

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD WEDNESDAY, SEPTEMBER 20, 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: Mary Ruth Hammond (press), Mr. & Mrs. Paul Seekins, Martha Ruby, Joe Cange, Howard Clegg, Mr. & Mrs. Bill Simmons, Peter George, Larry Mitchell, Josh Hall, Sam James, Jody Erickson, Mr. & Mrs. Arnie Hunt, Laverne Hunt, Mrs. Hiatt, Jack Allred, Paul Matthews, Junie Gay Anderson, Don Hunt.

APPROVAL OF MINUTES: Justin made the motion to approve the minutes as corrected. Seconded by Karen. All voted in favor, motion carried. Karen stated that she has asked that the Recorder complete the minutes the day after or the Friday after the City Council meeting so that the Council can edit the minutes prior to Council Meeting. Recorder stated that she would try to get them out as soon as she could.

PAUL SEEKINS – REQUEST FOR REMOVAL OR CHANGE OF LOCATION FOR KENNEL ON HOLLYWOOD STREET: Mr. Seekins at 375 E. Shelly Lane addressed the Mayor and Council concerning problems with the Kennel. Mr. Seekins stated that the kennel consists of Hound Dogs. These dogs bark day and night and they and their neighbors are unable to sleep at night. Mr. Seekins stated that they have attempted to resolve the issue by calling the police. The police seem unable to solve the problem because the barking has continued. Mr. Seekins stated that they recognize and respect the kennel license and that the hounds were there before the Watt Home development. However, growth has turned this agricultural area more residential and the hounds need to be moved to an alternate location. Mr. Seekins quoted ordinance 4-16 concerning dogs causing a nuisance by whining or howling. Mr. Seekins presented a petition of 65 names of the residents in the area that are having problems with the amount of barking that the hounds do that are in this kennel. Mr. Seekins stated that Mr. Erickson did receive a citation on July 6, 2000.

Karen asked Mr. Seekins if he has contacted Mr. Erickson to try to explain their situation to him? Mr. Seekins stated that until tonight he did not know whom the dogs belonged to. Karen related to Mr. Seekins that she understood about the barking being very annoying and making it difficult to sleep. Karen stated that in defense of Mr. Erickson he should be able to keep his kennel if he is able to resolve the nuisance.

Jody Erickson stated that he was granted the kennel permit three years before Watt homes was approved. Jody stated that the night of the citation he went up to quiet the dogs and put a tarp around the pen. Jody stated that there are stray cats, jack rabbits, deer, and animals from the Watt Homes subdivision that come around the dogs that cause them to bark. Jody stated that he has talked with two of the neighbors that live the closest to the kennel and these two people have come to present their experience with the kennel.

Sam James – 311 E. Baker Lane stated that he was the 2nd closest house to the kennel. Mr. James stated that the dogs have never kept him awake. When he hears the dogs barking there is usually a good reason, whether it be kids are around the dogs or other dogs around them. Mr. James stated there is a Labrador retriever up the street from him that bothers him more than Mr. Erickson's hounds. Mr. Erickson should not be treated any different than the rest of the community.

Larry Mitchell 317 E. Baker Lane stated that the dogs are noisy when they bark but they only bark when there is something bothering them. Mr. Mitchell stated that there are coyotes barking too. Are we going to regulate them? I feel that Mr. Erickson is being treated unfairly.

Paul Seekins stated that he has 65 names on a petition that means something. The testimony of these two men stacked against 65 signatures should account for something. Mr. Seekins stated that he is just representing the neighbors of this neighborhood, the complaint is not just from him. Mr. Seekins stated that he is asking that the dogs be relocated to another area of town that is more suited for this type of dog. Mr. Seekins

stated that the owner should live by the dogs not a mile away from the dogs so that the owner can manage the noise of the dogs. Right now Mr. Erickson does not even hear or know what is going on with the dogs because he lives so far away.

Craig stated that he believed that Mr. Erickson moved the dogs to this area to get them out of a populated area already one time.

