

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY
COUNCIL HELD WEDNESDAY, MARCH 7, 2001:**

Mayor and Council Present: Mayor Merle Cole. Council Members: Byron Anderson, Craig Anderson, Kevin Hall, and Karen Watson (7:25).

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

Citizens and Guests: Paul Rupp, Janet & Morley Cook, Boy Scout Troop 1706, Barbara Grygierczyk, Laverl & Teresa Dumas, Kelly & Gail Williams.

Mayor welcomed Boy Scout Troop 1706. Recorder Palmer gave each Boy Scout a City pin.

APPROVAL OF MINUTES: Craig made the motion to approve the minutes of the meeting held 2-21-01 with corrections. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF ORDINANCE: Craig made the motion to approve the zone change from A-10 to RR-1 on the East side of Hale Street at approximately 500 S. Hale Street including 15 acres. Byron seconded the motion. All voted in favor, motion carried.

MORLEY AND JANET COOK:

- a. **Consideration of a right to farm ordinance:** Janet addressed the statement in the General Plan that Grantsville is a "Rural Western Community". Janet asked if that general plan statement applied to farming? Mayor stated yes. Janet continued by stating that she is concerned about this issue because the City Council continues to allow for zone changes from the A-10 agricultural zoning to more residential type zoning. We need to have an ordinance that states to those people building homes in these areas that are traditionally farming that they must accept these activities and the noise, odor and the unusual times that farm tractors may be active. Grantsville City should educate the new property owners when they move in that Grantsville City values the farms and farmers in this community and they encourage agricultural activities. Then this would minimize the problems between agriculture and non-agriculture residents. Mayor stated that White City has an ordinance that tells its residents that complaints about the activities of farming will not be acted upon by the city. Attorney Elton and Craig Anderson stated that there is a Utah State law that a farmer can put their land in an agriculture protection zone. Mayor asked for a model ordinance from Janet. Janet stated that the city could appoint a volunteer group of people to create our own ordinance. I think that farming is a wonderful endeavor and needs protection. It would be a wonderful physiological boost to those that practice farming for the city to have an ordinance that says that farming is a value to our community. Mayor asked this item to be on the next agenda.
- b. **Consideration of well purity ordinance:** Morley Cook addressed the Council concerning the fact that a subdivision concept plan was approved that would allow 28 septic tanks directly west of their well. Mr. Cook is petitioning the city for a well water purity ordinance. I think the city should take a sample of my water from my well and test it every six months at the city's expense to verify that it does not get polluted. Morley was asked if he has ever had his well tested, Morley stated yes two months ago. The test was for bacteria. Karen asked if the well was their only water source. Mr. Cook stated yes. Byron posed the question if the Tooele County Health Department has any responsibility for the well purity if they approve the septic system. Kevin stated that he has some real concerns with the septic tanks in this area because of the high ground water. Byron asked if Morley was asking that the city test his water now or only after the septic tanks are in place? Morley stated that he wants to know how the city is going to protect his water right. I have already paid for my water and my well. I don't think anyone has the authority to pollute my water. Karen asked if Mr. Cook would consider connecting to city water if it was available? Mr. Cook stated that the water line on North Cooley is not good. Karen questioned if we as a Council really want to allow septic tanks for that new subdivision. Kevin stated that there are three wells being drilled or have just been drilled that are down stream from the Palomino Ranch Subdivision that is proposed with septic tanks. Kevin informed those present about a situation in Tooele that is occurring right now. Tooele

