

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD WEDNESDAY, AUGUST 16, 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

Citizens and Guests: Joe Borgenicht (press), Martha Critchlow, Sigmond Sommerfield, Joe Cange, Amy and Rick Palmer, Jodi Thornton, Barbara Fawson, Robert Lawrence, Neil Blackburn, Jack Allred, Paul and Deanna Matthews, Boy Scout Troop 1671, Merrill Nelson.

PUBLIC HEARINGS:

- a. Amending the Land Use Management code by eliminating the RM-30 Zone designation:** Mayor opened the public hearing at 7:05 p.m. Craig explained that the Planning Commission recommended eliminating this zone because of the citizen input about density issues and the ability for buildings in this zone to be built three stories high and currently the fire department is unable to fight fire at this level. Mayor asked for any further comment. Mayor clarified that Grantsville does not currently have any land zoned this designation. Mayor closed the public hearing at 7:08 p.m.
- b. Considerations of zone change from A-10 to R1-12 for the property between Main and Durfee Streets at approximately 650 E. Main:** Mayor asked for comment on this proposed zone change? No comment being offered the Mayor closed this public hearing at 7:09 p.m.
- c. Considerations of adding family food production use to the R1-12 zone as a conditional use:** Mayor asked that Craig explain this recommendation. Craig stated that the RM-7 zone has been frozen. The RM-7 zone for allows large animals and family food production on adequate size lots. The Planning Commission recommended that horses, large animals and family food production be considered as a conditional use in the R1-12 zone. The R1-12 zone minimum lot size is 12,000 square feet. Mayor asked for any further comment? No further comment being offered the Mayor closed this public hearing at 7:14 p.m.

PROCLAMATION FOR AMY CHRISTIANSEN PALMER DAY: Mayor Cole read the proclamation from Grantsville City in honor of Amy Palmer qualifying for the 2000 Olympics in the Hammer Throw event. The Olympics will be held in Sydney Australia. Mayor reminded those present to support the Amy Palmer Day carnival at the City Park on Saturday, August 19, 2000. All proceeds will go to help get Amy, her husband and coach to Sydney Australia in September 2000. Kevin made the motion to approve the Proclamation as read. Seconded by Justin. All voted in favor, motion carried.

APPROVAL OF MINUTES OF THE PREVIOUS CITY COUNCIL MEETING: Motion by Kevin to approve the minutes of the City Council meeting held 8-2-00 as corrected. Seconded by Byron. All voted in favor, motion carried.

GRANTSVILLE DANCE AND ART COMPANY – CONSIDERATION OF CONTRACT FOR USE OF RECREATION CENTER: Jodi Thornton, representing the Dance Company asked to have their contract renewed for this next year. Byron asked if the rent had been paid. Recorder stated that the rent was paid earlier today. Jodi asked that the Dance Company be given time to pay the \$1500 in back utility payments. Craig made the motion to give Byron the authority to negotiate a contract with the Dance Company. Seconded by Karen. All voted in favor, motion carried. Jodi asked the Council if a phone could be installed in the building and a drinking fountain? Byron stated that he would look into the installation of a drinking fountain.

ROBERT LAWRENCE –PRESENTATION AND SEEKING PERMISSION TO PUBLISH AN UPDATE TO THE HISTORY OF GRANTSVILLE: Mr. Lawrence informed those present that a group of citizens have joined to compile an update to the Alma Gardner “History Of Grantsville” the first one hundred years: 1850 to 1950. Mr. Lawrence stated that Cliff Williams is the Coach and Merrill Nelson is the Captain. Jack smith started this endeavor and some of the information has been collected. This group is also going to fill in some gaps of the original history not stated in Mr. Gardener’s book. Mayor stated that the city would be a great umbrella under which the committee could operate. The city could offer tax-exempt status and help in getting some federal grants. Craig made the motion to support the committee for the publication of the History of Grantsville. Seconded by Byron. All voted in favor, motion carried.

CONSIDERATION OF NEW BUSINESS LICENSES:

- a. **Marnae Hobson – 330 S. Ranch Road – Eye Studies:** Craig stated that Mrs. Hobson has received approval of a Conditional Use Permit from the Planning Commission. Mrs. Hobson studies the rapid eye movement while you are sleeping in order to help her customers learn to relax. She will be seeing only one person at a time. Craig made the motion to approve the business license for Marnae Hobson. Seconded by Kevin. All voted in favor, motion carried.
- b. **Rod Stookey-36 W. Vine- Scrap Metal Business:** Craig stated that Mr. Stookey has received approval of a conditional use permit for this business. Mr. Stookey gathers surplus materials and sells it for profit. Karen stated that she is concerned due to a neighbor’s written comment. Karen recommended that the Ordinance Officer look at the property before the Council votes. Craig made the motion to approve the Business license for Rod Stookey. Seconded by Byron. Vote is as follows: For – Byron, Craig, Justin, and Craig. Opposed – Karen. Motion carried.
- c. **Nathan Butler – 77 W. Plaza Circle-Sprinkling System installation and repair:** Craig informed the Council that Nathan has received approval for a conditional use permit for a home occupation. Craig made the motion to approve the business license for Nathan Butler. Seconded by Justin. All voted in favor, motion carried.
- d. **Bonnie Greenburg-28 W. Vine Street-quilt making:** Craig stated that Mrs. Greenburg has received approval for her home occupation conditional use permit. Mrs. Greenburg makes quilts for sale at craft fairs and locally. Justin made the motion to approve the business license for Mrs. Greenburg. Seconded by Craig. All voted in favor, motion carried.