Jody Erickson stated that he did move the dogs once already. The dogs have been in this location for eight years. Jody stated that he did not realize that the dogs were that big of a problem. He stated that after the citation on July 6, 2000 he did not receive any more complaints.

Mr. Seekins stated that he has police reports that show that the officers did respond to calls after the July 6th date.

Mayor stated that since Officer Hansen is not going to be available for the next few months to manage this situation, he will talk with the Police Chief to get an officer assigned to work through a solution.

Martha Ruby – 763 S. Willow stated that she has complained that the dogs are noisy and has even called Mr. Erickson to ask that he move the dogs for a day so that she could have an outdoor party. Mrs. Ruby suggested that Mr. Erickson move the dogs out of the trees so that the sound does not echo so much. Mr. Erickson could consider building a solid wall building to contain the dogs.

Josh Hall – 861 N. 600 W. - Stated that he owns hounds and is concerned about the ramifications of his ownership of these dogs if Mr. Erickson is told to remove his kennel. Mr. Hall stated that it does not seem fair to make Jody remove his dogs when the dogs were there prior to the homes being built. Josh stated that he drove by the kennel and did hear dogs barking in the Watt Homes subdivision but he did not hear Jody's dogs barking.

Paul Seekins stated that he is here to find a fair resolution for all parties involved. If the dogs continue to bark then they are left with no other alternative than to call the police and issue a citation each time. This is not personal against Mr. Erickson. I know Grantsville is an agricultural community that is one of the reasons I chose to live here.

Karen stated that if we have an ordinance then as a city we have an obligation to enforce it. I can appreciate the issues on both sides of this situation. We need to be able to live in peace in our community.

Katherine Seekins stated that she has friends that have dogs and these people use shock collars to keep the dogs from barking and disturbing the neighbors.

Mayor stated that this issue is to be revisited in one month, October 18, 2000. Mr. Erickson is to find some solutions to the barking problem of his dogs. The Mayor stated that he would talk with Police Chief Johnson to assign an officer to follow through with this issue and see if the city has been negligent in keeping the peace with the public.

WESTSIDE AUTO WRECKING FENCING REQUIREMENTS: Attorney Elton explained to the Council and Mayor his findings concerning the requirement of Westside Auto Wrecking to fence their property. Attorney Elton explained that Grantsville City passed an ordinance in 1988 making all existing wrecking yards a conditional use permit. Westside filed a lawsuit stating that they were a legal non-conforming use "Grandfathered". As settlement on the lawsuit Westside Auto Wrecking agreed to fence around their property one side per year with an opaque fence. The City repealed the 1988 ordinance and passed a new ordinance 91-7 that required ¼ of the fence should be completed each year for four years with an opaque view-obscuring fence. Craig stated that the South fence and a little bit of the west fence are all that needs to be completed. Mayor stated that the fence should have been up in 1995. Mayor questioned the Hunt family how much time they need to complete the fencing? Arnie stated that they could have the chain link fence up in 30 days and the slats installed within 90 days. Mayor asked that the Hunt's come to the city if they find that they are not going to meet their deadlines.

PLANNING COMMISSION RECOMMENDATIONS: Craig made the motion to set a public hearing to consider a zone change from A-10 to R1-21 at approximately 500 S. Worthington Street, October 18, 2000. Seconded by Byron. All voted in favor, motion carried.

CONSIDERATION OF NEW BUSINESS LICENSES:

