

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY
COUNCIL HELD WEDNESDAY, OCTOBER 18, 2000:**

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

Appointed officers and employees present: Wendy Palmer, City Recorder, Attorney Ronald Elton, Dianne Hunsaker, Planning Commission Member.

Citizens and Guests: Mary Ruth Hammond (press), Joe Cange, Jody & Laurie Erickson, Larry Mitchell, Dave & Tracy Christensen, Don Hunt, Arnie Hunt, Laverne Hunt, Catherine Seekins, Keli Bergemiester, Dan Tuttle, Melvin Radford, Martha Ruby, Josh Hall, Jaynee Steeves, Keith & Deedra Knox, Mr. & Mrs. Niederhauser, Ben & Steve Morse, Brian Knutson, Dori Harston, Natalie Anderson, James Chapman, Nathan Griffin, Shaun Sagers, April Marsh, Peter & Ora George, Heath Niederhauser.

PUBLIC HEARINGS:

- a. Considerations of a zone change from A-10 to R1-21-500 S. Worthington Street:** Mayor asked the zone change petitioner to present his request. Chad Johnson stated that he would like to have the zone changed to enable him to apply for a minor subdivision in order to build a home on this property. Mayor asked for any further comment? No further comment being offered the Mayor closed this public hearing at 7:10 p.m.
- b. Considerations of a zone change from A-10 to RR-1- 1160 W. Main:** Mayor opened the public hearing at 7:10 p.m. Mayor asked Craig to show those present where this proposed zone change is intended. Mayor stated that this zone change has been advertised previous but the property description did not describe both parcels of property. The advertising had to be done over to comply with the law. Mayor asked for any further comment. No comment being offered, the Mayor closed this public hearing at 7:12 p.m.

APPROVAL OF MINUTES OF PREVIOUS CITY COUNCIL MEETING: Kevin made the motion seconded by Karen to approve the minutes as corrected. All voted in favor, motion carried.

CONSIDERATION OF STATUS OF KENNEL ON HOLLYWOOD STREET: Mayor asked Jody Erickson to address the Council concerning any improvements that he has made since the September 20, 2000 City Council meeting. Jody stated that he has built a straw bale wall on the east side of the dog kennel to help block some of the noise of the dogs. Mayor stated that he has talked with Chief Johnson and found that Jody has been issued 4 citations. The Mayor stated that the Chief indicated that there had been other anonymous calls but the police cannot act on those calls unless the Officer can hear the dog barking. Jody stated that he is going to go to court on those citations because he feels that he is being harassed.

Karen asked Jody if he would be willing to put bark collars on his dogs? Jody stated that he really does not like to do that but would consider it. Karen stated that she has driven up to that area to see if she could hear the dogs barking. Karen stated that she has gone at different times of the day, evening and night. Karen stated that she has talked with some of the residents of South Willow Estates and found that many of the residents are young mothers who need to be able to sleep at night. Karen stated that during her visits she did not hear the hounds baying. Karen asked if the old dog pound on the Mormon Trail could be rented to Jody for his dogs. Mayor stated that the city had to move the dog pound from that area because of the well head protection law. One of the city's wells is adjacent to that property.

Craig stated that he has driven up in this area and parked for a time to see if he could hear the dogs. Craig stated that he watched a large dog from the subdivision wander down to the hounds. The hounds did bark when this dog was present. Craig stated that it is a different noise and could be irritating to listen to. Craig mentioned that he also hear a constant song of the dogs in the general area.

Catherine Seekins stated that even though she is the only one that is willing to sign a citation the Council needs to understand that this is a small town and people don't want to call for fear of retribution. Catherine stated that Jody asked her to call him when she hears the dogs barking so he could go up and quiet them down. Catherine stated that she called him twice. After those two calls, Jody would not answer his phone. Therefore, she had no alternative but to call the police. Mrs. Seekins stated that she keeps her windows closed all of the time to keep some of the sound out. Mrs. Seekins asked that the Mayor and Council enforce their own ordinance. Mrs. Seekins stated that if Mr. Erickson could muzzle the dogs at night so they could sleep that would help a lot.