approved a subdivision with septic tanks twenty years ago and now the citizens of Tooele are forced to pay 1.7 million dollars to install sewer system for this subdivision because sewer runs on top of the ground when it rains. Kevin continued by stating that he believes that if the city doesn't require the developers to do it right today the taxpayer will have to fix it tomorrow. Karen agreed stating that the city needs to bite the bullet and do what we need to do. Kevin stated that his stand is that if we don't make Palomino Ranch install sewer system now, in 20 years from now the city will be doing what needs to be done to repair it. Kevin stated that we put in a sewer system in our town several years ago for a reason and I think we should require developers to install sewer systems. I am down stream from these proposed septic tanks and I am concerned about my well. If Palomino Ranch was 20 miles from a well then I might feel differently. Byron asked where the nearest sewer line is? Mayor and Kevin stated that the nearest sewer is on Clark Street and that would require Palomino Ranch to put in a lift station. Kevin stated that maybe we need to bite the bullet and put in the northern sewer line to the plant. Karen stated that we as a city have a responsibility to protect the citizens that are currently living on North Cooley. We are infringing on Mr. Cook's well, it is not fair, and we need to address it. Kevin stated that it is the human error that concerns me more than the actual septic tanks. We need to consider inspecting the septic systems. Mayor stated that we already have bad wells in the city. Craig asked what the scope of this thing would be? Craig stated that the ground water is more effected by the septic systems on the hill in the gravel bars than the septic system that has no saturation of soils. Mayor stated that Carlos Garcia from the Soil Conservation District and Utah State University have worked together to develop a program for soil analysis. You can plug in conditions to see if they fit to detect contamination from septic systems. Byron stated that what if we test Morley's well and it shows that it is contaminated how do we verify where the contamination is coming from? Kevin stated that he still has a question about elimination of the human error for septic systems. We need to verify that when a septic tank is installed that it is installed correctly. Mayor stated that the Health Department could shut down the possibility to install septic systems in Tooele County. Craig stated that the area for failure of a septic system is drain field saturation and mechanical. The County Health Department requires a more elaborate mechanical vault that is less prone to leakage. The drain field saturation is the reason that the city required an acre of property. Mayor stated that the flood of 1983 was diverted down North Cooley, and it may happen again. Kevin stated that his septic effluent water pipe is six inches below the surface of the ground because of the high ground water in this very area. The fear is that the effluent sewer water gets into the water table before it goes through the drain field process. Janet stated that it is a reasonable assumption for assigning blame if in 36 years our well has had pure clean water and then the well is contaminated after the septic systems are installed. Morley explained his septic tank has 18" of cover and the drain fields have more than that. Mayor asked if Morley has ever changed his field drains? Morley stated that he has never changed his field drains. Mr. Cook stated that he built twice as much field drain than was required and he brought in 4 feet of soil. Therefore, the field drain is not down to the natural level of the soil.

- c. **Consideration of subdivision bond:** Morley Cook asked if Grantsville Development Company go by "Grantsville Development Company LLC." Does that mean that they have no responsibility for damage when they leave? Attorney Elton stated that the damage claims is limited to the Company and not personal property. Morley asked who would pay for the sewer improvements if they do put in septic systems and those systems fail after they have gone? Attorney Elton stated that Grantsville City is not responsible to those homeowners. Mayor stated that he believes that the city would have to step in and take care of it. Morley asked what does the building permit say when it is issued for a home. Mayor stated that the permit states that the home will be inspected and will be placed on the tax rolls. Craig stated that some areas in town might require additional engineering for footings in areas where the ground is unstable.

Morley asked if the Council feels that the concerns that have been expressed about this project are of any importance? Mayor stated yes it is important, but we don't know how to legislate it into the system. If we have health and safety criteria that we can follow, then we can use that information to legislate development. However, one house that is sinking is not something that the city can use as a reason to stop development. Developers must do the studies to justify that they can develop their property.

Attorney Elton reviewed the Utah State Code in references to the Farmland Protection Act. Attorney Elton stated that the property owners could ask to have their property placed in an agriculture protection zone. This would prevent the property in the zone from changing its zone. The property cannot change its zone without the consent of all of the property owner's permission. Mayor asked Janet to review the law and come back to the Council. Janet asked if this law allows the city to create an ordinance. Attorney stated that it gives the city the authority to create protection zones. Janet stated that is not what she wants. Janet stated that she wants an ordinance that would give those people that want to farm or raise some animals the protection from harassment from new development that is not consistent with agriculture activity. Mayor stated that we should explore this issue and put it on the next agenda. Janet asked if the Council has made a decision about the protection of their well? Mayor stated that no decision has been made. Other wells have gone bad. I'm not sure how we protect just one well. Janet asked what does she do? Attorney Elton stated that she needs to go to the Department of Health. Janet stated that if the city has the ability to approve septic tank developments they should be responsible for the consequences of that approval. Craig asked Janet if she felt threatened by the Carole Worthington Subdivision? Janet stated no they did not threaten her because that subdivision is not directly across the street. Janet stated that she is concerned about the other possibility of septic tanks in developments in the future that are right next to her well. Attorney Elton suggested that Brian Slade from the Health Department come to a Council meeting and helps answer some of these questions.

Byron made the motion to place the farm protection and the well protection on the next agenda for further consideration. Recorder Palmer is to ask someone from the Tooele County Health Department if they could be present. Craig seconded the motion. All voted in favor, motion carried.

OCEAN STAR INTERNATIONAL: No action was taken.