- a. **James Wilcox – 347 S. Cooley – Equipment Covers:** Craig stated the Planning Commission has reviewed and approved a conditional use permit for this business. Mr. Wilcox will have a sewing machine in his basement for sewing the covers together. Craig made the motion to approve the business license for James Wilcox at 347 S. Cooley. Seconded by Justin. All voted in favor, motion carried.
- b. **David Christensen – 401 E. Durfee – Welding business:** Craig informed the Mayor and Council that the Planning Commission had some concerns about this business. Welding businesses tend to be noisy. Attorney Elton asked if Mr. Christensen's business is permitted in the RM-7 Zone? Craig stated that welding businesses have been allowed as a home occupation. The welding was done offsite with a truck. Craig stated that Mr. Christensen stated that when he did work in the building that he would not work after hours. Recorder Palmer read the conditions set by the Planning Commission that he shall not work after 10:30 p.m. Mayor stated that Mr. Christensen did not build a big building to have business elsewhere. Craig stated that the home occupation regulations prohibit building a new building at your home to house a home occupation. Byron asked if Mr. Christensen business & construction of the building for the business is in violation of the ordinance? Attorney Elton stated that it could be. The Planning Commission overlooked that issue. Mayor asked when Mr. Christensen applied for his building permit for the building did he apply for a welding shop? Craig stated that Mr. Christensen claimed the building was for agricultural purposes. Craig stated that the Planning Commission is planning to review the accessory building clause of the ordinance. Kevin stated that he was familiar with this business when it was located in a light-manufacturing zone. They do sandblasting outside, and they are painting outside. Mr. Christensen had semis of metal delivered to his business and employed four to five employees. Kevin stated that he is running a full fledge fabrication shop. Jody Sandberg sold her cookie business because she could not have an accessory building to do her business. We ran Max Coon out of the neighborhood when he wanted to store fencing material at his location. Craig stated that Mr. Christensen told the Planning Commission that he works mostly from a welding truck. Kevin stated that when Mr. Christensen applied for his building permit for the large metal building he stated that this building would be used for agriculture. Attorney Elton informed the City Council that if they intend to appeal the conditional use permit they would need to file an appeal with the Zoning Administrator within 30 days of the approval of the conditional use permit. The Council determined that they would like to talk with Mr. Christensen to determine the facts prior to any action on his business license application. Motion was made by Byron to table the business license consideration until October 4, 2000 and instruct the Recorder to write him a letter to request his presence at this City Council meeting. Seconded by Kevin. All voted in favor, motion carried.

CONSIDERATION OF SUBDIVISIONS:

- a. **South Willow Estates Phase 2b – Final Plat:** Neil Blackburn was representing John Laing Homes requesting approval of the final plat for South Willow Estates Phase 2b. Attorney Elton stated that he has reviewed and approved the title report. Craig made the motion to approve the final plat for South Willow Estates Phase 2b with the provision that the Mayor, Joel and the Attorney review and approve the financial guarantee and authorize the Mayor to sign the final plat. Attorney Elton asked Mr. Blackburn if the water has been transferred? Neil stated that all of the water has been transferred. Seconded by Byron. All voted in favor, motion carried.
- b. **Matthews Subdivision – Final Plat:** Mayor asked the Attorney if the City Council was in error by sending this subdivision back to the Planning Commission? Attorney stated that the issue before the Council at the last meeting was not the final plat but the issues of the reduction of the amount of lots, size of the road and providing the water up front. It is proper for the City Council to send the subdivision back to the Planning Commission with the approved changes to the preliminary plat for the Planning Commission to review. Kevin asked Paul Matthews if he understands that the street is a public street or a private street? Recorder Palmer read the conditions as stated in the Planning Commission meeting. Attorney Elton stated that he questions