James Chapman – Mr. Chapman stated that if Mr. Erickson would put shock collars on the dogs at night so they would not be able to bark. An alternative would be to use muzzles when the dog don't need to eat or drink and then remove the muzzles in the morning. A lot of the residents in the subdivision are young families and the women struggle for sleep as it is. Mr. Chapman stated that he would not want Mr. Erickson to get rid of his dogs.

Dianne Hunsaker stated that as a member of the Planning Commission she has been apart of approving the kennel licenses. Dianne stated that because we live in a rural area and it is a way of life she has felt good about approving those licenses. Dianne stated that dogs bark in her neighborhood and the barking is something you learn to live with.

Kevin Knox stated that he lives on the southern end of the South Willow Estates development and he hears the hounds bark for hours on end. It is a rural area and he likes living here but the dogs bark or bay for hours. He stated that he has to keep his window closed all summer long to help block out the noise.

Jody stated that he has a hard time believing that the dogs can bark for three hours at a time. Jody stated that when the dogs are out hunting their voices are almost gone after one hour.

Jerry Hill a resident of South Willow Estates stated that he hears the dogs barking but they are not that bad.

Larry Mitchell stated that he lives directly south of the dogs in the South Willow Estate Subdivision and he has never heard the dogs bark for three hours at a time. Mr. Mitchell stated that he hears the dogs but he can live with it.

Dori Harston – 998 Davenport Drive, stated that she really resents people telling her that she has not heard the dogs bark for three hours at a time. I know what I have been living with all summer long. Mrs. Harston asked if there are sixty-four signatures or only one signature on a citation. Mayor Cole stated that the petition has sixty-four signatures but only one person has signed the citations for barking dogs. Mayor stated to those present that if they are calling the police to complain about the barking dogs they must give their name or the police cannot do anything about the dogs.

Jeff Niederhauser a resident of South Willow Subdivision stated that he hasn't heard the dogs. Mr. Niederhauser stated that he is out here to be with the country sounds. Jeff stated that he hears the coyotes howl when he gets up to go to work at 4:00 a.m., that doesn't bother him either. The dogs are out in the wide-open spaces. If those people don't like the sounds of the wide-open spaces then they should move back to the city.

Heather Niederhauser 878 Ruben Court stated that she did hear the dogs. Mrs. Niederhauser stated that she has never heard them bark for hours. Mrs. Niederhauser asked if she could see the petition? There are only 72 homeowners in the subdivision and she wondered how the petition could have 65 signatures. Karen stated that many of the signatures are husbands and wives from the same household.

Josh Hall stated that this has become a personal issue because only one person has called the police and signed a citation. Mayor Cole stated that he talked with Chief Johnson and Chief Johnson stated that other calls have been received but the other callers would not give their name. Mayor stated that anonymous calls couldn't be acted upon when the officer responds and the dogs are not barking.

Jody asked Martha Ruby and Catherine Seekins if the straw bale wall has helped with the noise? Martha Ruby who lives to the east of the dogs stated that the straw bales did help muffle the sound. Martha stated that she did appreciate his effort. Mrs. Seekins stated that the straw bales did not help very much.

Natalie Anderson stated that she loves living in Grantsville and loves the fresh air. She loves having her windows open to enjoy the fresh air but the baying of the dogs makes her close her windows. Natalie stated that it seems like the baying of the dogs during the day is not the problem. The problem seems to be the baying of the dogs at night. If Mr. Erickson could keep the dogs quiet at night, the problem would be solved.

Catherine Seekins stated the dogs are barking all night long. Craig asked Mrs. Seekins if she hears other dogs barking? Mrs. Seekins stated that there are other dogs barking but the shut up around 11:00 p.m. Craig asked if she ever cited or reported the other dogs? Mrs. Seekins stated no she had not because the other dogs shut up around 11:00 p.m.

Karen asked Jody if he would be willing to muzzle his dogs at night, that way if his dogs were reported to be barking at night he could show the officers that it was not his dogs barking.

