

**MINUTES OF A SPECIAL WORK MEETING OF THE GRANTSVILLE CITY  
COUNCIL HELD WEDNESDAY, JANUARY 12, 2001.**

**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, Planning Commission Chairman Dianne Hunsaker.

**Citizens and Guests:** Mary Ruth Hammond (press), Jeff and Mike Didericksen.

Note: Due to a trial in the council/courtroom this meeting was held at the Community/Recreation Center for the beginning portion of the meeting.

Mayor Cole opened the meeting by asking the Council to review the information packets that were provided by Bruce Parker from Planning Services Inc. Attorney asked that the maps be more specific as to the area that the citizens are being asked to vote on.

Craig asked to address the Council. Craig stated that he voted against the opinion poll. The Opinion poll is intended to sway the Council Members in their feeling and vote on the general plan and I believe this to be a poor way to do business and possibly illegal. The Council voted on a municipal energy tax. A Referendum was not held on that issue. This item is non-binding and we should not be swayed by last minute opinion polls we already have had two years of input from the public and the Planning Commission. I have had citizens from other areas of our community asking why they cannot vote on the general plan in their areas of interest. I don't like this opinion poll because it is site specific. There are other areas that we are allowed to hold referendum polls on i.e. open space and green space. We need to step up to the plate as a city and hold a referendum poll to see if the citizens of Grantsville want to have their taxes used to purchase the farm property for open space. If the citizens want to dedicate their tax dollars to procure and operate these farms and not just dictate to the farmers that they have to stay farmers. It is my position that I do not support an opinion poll of this matter at this time.

Byron stated I think it is time to put an end to this opinion poll before we go any further. Even though the opinion poll is legal. There are too many flaws in soliciting votes. The board of elections declared that we should be following state voting practices. I am therefore making a motion that the city will not conduct any type of an opinion poll relative to the general plan. The newspaper has praised us for soliciting citizen input. However in the last two years we have followed due process of law in sponsoring 5 public hearings and had telephone and written input from these people. We gave the people an opportunity to speak and we have listened. Based on that input and the advice of professionals we formed our opinion. It is unfair and untrue to say the people haven't had an opportunity to speak. Therefore I make that motion. Mayor asked if the motion was in line with the agenda. Attorney stated that if that issue is not on the agenda it is not an appropriate motion. We could have this item on the agenda for Wednesday. Kevin stated that some of us don't think it is a waste of time. Bryon stated that there is another point from that the state board of elections made. If this goes down as someone does not like. 20% of the registered voters could petition for a referendum vote. Attorney Elton stated that there is a Supreme Court ruling that zoning issues cannot be a referendum vote. Mayor asked Byron to amend his motion to apply to the agenda. Byron withdrew his motion. Byron made the motion to not accept the information packet. Seconded by Karen.

Justin stated that he personally doesn't understand what we would be out by listening to the people. I don't see that anything bad can come out of listening to what the people have to say. Byron stated that we did listen to the public and it is now time to put an end to it. Justin stated that this vote is non-binding. You can vote anyway you want after the opinion poll vote. None of us know what the outcome of the vote is going to be. All of the input up to date has been pretty well split. That was the reason that we wanted to consider this option. Since it is non-binding I don't think we lose anything by allowing the citizens one last opportunity to give us their opinion and then make our decision.

Karen stated that when she first went into office she was very concerned about the Watt Homes water bonding issue. The overwhelming opinion was that the people did not want to bond. And the City did it anyway. But this opinion poll is non-binding, so whatever the outcome of the opinion poll is, it doesn't matter. We again come back and vote and we have wasted time and taxpayer money. The reason I don't want to have the vote is because it costs the taxpayer money and it is non-binding. And we as a council will come back in a month from now and make the same vote that we did on December 20, 2000. The zoning for a piece of land does not change until the landowner comes in and requests the change. Then we have ordinances in place that requires that the water stay with the land. This statement in response to statements made in a letter about the land and water being a non-renewable resource.

Kevin stated that he has been involved with the general plan process from the beginning. I have not missed one meeting, public hearing or scoping meeting. I have heard the same comments from the same property owners and citizens and those numbers may equal out to be about 20. This general plan will change our community forever. But, to say that listening to 20-40 people constitutes the feeling of the whole city of 6000 just isn't so. When Watt homes came to our community and there were many that voiced their opinion against Watt Homes. The Planning Commission to my understanding is that they were against Watt Homes. We approved Watt Homes even though the citizens were against that. I don't feel that 20 or 30 people in public comment even though the process may say that, is a good fair approach to this issue. Kevin asked Karen if it was true that when the Council first voted to have the vote, the Council members all stated that they would support what the people want. And now you are saying that you wouldn't support that one way or the other. Karen stated that she cares about the people. But in retrospect an opinion poll did not do me one bit of good. Justin stated that Karen now has an opportunity to vote what ever she wants. There is nothing holding you to one vote or another. So by saying that by listening to the public won't help because you won't change your mind based on what the public says, is not exactly true. Karen stated that she talked with people in her hometown of Sandy, and what took place there. And that is what she is basing her opinion on. We have a small community and if we plan our community, it is so important and not to let it get out of hand. If we have 5 & 10 acres like we have had in the past it is not a plan.