the curb, gutter, sidewalk waiver stated on this plat. Attorney Elton understood that the curb, gutter and sidewalk was waived for all of the lots on the condition that they sign agreements to install the improvement when the city deems necessary. The Plat shows only lots 1 & 3. Is it waived permanently? Karen questioned if the road is a culd-e-sac and will not ever extend further west? Paul and Jack stated that the road would not extend any further. Mayor asked Craig why there was so much confusion on the part of the Planning Commission as to why this subdivision was sent back to them for review? Craig stated that the Council overrode several items of the denial. The Planning Commission did have to review and recommend on the final plat. Attorney Elton stated that the City Council did not have a final plat because you directed them to redo the subdivision. Kevin asked Craig according to the minutes of the Planning Commission Craig made the statement that the road has the “potential” to be a public street. Kevin stated that you made the motion to make the road to be a public street, and because the Planning Commission questioned that motion you stated that the street has the “potential” to become a public street. Craig stated that it is up to Paul and Jack to decide if they wanted to make the street a private street or a public street it is their option. Mayor stated that he did not believe that because of the motion that Craig made. Craig stated that “ I don’t do it as a public street until they agree to it on the final plat.” Kevin stated that Craig is misleading the Planning Commission. Mayor stated that Craig’s motion was clear to make the street a public street. Kevin stated that I don’t feel it is fair to me to make me the bad guy. Craig stated that his motion may have been misunderstood. Paul stated that he was under the impression that it was Public Street all along. Craig said that after all of the criteria were met under a P.U.D. there is no reason to not make it a public street. Mayor asked Craig why the Planning Commission has this confusion? Craig stated that he might have mishandled it. Attorney Elton stated that prior to approval typically the final plat has all of the property owners signed off on the plat. Paul questioned the requirement for signing the agreement of curb, gutter and sidewalk for all of the lots? Paul stated that he thought that only the lots that front on existing streets would be required to do that. Mayor asked the Recorder to read the motion allowed. Recorder confirmed the motion stated that all newly created lots will be required to sign the curb, gutter, sidewalk agreement at the time of building permit purchase. Changes – everyone sign the plat, and the curb, gutter sidewalk agreement to include all of the lots. Craig made the motion to approve the Matthews Subdivision on the condition that the following changes are made:

- a. Curb, gutter, sidewalk agreements are to be signed for all of the lots.
- b. Review of the city engineer.
- c. Approval of the financial assurances.
- d. Authorize the Mayor to sign.

Seconded by Byron. Vote is as follows: For: Craig, Byron, Karen. Against: Kevin, Justin. Kevin clarified his vote by stating that he will be consistent with his previous vote based on the width of the asphalt road. Motion carried.

- c. Bill & Sue Simmons – minor subdivision – Pear and Quirk Streets:** Craig made the motion to approve the minor subdivision for Bill and Sue Simmons dividing one lot into two lots. Seconded by Justin. All voted in favor, motion carried.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. Consideration of adoption of a two-year guarantee period following the installation of subdivision improvements:** Kevin made the motion to approve Ordinance 2000-27. Seconded by Craig. All voted in favor, motion carried.
- b. Consideration of defining natural landscape:** Craig made the motion to postpone this item until after the water issues are resolved at the work meeting on September 28, 2000. Seconded by Kevin. All voted in favor, motion carried.
- c. Consideration of zone change from A-10 to R1-1 at approximately 1160 W. Main Street:** Attorney Elton explained to those present that the public notices only included one of the two parcels of property that were intended to be considered for this zone change. Mr. George was present and stated that he had gotten the descriptions from the Tooele County Records office. Attorney Elton explained the City Council’s options. They could vote on the zone change for just one of the parcels or wait and go through the process again. This would delay Mr. George and Mrs. Hiatt for one month. Karen made the motion to reset the public hearing for this zone change request from A-10 to R1-1 at 1160 West Main Street for October 18, 2000 and place the consideration of Ordinance for same on the same night. Seconded

by Craig. All voted in favor, motion carried. Mr. George is to get the proper descriptions to Shauna in order to begin the publication process again.

D, A, and B - This items were completed at the last Council Meeting.

CONSIDERATION OF RURAL ROAD STANDARDS: Mayor Cole stated that he has not set up the meeting to discuss this yet. No action was taken.

CONSIDERATION OF PART TIME ASSISTANT COURT CLERK: Karen stated that she has talked with Cindy Rowley the in house applicant for this position. Karen stated that the City Council needs to decide if the City Recorder can hire employees and if not we need to caution her from doing this. City Recorder has asked Cindy to assist the Court Clerk in the past. Karen stated that the Mayor wanted to look outside for additional applicants. Karen stated that Cindy has been working hard as the Assistant Court Clerk and the Justice Court Judge highly recommends Cindy for this position. In addition, the City's own Employee Policy and Procedure Manual states that Grantsville City shall promote within. Karen stated that the Council decided that one part time employee could only hold one part time job at a time. Therefore, if the Council approves Cindy for this position she cannot continue to be the part time Janitor. Karen stated that Cindy has requested the Council consider the difference in her current salary verses the salary offered for the part time Court Clerk. Karen stated that she did not feel that it would be fair to give City the same salary. Justin stated that he felt that you should not lose money when you are promoted with the same company. Byron, Kevin, Mayor and Craig all stated that they have experience with people bidding into positions that actually pay less than their current job. Karen made the motion to approve Cindy to fill the position of Assistant Court Clerk at Grade 5 Step 4. This is higher than the original salary offered, but Cindy has been an employee of the city for 4 years and this salary considers those years of service. Seconded by Byron. All voted in favor except for Justin who voted against. Justin stated that he does not feel that Cindy should have to take a cut in pay. Motion carried.