Craig stated that he feels that the court system should have a chance to work before the City Council acts.

Mayor stated that we haven't accomplished anything and we can't make you move your dogs. If you could muzzle your dogs or put a shock collar on them at night, it might get you out of getting tickets. It was the consensus of the Council to let the court make a determination prior to any action from the City Council.

WESTSIDE AUTO FENCING REQUIREMENTS: Mayor stated that Laverne Hunt contacted him and asked for an extension through the weekend. Mayor stated that he did grant her the extension. Arnie and Don Hunt asked for a longer extension. Byron made the motion seconded by Karen, to grant an extension to Westside Auto Wrecking to complete the installation of the required fence, not including the slates, around their wrecking yard until November 4, 2000. All voted in favor, motion carried.

PLANNING COMMISSION ITEMS:

- a. Consideration of status of subdivision applications received prior to moratorium:** Planning Commission Member Dianne Hunsaker addressed the Mayor and Council concerning about this issue. Mrs. Hunsaker stated that she was not clear on what the Planning Commission was supposed to consider when a subdivision wants to continue through the process toward seeking approval? Mayor stated that the City Council recommended that the Planning Commission continue through the current subdivision process and then the City Council would make the final decision whether the proposed subdivision is approved with the new general plan or the old. Dianne stated that the recommendation from the Planning Commission was that they would like the subdivisions that made application to the Planning Commission prior to the moratorium be considered vested. Attorney Elton stated that any subdivisions that has presented a plan that is consistent with the zoning designation for their property and is not asking for a planned unit development, zoning or general plan amendment are vested. Those subdivisions that are asking for a planned unit developments, zone change and or general plan amendment are not vested. If the Council declared them vested, it would be like a pre-approval of zone and or general plan amendment without going through the public hearing process. Dianne stated that some of these subdivisions have attended 52 Planning Commission meetings and paid fees in excess of \$16,000. Dianne stated that Craig Anderson declared two of

the subdivisions as being considered “Symbiotic”. Dianne stated that she could not find that word in the dictionary and wondered what it meant. Craig stated that two of the subdivisions are dependent on each other’s approval or their subdivision cannot move forward. Dianne wondered why this item is on the City Council agenda if the Council had already determined that the subdivisions should continue in the current process? Craig stated that the last City Council agenda only considered a specific subdivision and the intention of the Planning Commission was for all subdivisions that had made application. The item had to be placed on this agenda to include all subdivisions for the City Council to consider. Craig made the motion seconded by Byron that the city consider all developments that were in process prior to the subdivision moratorium continue under the current ordinance and general plan through the process and the City Council will make the final determination as to applicability to the current or proposed general plan. All voted in favor, motion carried.

KELI BURGEMEISTER-APPEAL DENIAL OF ANIMAL CONDITIONAL USE PERMIT: Craig stated that this conditional use permit was denied due to the amount of animals requested and the comments from the neighbors. Keli Burgemeister stated that she has removed some of the animals. Craig asked if the city regulates Wallabies? Keli stated that the Wallaby was purchased from a farm in southern Utah, and she brought it and the other animals from Idaho when she moved to Grantsville. Keli contacted the Utah Department of Wildlife and they told her that she needed to get a permit. Keli stated that she has two sheep, four geese and the wallaby. Keli stated that she did have a calf she was bottle-feeding for a farmer. The calf has gone back to the farmer. Craig made the motion to send Ms. Burgemeister back to the Planning Commission for consideration of a conditional use permit for the new number of animals she has on her property. Karen seconded the motion. All voted in favor, motion carried. Recorder was asked to have the Ordinance Officer inspect the property prior to the Planning Commission meeting.

MAGNESIUM CORPORATION OF AMERICA (MAGCORP): Mayor introduced Dan Tuttle from MagCorp to inform the Council of the service project that they are engaged in this year. Mr. Tuttle stated that both in 1999 and 2000 MagCorp has re-roofed homes for people that are in need. Mr. Tuttle expressed his appreciation to Grantsville City for their willingness to support this project by providing a dump truck to haul off the old shingles.