BUILDING PERMIT FEES FOR MODULAR HOMES: Placed on next agenda.

CONSIDERATION OF NEW BUSINESS LICENSES: Byron made the motion to place new business licenses on the agenda as an emergency items. Craig seconded the motion. All voted in favor motion carried.

Craig made the motion to approve the business license for Wolf Den Traders at 653 E. Durfee #4. Seconded by Kevin. All voted in favor, motion carried.

Craig made the motion to approve the business licenses for Horizon Residential Services at 361 W. Durfee. Byron seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF CONVERTING PART TIME SEASONAL EMPLOYEE TO FULL TIME STATUS. Kevin stated that Allen Barney was continued as a seasonal part time employee with the requirement that his position be reviewed in 90 days for consideration of full time status. *Kevin made the motion to put Allen Barney on as a full time employee. Byron seconded the motion. Byron stated that I think he is great. He is a good employee. Mayor stated that he is a good worker. Kevin stated that the other part of that is the working foreman: we will be advertising that position again on Monday. Karen asked what the salary range would be for Allen Barney? Kevin stated that Barney would be replacing Ron Griffin's old position. Recorder Palmer researched the Grade and Step. Allen will be placed on Grade 8 Step 1. Salary of \$8.14 per hour.*

WATER SOURCE IMPACT FEE AND WATER ADVISORY BOARD MEETING REPORT: Mayor stated that the Irrigation Company is set on requiring 3 shares per acre. Mayor stated that the Irrigation Company is considering ½ shares. Kevin made the motion to table these two issues until the Irrigation Company resolves the half share issues. Craig seconded the motion. All voted in favor, motion carried. Craig stated that maybe the city should be seeking another water attorney due to the illness of our current attorney.

CLEAN UP DAY: Craig suggested April 28th and May 19th for clean up days this year. The 28th would be a green clean and the 19th would be the general clean. Craig stated that the utility bill would be used again as admittance to the pit.

REPORT ON THE RURAL WATER CONFERENCE: Kevin stated that he and the Mayor split up and went to different classes throughout the conference. Kevin stated that one of the classes was a motivational speaker that was excellent. Other issues that were discussed were additional chemicals that the city will need to start testing for. Kevin stated that we went to a funding seminar that he got some good information out of that might be worth looking into to buy water rights.

ARBOR DAY: Mayor stated that he met with Master Gardeners and a forest service representative. It was suggested in this meeting that Grantsville City initiate a tree farm and have the Master Gardeners Association take care of the trees. These trees could then be given away on Arbor Day. Mayor stated that he committed the city to fund a basic amount of money for start up expenses.

APPROVAL OF BILLS: Craig made the motion to approve the bills. Kevin seconded the motion. All voted in favor, motion carried.

OTHER BUSINESS: Mayor stated that the Council of Governments met to reallocate the CDBG money to use up all of the funds that were available. Mayor stated that there is an additional funding source for the cities to tap into. The money is available through the mineral extraction tax. Mayor talked about the new graduated rate program that the Rural Water Users Association has developed and he is really encouraged about it. Mayor announced that Watt Homes did file a claim against Grantsville City for the recovery right claim. Grantsville City has 90 days to respond to the claim or it is deemed to be denied. After that, Watt Homes has the option to file in district court.

Byron stated that he went to the briefing at the Army Depot concerning the transportation of ammunition through Grantsville. The ammunition transport will begin 1 April 2000 and end 1 June 2000.

Karen stated that she went to the State Daughters of Utah Pioneer (DUP) meeting. The DUP. would like to make a presentation to the City Council. Karen will let the Recorder know when they will be able to attend a City Council Meeting. Karen stated that Peggy Pearce would like to have a light on the Welcome to Grantsville sign and put more dirt in the planter box. Karen asked if any of the Council had come up with additional employee incentive awards. Kevin stated that he would really like to consider a safety award.

Kevin stated that he had budgeted for a new pickup truck and he has received bids on a truck. Attorney Elton asked Kevin if the truck he would like to purchase is included on the Utah State bid process. Kevin asked the Recorder to check that out. Kevin stated that he has been working to get the parks and cemetery watering system automated.

Recorder Palmer stated that she has been working on getting the city's web page up and running. This web page will allow people to pay their water bills, fines, and licenses over the Internet. The web page will allow for people to search cemetery records as well. The minutes, agendas and ordinances will all be available on the web page.

ADJOURN: Craig made the motion to adjourn at 10:25 p.m. Kevin seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Merle E. Cole, Mayor