Mayor stated that the 5 & 10 acres allow you to plan. By designating the outside area as one-acre you are predetermining what it is going to be, that is not planning. Byron stated he disagreed with the Mayor's statement. Karen stated that if you have a one-acre lot and have a set back; for instance take Watt Home and Anderson Ranch in 50 years these planned communities would not change. However, if you take a ten-acre lot then it is going to be way too expensive and no one will be able to afford it. Justin stated that Karen's statement is not fair. You can't tell me what I can afford. I am somebody's kid who lives here. Karen stated that we as a Council do not have the right to tell property owners what they can do with their property. Mayor stated that you just did if you tell them to go to 1 acre. Karen stated that if the landowners are allowed to develop their land then she is for that. Justin stated that next week the landowner wants 1/3 acre lots and then 7,000 square foot lots should we agree because it is their land. Karen stated that she would support that because that is exactly what is going to happen. Justin asked where do you draw the line and say that we govern it?

Craig stated that we don't need to debate the pros and cons. Land use laws are set up to protect the property rights of the owner and the governing body. As the Zoning Commission under their laws they have to work under the ordinances of their book. This protects them from public clamor. As Council Members we should vote and base our decision on sound information and recommendations from engineers, our Zoning Commission and other people involved. My main concern is that this ballot that we are sending out would constitute a referendum or public clamor. Either one of them is unacceptable. I think the argument over what is right and wrong is needs to be held somewhere else. Karen stated that the ultimate power to enact zoning laws rest solely with the city. The City Council can get 99 votes yes and one vote no and still vote no. The City Council can do whatever they want. They have the ultimate authority to go with what people think or go against it. Karen stated that in her opinion we took a vote and we did not pass it because there were a couple of people in fact the Mayor sided with

a couple of Council people who were against it. Karen stated that her personal opinion thinks that the Mayor should have remained neutral in the whole situation and let the Council work it out. Mayor stated that he has a right to an opinion. Karen stated that she knows he does and respects it. But this is an issue between the Council Members and we make the decisions. My thought last evening after reading the paper was “why waste our time?”

Kevin stated that the opinion poll is not a waste of time. He was disappointed that we are here today, if you felt that way we should have voted on it and not been through the process. Karen stated that she has spent hours and hours on this issue. Justin stated that she is no different than anyone else here.

Karen read as letter as follows: Both sides in the current general plan discussion regarding the appropriate lot size agree that the primary goal is to retain the rural lifestyle and atmosphere of Grantsville. The issue is what are the best steps needed to accomplish that goal. We believe that in the long run creating densities of one or two units per acre in the “Hollywood” area will best accomplish that goal of retaining both rural atmosphere and rural lifestyle for both the current and future residents. We believe that we have listened to all of the people the landowners the developers and citizens not just those who choose to stop growth in our community. In the long run the city and its residents current and future, are best served by planning our communities growth. Designating the majority of our city in densities that are not practical is not planning.” Karen stated that this is her letter and she feels adamantly about these statements. I have pro’s and I have con’s, I am concerned about how we can we vote fairly. I think that the Mayor and Council need to open the ballots and handle them. But why waste our time?

Justin stated that he wants to go on record that he does not feel that it is a waste of time to listen to the citizens as a council because we are not willing to vote based on what we hear from the community. That is not my opinion at all. If we listen to the community and they say that they want 1 or 2 acres and that is what they prefer, then that is what I am going to vote. I am going to vote on what I hear. For us to sit hear and say that we are not going to change our vote based on what we hear is your opinion and your opinion alone. Maybe the three of you but it is not my feeling. I am willing to vote on what I hear.

Byron stated that to say that we have not been listening to the people is unfair and untrue. We have. They spoke we listened. We made our decision based on that.

Justin stated that I think the difference is what you consider rural and how you continue to provide the rural lifestyle that people expect. If you consider 1-acre density rural I think that is a different standard than what many people consider

Karen considered Sunvalley Estates to be a rural feel and it is a 1-acre lot. It is far better than 7,000 lots. We have such disarray of things in our community and hopefully we won’t get anymore of that.

Kevin asked a couple things he really gave a lot of thought to and we have all spent a lot of time. With Watt Homes on the South end of town and making everything north one acre we have given away our negotiation tool to gain some amenities for the city to plan and gain some open space and those types of things. There are some arguments about septic tanks and those types of issues. You are basing your issues on if we plan. If a developer wants to build a development in the middle of Watt Homes and the more developed part of our city. The potential to line the street up and follow the process will be very difficult. If you take the agricultural part out of the picture, I don’t believe it is our intention to tell those guys that are farming now that they must continue to farm. But it is our responsibility to plan a trail system and a road system for community, so we don’t end up with streets like Quirk – Kearn and Main Street. The other point is we talk about that we don’t want septic tanks. By turning all of that ground to one acre the potential is much higher that we will get more septic tanks in this area than we would have if we leave it in larger property. Byron stated that the Board of Health wouldn’t allow it. Justin and Kevin stated that the Board of Health is allowing septic tanks on one acre right now. So everything on Willow Street back three Hundred and Watt Homes