SAFETY KLEEN: Mayor announced that Safety-Kleen donated a defibrillator and battery for the defibrillator to the Police Department.

CONSIDERATION OF NEW BUSINESS LICENSES:

- a. **Denyse Regenniter – 235 W. Durfee – framing of artwork.** Craig stated that a conditional use permit has been approved. She will not have any employees and she works mostly for clients in Salt Lake City. Craig made the motion to approve the new business license for Denyse Regenniter at 235 W. Durfee. Justin seconded the motion. All voted in favor, motion carried.
- b. **Thomas Paine Corp-173 Country Court-Contractor Business.** Craig stated that the Zoning Administrator and himself approved this conditional use permit. There will be one employee and work will be performed away from the home. Motion was made by Craig seconded by Byron to approve the business license for Thomas Paine Corporation at 173 Country Court. All voted in favor, motion carried.
- c. **Scott Alan Rowley – 358 E. Angus Cove-candy machine placement:** Craig stated that this conditional use permit was approved as the home being used as an office the candy machines would be placed in other locations. Craig made the motion seconded by Byron to approve the business license for Scott Alan Rowley at 358 E. Angus Cove-for candy machine placements. All voted in favor, motion carried.
- d. **Keith Smith-203 S. Quirk-candy machine placement:** Craig stated that a conditional use permit was approved as the home being used as an office. Craig made the motion to approve the business license for Keith Smith at 203 S. Quirk for candy machine placement. Byron seconded the motion. All voted in favor, motion carried.

DAVID CHRISTENSEN-401 E. DURFEE WELDING BUSINESS: Dave addressed the Mayor and Council stating that he works full time at MagCorp and he does not have time to spend at managing a large business. Dave stated that he was in a partnership that has dissolved and will not be considering the large-scale fabrication jobs. Dave stated that he spent too much time away from his family and does not want to do more than small odd jobs. Dave stated that he would not hire any employees. The location of the building he intends to do business out of is not accessible to large trucks to deliver any large materials. Dave asked the Council why they feel that there is a big difference in a home occupation welding business verses some of auto repair home occupations? Mayor stated that when Dave built his building he applied for agriculture based building and now he is using the building for a light manufacture/welding business. Dave stated that his father-in-law uses the building to repair farm machinery most of the time. Dave stated that he has a welding truck parked in the building but when he uses the truck, it will be at a job site address. Dave explained that he has just had a second back operation and he is no longer physically able to work on large fabrication jobs. Dave stated that the building is 195 feet from the road and has been insulated. Kevin stated that he was concerned about the property owners of the light industrial zones. These people have built buildings for businesses to locate and the city is allowing those businesses to move out and become a home occupation. The city gave land to businesses at the industrial park and did not create any new business base. The tenants of the Old Lincoln Highway industrial area moved to the new industrial park on Burmester Road. Kevin expressed that the Council needs to draw the line and say how far are we going to go in allowing home occupations. A welding business does not fit in the residential neighborhood. Dianne Hunsaker stated that the Planning Commission was concerned about the fact that we are asking people to lie about the purpose of a building permit because they cannot build a building to house a home occupation. Byron made the motion to approve Dave Christensen for a conditional use permit with the following conditions:

- a. No employees
- b. No work after 10:30 p.m.
- c. All work to be done inside of the building
- d. Only store working stock metal on rack outside of building.

Craig seconded the motion. All voted in favor, except Kevin. Motion carried.

Byron made the motion to approve the Business license for Dave Christensen Welding business at 401 E. Durfee. Justin seconded the motion. All voted in favor, except for Kevin. Motion carried.

CONSIDERATION OF ORDINANCE TO CHANGE THE ZONE FROM A-10 TO RR-1 AT 1160 W. MAIN: Byron made the motion, seconded by Craig to approve the zone change from A-10 to RR-1 at approximately 1160 W. Main. All voted in favor, motion carried.