CONSIDERATION OF FINAL PLAT APPROVAL FOR SOUTH WILLOW ESTATES PHASE 2A: Neil Blackburn representing John Laing Homes requested the Council consider approval for final plat Phase 2a, of South Willow Estates Subdivision. Ron stated that he has not seen the financial guarantee format for his approval. Craig made the motion to approve final plat for South Willow Estates Phase 2a and authorize the Mayor to sign the plat after receiving approval from Attorney Elton on the subdivision improvement bond. Seconded by Byron. All voted in favor, motion carried.

APPEAL DENIAL FROM THE PLANNING COMMISSION FOR MATTHEW SUBDIVISION PRELIMINARY PLAT-JACK ALLRED AND PAUL

MATTHEWS: Attorney Elton informed the Council of the issues that the Planning Commission was struggling with. Attorney Elton stated that the Planning Commission had a tie vote on the consideration of the subdivision. A tie vote is considered a denial. Issues:

- a. Size of the street – The standard for Grantsville City is 36 feet of asphalt and Paula and Jack only want to pave 24 feet. Discussion of a rural road standard ensued.
- b. Water – The standard for a major subdivision is that the developer must provide all of the indoor and outdoor water. Jack and Paul want each homeowner to pay the impact fee and purchase their own outdoor water.

Attorney Elton stated that the Planning Commission has never wavered on the width of a street. Also, there is not an exception for waiver of the water requirement for platted subdivision. Attorney Elton stated that this subdivision is comparable to a minor subdivision and that in its self could be criteria enough to waive the water requirement.

Karen stated that she was uncomfortable with these issues and would like the full Planning Commission to reconsider the Preliminary Plat for the Matthews Subdivision Amendment. Attorney Elton stated that currently the private road standards if the road serves more than two homes is the same as a residential road standard. Jack, Paul and Craig brought up the issue of the current paved width of the existing streets in Grantsville not being paved as wide as the current design standards. Mayor stated that we should not be looking back at what was done in the past. We should be looking forward to better ways of doing things. Craig stated that he would like to present his ideas for rural road standards at the next City Council meeting and then place the Matthews Subdivision after his item on the September 6th City Council meeting to discuss a different road standard. Kevin stated that there has been much discussion about the rural road standard. Kevin stated that he researched the discussion of the rural road standards at the Planning Commission level. Kevin stated that the Planning Commission did not pass this issue forward with a split vote. The vote was unanimous against changing the current road standards. Craig stated that he was passing on the information on the spirit of the exchange at the Planning Commission level.

The water requirement for platted subdivisions was discussed as to the ability of the City Council to consider waiving the developer to provide the water for Matthews Subdivision up front. The issue of considering this subdivision with 10 lots as being like a minor subdivision was discussed. It was determined that in order to waive this requirement the Council would need to consider changing the minor subdivision requirements from less than 6 lots to 10 lots or less.

CONSIDERATION OF SALARY STEP INCREASE: Karen made the motion to approve a salary step increase for Gale Hanson from grade 9 step 1 to grade 9 step 2. Seconded by Byron. All voted in favor. Byron commended the work that Gale performed at the museum. Kevin echoed Byron's statement. Motion carried.

CONSIDERATION OF ABANDONING CLAY STREET: Attorney Elton asked this item to be postponed until the September 6, 2000 Council meeting.

OLD LINCOLN WATER LINE CONNECTIONS – MAYOR: Mayor Cole stated that he would like to be able to offer some incentives to the Old Lincoln Highway residents to connect to the new water line. Discussions of waiving some of the impact fees were discussed. Mayor suggested a time payment plan that would allow existing residents only to connect to the water line and pay for the expense over a three-year period. Mayor will talk with the water attorney to see if he has experienced any options for this kind of situation.

REQUEST FOR WAIVE OF SEWER FEES FOR JOHN & GLADYS

FENSTERMAKER: Karen informed the Council that her parents were not being billed for sewer since they moved into their home in 1995. Karen stated that she felt that it was the city's fault for not billing her parents and the city should take the loss of the revenue. Mayor Cole stated that the Fenstermaker's did not sign up for more than water on their utility service application and thus they bear responsibility for the error as well. Kevin stated that when the Utility Clerk discovered the error and informed him, he asked what the city has done in the past in these circumstances? Kevin stated that after the office staff researched other known situations like this one, he made the determination that the city would split the amount of the billing with the Fenstermaker's which he thought was fair. The Fenstermaker's agreed to this determination. Karen stated that they did agree to pay but she felt that the city should not charge them any of the back utility charges.

CONSIDERATION OF GREEN CLEAN DAY: Craig made the motion to set September 30th as green clean day. Seconded by Justin. All voted in favor, motion carried. Green is defined as burnable material, no construction debris.