would have to hook to sewer. But on Worthington Street the potential is there for septic tanks. Kevin gave the example of Otto Anderson's property on Worthington Street has the potential for a septic tank on each acre. Karen stated that we have ordinances not to allow that. Mayor stated that we don't have an ordinance. Karen stated how hard would it be to create an ordinance. Mayor stated that it would be hard. Karen stated that I believe that Otto Anderson is going to ask for ½ acre lots I know this to be true I have spoke to the man. He is not going to have septic tanks. Justin stated that there is our whole point so we went from 2 acre to 1 acre and now we are already at ½ acre lots. That is the whole point of what is so hard for me. Kevin stated that to have a good plan by going out to create subdivision and turn everything to one acre. I don't see how you ever create a good growth pattern there because you have a potential to have subdivisions in a checkerboard pattern. Not to mention if this develop and the trend is to go down. I believe we are contributing to the problem of land being too expensive for our children to buy because now we have just made the value of raw land higher. Justin stated that the hardest thing for me is I don't think we end up rural. Originally we started out going from 10 acres down to 2-acres. And then we went to 1 acre and now you are going to ½. Now you are driving from one acre instead of 10 or two acres. He is not going to ask for one he is going for significantly less than ½.

Karen stated that she has always said listen to the people that is what I believe. Why would I go tell Otto that he would have to develop at 5 or 10 acres? Mayor stated that Karen has made a mistake to declare that. Kevin stated that he is most frustrated about is that I have heard from the citizens if we are going to create what Grantsville is based on today. Can you explain to me how we are going to take the south area of town the prime agricultural property and carve it up and do away with those things that our community is based upon? Craig stated that there is only two ways to prevent it: First if the farmer wants to keep farming the land it will stay agricultural, the second is if the city buys the property and runs it as a farm or open space. Kevin stated that how do we protect that. Are we taking away the opportunity for our citizens to keep animals and the rural setting that is part of our community? We are chopping the lot size down to small to make it feasible to keep animal. It isn't working in Watt Homes and it isn't going to work anywhere else in our community. By the time the developers request their densities and zone changes as we get back to the city there will be very, very few animal lots left if any. Look at it, we are doing the same thing with the water we want to start down here at the bottom with no latitude to negotiation power to get something good for our community. Karen stated that lets take a look at property taxes. If you have 5 and 10-acre lots they don't pay very much in property taxes. The inner city pays property tax for the farmer. The city benefits from a one-acre lot with a home on it. Mayor stated that it wouldn't cover the cost of a police officer. Karen stated that if we go 5-10 acre and then every person would have to come in and ask for ½ acre lots of 1-acre lots whenever they wanted to develop. Justin stated that is what would benefit the city because the city now has the negotiation power. With your plan the city loses its negotiation power. Kevin stated that what he has heard over and over is that our citizens what Grantsville to be like it is today, and by you guys deciding to do away with the 5 & 10 acres on the south end of town is taking that away. That is my personal opinion that you guys are taking away those opportunities in those area because of the Planned Unit Development Process that allow for us to negotiate to say you want this and we as a city want this. Karen claims we can still do that. Mayor, Kevin and Justin asked how can we do this. Justin stated that when you start from the bottom we don't have much opportunity to require that. Karen stated that we as a city have the obligation to create ordinances to require the things we want. If we want open space we buy it. The Irrigation Company says that they must change B shares to A share or they will go broke. Kevin stated that we can still do this by working from the inside out. Karen claims that this plan is not going to happen tomorrow. Justin said to look at what happened to Tooele in five years. Karen stated that she didn't care what happen in Tooele. Justin said that does tell us that it can't happen today, it can. To say that it is not going to happen is a cop out. Byron said that to say it is going to happen is a cop out. Karen stated that we are spending too much time on a plan that something that is very general. Kevin stated that we are not following even what the Planning Commission recommending and not what the citizens have said by doing what you guys want.

Byron restated his motion to not accept the information packet for a vote on the general plan. Karen seconded. Vote is as follows: For – Byron, Craig and Karen. Opposed – Kevin and Justin. Motion carried. Next agenda to place the status of general plan opinion vote.

Meeting was temporarily adjourned while the Mayor and Council moved to the City Council Chambers.

Mayor called the meeting to order to continue the agenda for City Council work meeting 1-12-01. Meeting is being conducted in the Council Chambers at City Hall.

**WATER ISSUES:** Mayor stated that the issues of graduated water rates, water source impact fees, secondary water requirements, and purchase of water rights all need to be discussed and a decisions made. The Mayor asked the Council how they would like to see these issues addressed? One at a time or in a group. It was determined to address each issue one at a time. Mayor is to contact the engineer on the source water impact fee and have them present to educate the Council so that they can make a decision on leaving the impact fees and water study as adopted or amend the fees and water study to reduce the fees which would require the city to refund fees already paid.

Karen made the motion to adjourn this meeting at 3:15 p.m. Seconded by Craig. All voted in favor motion carried.

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Wendy Palmer, City Recorder

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Merle E. Cole, Mayor