REVIEW OF UTAH LEAGUE OF CITIES AND TOWN (ULCT) MODEL

ORDINANCE: Mayor explained to those present that the ULCT has presented a model ordinance for city's to consider if they are going to impose a cell phone tax. Mayor stated that he is not recommending the tax to the Council only forwarding the information. The cell phone companies have asked the ULCT to come up with a model ordinance for all cities to follow so that there will be uniformity in the way the tax is charged. Attorneys Elton expressed that if the city wants to begin a cell phone tax they should also include a tax on regular phone service.

DISCUSSION OF PLACEMENT OF COMMUNICATION TOWERS WITHIN

GRANTSVILLE CITY: Mayor stated that he is concerned about the communication towers being placed in a down town area. Mayor suggests that the city think about restricting them in the center of town and in residential zones. Grantsville City does not have any regulations at present time. Justin made the motion seconded by Karen to ask the Planning Commission to come up with some recommendations for a new ordinance. All voted in favor, motion carried.

TOOELE COUNTY BY-PASS ROAD: Mayor Cole expressed his ideas for a by-pass road that would extend State Road 112 north past Main Street and connect at Burmester Road. Mayor stated that he wanted to pursue this issue with Utah Department of Transportation with the Council's support. Mayor stated that he has support from two of the Tooele County Commissioners. Mayor felt that as an emergency exit for Grantsville residents this road would work better than Kearl Street. Justin stated that he would be in favor of the by-pass road if it were not a replacement for the proposed mid-valley highway by Sheep Lane. Justin stated that the commute to Salt Lake would be complicated if Tooele residents were to begin coming to Grantsville to get to Salt Lake. Mayor stated that it is his intent that the SR112 by-pass road would not replace the Mid Valley Highway. Craig made the motion to support the Mayor in pursuing a by-pass road that would extend SR112 north past Grantsville City. Byron seconded the motion. Karen suggested that the by-pass road run adjacent to Burmester Road and leaves Burmester Road as a frontage road. All voted in favor, motion carried.

APPROVAL OF BILLS: Byron made the motion to approve the bills as presented. Craig seconded the motion. All voted in favor, motion carried. Mayor discussed the financial report format change showing the city's bank accounts. The Council reviewed the report.

OTHER BUSINESS: Byron brought up the issue of damage caused to William Sullivan's electrical connection at his home, that was damaged by the wind blowing a tree over at the museum. Byron stated that even though the Insurance Company stated that the city was not liable for the damage, Byron wanted the Mayor and Council to consider paying the \$250.00 deductible of the Sullivan's insurance payment. Byron made the motion to add the \$250.00 payment to William Sullivan to the list of bills as approved for payment. Craig seconded the motion. All voted in favor, motion carried.

Justin questioned the issue of the vesting of subdivisions and the method of negotiating a development agreement Heritage Grove? Kevin and Craig stated that the development agreement is worked out between two members of the City Council and two Members of the Planning Commission and the developer. Justin stated that he had overheard that the Scott Muir is still actively trying to encourage businesses in the Timpie Valley. Justin wondered what type of business is planning to locate out there but no one seemed to be willing to answer. Justin stated that he is going to meet with the Economic Development Agency on the 7th to tour the Grantsville Industrial Park.

Karen mentioned that several citizens complained to her about the dump station not being opened on weekends so that they can dump their camp trailers. Mayor stated that the security of the sewer plant operation is too important to risk leaving the dump station open without supervision.

Mayor brought out a situation about an illegal dump on the west side of town. A resident is filling a wash and it is against the city ordinance to do that. The Mayor stated that he intends to put this item on the next agenda for consideration. The Mayor stated that he wanted the Council to consider how they felt about allowing the filling in of gullies. Is this something we would want to allow under certain circumstances. We would need to consider storm drainage problems along with this issue.

Mayor stated that a citizen has offered to sell the city over 300 acre-feet of underground water rights. Mayor asked the Council if they thought he should pursue this matter. The Council encouraged the Mayor to negotiate for the purchase of water rights and report to the Council.

ADJOURN: Craig made the motion to adjourn this City Council meeting at 10:45 p.m. Karen seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Merle E. Cole, Mayor