CONSIDERATION OF SETTING PUBLIC HEARINGS:

- a. Craig made the motion to set September 6, 2000 for a public hearing on the proposed change to the Land Use Management Code in reference to the workmanship guarantee for subdivision offside improvement from one year to two years. Seconded by Kevin. All voted in favor, motion carried.

- b. Attorney Elton stated that the Land Use Management Code allows for the determination of the Planning Commission to allow the Zoning Administrator to approve Conditional Use Permits in house as they deem to be appropriate. No public hearing is needed for this determination.
- c. Consideration of defining natural landscape. Craig made the motion to set the public hearing on defining the natural landscape as approved by the Planning Commission, for September 6, 2000. Seconded by Justin. All voted in favor, motion carried.
- d. Craig made the motion to set a public hearing for September 6, 2000 for consideration of zone change from A-10 to RR-1 at approximately 1160 W. Main Street. Seconded by Justin. All voted in favor, motion carried.
- e. Karen made the motion to set the public hearing for amending the property tax levy for September 6, 2000. Seconded by Craig. All voted in favor, motion carried.

CONSIDERATION OF JANITORIAL SERVICES AND PART TIME

CLERK/OFFICE ASSISTANT: Byron made the motion to authorize the Mayor to administer these issues. Seconded by Karen. All voted in favor, motion carried. Kevin asked if the decision of Janitorial service was going to be made based on cost whether or not contracting the service will be done? Mayor stated that he would do the comparison and report to the Council. Recorder Palmer reminded the Council that the janitorial position is not open until the determination is made to award the part-time Janitor the part-time Court Clerk Position.

CONSIDERATION OF WATER ISSUES:

- c. **Graduated water rates:** Kevin stated that he sat down with JoAnn and Wendy to try and be up to speed on what was previously talked about with the graduated water rate. Kevin stated that the way he sees the issues is that part of the intent is to give a credit to those customers that use less than the minimum and make up the difference on the other end of those customers that use more than the minimum. Kevin stated that the bottom end of the scale is almost 50% of the utility customers and there is not enough on the other end to make up the difference in the loss of revenue to make the equation equal out to be revenue neutral. Mayor disagreed feeling that there is still a way to make it work. Kevin suggested leaving the minimum billing at the 7,000 gallons for the \$15.00 to cover the operation and maintenance budget and then graduate the water rates from there. Justin and Craig agreed with Kevin's analysis.
- a. **Requirement for outdoor water & water impact fee:** Craig stated that he believes that the indoor water impact fee for current lots existing at the time of adoption of the water impact fee ordinance should not be charged. These lots were taken into consideration at the time of the impact fee study and the water right was existing to provide to these lots. Craig made the motion to delete the indoor portion of the water impact fee for existing lots as of the date the impact fee ordinance was adopted. Seconded by Byron. Kevin stated that future development would pay for our future needs of water. Kevin stated that maybe we should get a second opinion from another engineer firm to verify the impact fee study. We are not the experts on this subject. Mayor stated that if we do hire another engineer firm we should look for a firm that has not had any dealings with Grantsville City. Attorney Elton stated that what if the engineering firm we hire disagrees with the original study? What is the impact of the disagreement? Do we refund the impact fees? Do we hire another firm to verify one or the other engineer studies? Byron stated that if the impact fees don't pass the smell test as in the fees are too high then the city will be challenged. Attorney Elton stated that the courts are only looking for the engineers basis for the impact fee calculation. It would be up to a challenger to pay a study to discredit what the engineer firm has done. Craig withdrew his motion and Byron withdrew his second. Kevin stated that if we are going to keep Grantsville a rural community we need to keep what is green today green and what is brown – brown. Justin wants to establish a standard of what we are going to require to be irrigated. Byron stated that he would get together with Craig and sort out the issues and bring a proposal back the Council. Craig made the motion to postpone this discussion until September 6, 2000. Seconded by Byron. All voted in favor, motion carried.

APPROVAL OF BILLS: Byron made the motion to pay the bills. Seconded by Craig. All voted in favor, motion carried.

OTHER BUSINESS: Mayor informed the Council that there is a bid opening for the sewer and water projects on the 22nd.

Byron reminded everyone about Amy Day on Saturday. Lt. Governor Olene Walker will be present at 1:00 p.m. to kick off the celebration.

Justin reminded the Mayor about the Economic Development tour Wednesday the 23rd, Justin stated that he has asked the Recorder to put together a packet on information about Grantsville for the tour. Mayor stated that he has not found a van for the tour, Karen stated that she might be able to get one from Safety Kleen.

Karen stated that she has been informed of a defibrillator that maybe available for the Police Department.

Craig handed out his rural road standard drawings to the Council. He asked that the Council review his information and this item will be on the September 6, 2000 City Council agenda. Craig stated that he is proposing a 60-foot travel way and 10 feet on each side for storm drainage way for a total right of way of 80 feet. Craig also stated that the average lot should be 100-foot frontage on the rural road.

ADJOURN: Byron made the motion to adjourn at 12:05 p.m. Seconded by Kevin. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Merle E. Cole, Mayor