CONSIDERATION OF 21ST CENTURY PROGRAMS: Mayor stated that at some of the conventions he has attend this year he has heard a lot of good comments about this program and the grant possibilities it can offer. Karen suggested that the city get on board fast so that we can get credit for membership in applying for grants. Karen stated that she and Justin would work together and come up with a presentation.

CONFERENCE REPORTS: Craig stated that he thought the Utah League of Cities and Towns was good this year. The Planning Commission items were very good. Craig presented a resolution that the League is asking cities to consider that would oppose Initiative B. Craig explained that this initiative would limit the search and seizure abilities of the law enforcement. Current law enforcement agency get to keep what they seize in drug busts. If this initiative passes, they would not be able to do that. Grantsville City has busted several meth labs and currently the state agencies are picking up the expenses of the clean up because these agencies can offset the costs by the sell of the item confiscated. Attorney Elton stated that the revenue from drug bust would go to education. It was determined to put this on the next agenda and Attorney Elton would have a copy of the initiative for the Mayor and Council to consider.

Mayor informed the Council about the Cedar City Rural Utah Conference. Mayor stated that when President Clinton went into office there were 50 web pages on the Internet and now there are well over a billion. That reverts to the sales tax problems because the local sales tax base is shrinking. Tooele County and Grantsville City are in as good as a position as anybody. We need the information highway. Companies don't need to be anywhere special as long as they have the information highway. Justin informed the Council that the information highway transfers data in a split second the Internet transfers data in minutes.

WORK MEETING: Water work meeting set for September 28, 2000 @ 7:30 p.m.

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

Mayor stated in reference to the financial analysis of the checking and savings accounts that Sue provides stated that the Park Impact fee fund needs to be used. We need to start buying water rights to have in the kitty. Justin wondered if the city could assist the Library in funding some of its needs. Mayor stated that the library has received grants in the past to purchase books. This money is what is left over from those grants.

OTHER BUSINESS: Mayor informed the Council that he is meeting with Doug Richens of Department of Purchase for Division of Correction of the State of Utah on September 28, 2000. This meeting is relative to the water line for the prison and seeking reimbursement for the city's expenses. Mayor stated that he chose to go alone and not as a group with Cornell and Hogan construction. Mayor announced that UDOT approved the city for \$55,000 for safe sidewalk program. The city will fix curbs for handicap access. Mayor stated that Joel suggested that the city put in an electric sign in place of the marquee. Mayor met with YESCO sign company and is waiting for a bid.

Karen asked why the lines were painted on West Street. The lines indicate that people can now pass and Karen felt that this is an invitation to disaster. Mayor stated that the lines are painted based on the State of Utah road standards.

Craig stated that he, Shauna, and Byron met with Bruce Parker concerning the General Plan. Craig stated that he has a concern about the 2-acre density on the southeast section of town where two subdivisions are pending. This item will be on the next agenda.

Mayor stated that the Council of Governments met with Jerry Paystrup Tooele County Assessor and Mike Jenson the Tooele County Auditor who gave a brief synopsis of the method of property taxation. Mayor stated that he was quite concerned that the Grantsville businesses are compared to the Tooele City business and their property taxes went up 100%. Mayor stated that he finally got down to the action of Tooele City purchasing water from Darrell Nielson. Mr. Nielson did loose about 1/3 of the water he was selling due to conversion of secondary water right to a culinary water right.

ADJOURN: Byron made the motion to adjourn this City Council meeting at 10:40 p.m. Seconded by Craig. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Merle E. Cole, Mayor