to pay the full expense of the "COPS" grant officers once the grant expires? The Mayor and Craig stated that the city agrees to pay the full expense after the grant expires at the time the Grant is awarded. Karen stated that the cemetery workers were interested in developing the cemetery further to the south. Mayor stated that he could not see the need. Karen stated that she understands that Wendy Warr would like to exchange her lawn mower for the payment of her water bill. Karen asked if she could send gift baskets to some of the committee members for the New Years Eve party? Mayor said yes. Karen stated that she was asked to invite the Mayor and Council to a Team Penning event at the Deseret Peak Complex. Some Legislators will be present. Karen asked everyone to come up with names for the 4<sup>th</sup> of July Chairman for this year. Recorder Palmer to place this item on the next agenda. Karen asked if the Mayor has received a letter requesting that Janice Higley be given a raise and extended hours? Mayor stated that he has already been informed. Karen wanted the Mayor and Council to respond to a letter from the LDS Church in reference to setting aside a day for families in the community. Mayor stated that the city should not dictate a family day to its citizens.

Kevin stated that he has some projects that he has been serving on prior to the Mayor making his assignments for the Council. Kevin asked the Mayor if he still wanted him to serve on the General Plan committee with Bruce Parker? Mayor stated that he wanted Kevin to stay on that committee. Kevin also asked the Mayor if he wanted him to stay on the development agreement committee for Village Green and Alan Johnson Subdivisions. Mayor stated that he wanted Kevin to stay on those committees as well. Kevin explained that he was the one that invited the Nelson's to attend this meeting in reference to Jeff McNeil's recovery right request. Kevin stated that he was in the audience with Jeff at the last Planning Commission meeting and Mr. McNeil stated that he had gone to Mr. Butler

and Mr. Nelson to participate in the improvements to Park Street. Mr. McNeil told Kevin that both of these people told him no that they would not participate in the improvements. Kevin stated that he then contacted Mr. Nelson and found out that Mr. McNeil did not contact him for the opportunity to participate in the improvements of Park Street.

Craig informed the Council that he received a response just today from Bingham Engineering on his request for changes to the Water Source Impact Fee. This item will be on the next agenda and Recorder Palmer will get copies to each of them. Craig brought up the spring clean up situation with the Tooele County Transfer station. Craig stated that last year Tooele County sent a letter that they would not support a clean up sponsored by Grantsville City. The County recommended issuing a dump card to our residences for so many free dumps. There is a great deal of debris still at the city gravel pit to be hauled away. Kevin suggested that we look into hauling our clean up debris to the Bland pit on 5600 West in Salt Lake. Kevin also stated that it has been his experience that much of what is left in the Grantsville City pit Tooele County Landfill should be taking free of charge. Tooele County Landfill takes this material from a company that Kevin works for, free of charge.

Justin asked the Mayor for any of the information that he has for him to get started? Justin asked if the personnel issue was resolved. Attorney Elton explained this matter was settled by the requirement that Joel place a letter of verbal reprimand in the offending employee's file.

Kevin asked the Mayor if he should serve on the Water Advisory Board? Mayor stated yes.

**ADJOURN:** Karen made the motion to adjourn this City Council meeting at 10:35 p.m. Seconded by Kevin. All voted in favor, motion carried.

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Wendy Palmer, City Recorder

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Merle E. Cole, Mayor