

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY
COUNCIL HELD WEDNESDAY, APRIL 11, 2001:**

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

Appointed officers and employees present: Wendy Palmer, City Recorder, Attorney Ronald Elton (8:35 p.m.), Jack Allred, Building Inspector, Police Sgt. Brent Rowley, Fireman Paul Seekins.

Citizens and Guests: Alvin Matthews, Kirk Matthews, Kyle Matthews, Rueben & Robyn Quarnberg, Duane Dickman, Theresa Dumus, Gary Christley, Marjorie Baessler, Steve Burgess, Melanie and Ray Silva, Brian Slade (Tooele County Health Dept), Levi Clegg, Whitney Karchtchner, Mr. & Mrs. McKean, Mr. Stice.

PUBLIC HEARING: Mayor Cole opened the public hearing. Mayor explained that there would be another public hearing held April 25th due to a requirement for 15 days of public notice prior to public hearings and decisions. The agenda item to consider passage of the ordinance will be on the same agenda so that a decision could be made on the same night. Mayor asked for any public comment. Craig stated that the R1-12 zone change would begin 150 feet south of Main Street on the West Side of Matthews Lane, continue south to the corner of Matthews Lane and Durfee Street. Mayor asked for any further comment. No further comment being offered the Mayor closed the public hearing at 7:15 p.m.

APPROVAL OF MINUTES:

March 7, 2001: Kevin made the motion to approve the minutes as grammatically corrected. Craig seconded the motion. All voted in favor except for Justin who abstained due to his absence at this meeting. Motion carried.

March 21, 2001: Kevin made the motion to approve the minutes as grammatically corrected. Craig seconded the motion. All voted in favor, motion carried.

March 29, 2001: Kevin made the motion to approve the minutes as grammatically corrected. Justin seconded the motion. All voted in favor except Karen who abstained due to her absence at this meeting. Motion carried.

April 2, 2001: Kevin made the motion to approve the minutes as grammatically corrected. Craig seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF WELL PURITY ORDINANCE – BRIAN SLADE

TOOELE COUNTY HEALTH DEPARTMENT: Mayor stated that this item was on the agenda due to a subdivision request that would include septic systems. Karen stated that the subdivision is on north Cooley Street and she has a concern about the septic tank on 1.5-acre lots. Karen stated, I am concerned about the septic tanks threatening the wells in the area. Mr. Slade stated that the wastewater codes are written to prevent ground water contamination. However, that does not mean that wells in the area could not be contaminated. Mr. Slade stated that one of the pluses of this North Cooley Development is that they are planning to use the city's culinary water. In the County when a lot is proposed to support a well and a septic system, Tooele County Health Department is recommending three to five acre lots as a minimum buildable size lot to protect the well from the septic system. Kevin asked Mr. Slade about the required space in between the well and septic system? Kevin explained that a citizen in this area asked the city to begin testing their private well and continue to test their well on a regular basis to determine at what point their well is contaminated. They also are concerned who will be responsible for the contamination. Will it be Tooele County Health Department, Grantsville City, or the developer? What is the space requirement between the well and septic system? Mr. Slade stated that the distance is not defined in the code. The code does have minimum lot sizes for different percolation rates. That is why we require that a perk test be performed on all of the lots of the subdivision and a test well to be drilled on 10% of the lots to test the water quality. The state code will allow septic systems on a ½ acre lot but not with a culinary well. If you have a well on the lot, it is required to provide a radius of 100 feet protection area around the well. So that nothing can

encroach or contaminate the well. You can't put the well in a corner of a lot and expect the neighboring property to provide the 100-foot protection radius. The protection radius must be inclusive on your own property. You also have to have enough space on the property to be able to replace the drain field. Kevin asked about the requirements of a drain field from the water table. Mr. Slade stated that the bottom of the drain field must be 24 inches above the ground water level. Mayor asked if the County Health Department is concerned about the saturation of septic systems in Tooele County. The current density for the county is around 1200 and it is proposed that the county can go as high as 3000 septic systems. The Mayor asked Mr. Slade if there is any thought to where the additional 1800 septic systems are. What if 1000 of the proposed septic systems are in Grantsville, would that be allowed? Could the soils handle that many systems? Mayor informed Mr. Slade that the Soil Conservation District and Utah State University teamed up on a Soil Analysis program. This program might assist the Health Department in their decisions for permitting septic systems. Karen asked Mr. Slade if he was comfortable with the Palomino Ranch Subdivision proposal for septic systems? Mr. Slade stated that the Palomino Ranch subdivision has met their requirements. Kevin expressed his concern about the approval of the septic systems for Palomino Ranch due to the time those percolation tests were taken; it was during a dry water year. We have been in a drought for a few years so those tests may not show an accurate measure of the ground water. Justin asked Mr. Slade what the life of a septic system would be? Mr. Slade stated that a septic system would last 20 to 30 years if the tank is pumped every 5 years. Mayor and Council thanked Mr. Brian Slade for his information and attending this meeting.

CONSIDERATION OF THE (VFW) VETERAN OF FOREIGN WARS WATER BILL: Duane Dickman a member of the VFW was present to request that the water and sewer bill for the VFW building be waived once again. Mr. Dickman stated that they have replaced all of the old water lines so there is not any leaks. Mr. Dickman stated that the building is used by the Alcoholics Anonymous (AA). This group pays enough rent to pay for the heating and lights. The VFW has allowed the residents of the Senior Citizen Center to use the property to plant vegetable gardens so there is some water usage in this activity. Karen made the motion to waive the water and sewer service fees for the VFW building based on the community service this organization and building is providing. The waiver will be evaluated again in two years. Craig seconded the motion. All voted in favor, motion carried.

BRENT ROWLEY-CONSIDERATION OF WRESTLING PROGRAM: Mr. Rowley stated that he has been sponsoring an independent wrestling program for the last couple of years. This year he was not able to use a wrestling mat that he had used in the past. The High School coach Todd Thompson allowed him to use one of their mats but he would like to be able to purchase a mat for his program. Mr. Rowley teaches 45 kids in this program. A wrestling mat costs around \$3000.00 for a used mat that is guaranteed. Mr. Rowley stated that his group has about \$500.00 in the bank right now. Karen suggested that the wrestling group seek donations first and then come back to the city to seek additional funds. Craig asked if this club is sponsored by a larger organization like the Jr. Jazz or Little League Baseball? Brent stated that he is running this program independent. Maybe the city should consider a community development budget item for our children. I think we should think about a broader approach to support our children. Mayor stated that there is not a breakdown on what the city spends for the soccer, baseball, softball, and rodeo grounds to maintain these facilities. Craig asked if the city would own the mat and then lend it to the wrestling group. Melanie and Ray Silva stated that the mat could be used for several different groups not just the wrestlers and this would make the cost of the mat spread over more kids. Jack Allred stated that he felt that we should look at all of the programs. Kevin suggested that the city might want to do more to help protect Brent directly from liability. Karen asked for a show of support from the audience members everyone was in favor. Karen made the motion to approve \$3000 for the purchase of a wrestling mat. Justin seconded the motion. All voted in favor, motion carried. Justin suggested that in order for the wrestling students to appreciate the mat and really want to take care of it they should do some of their own fund-raising. Mayor stated that he would talk with Byron to see if there is some recreation money available for this purchase.

ROBYN QUARNBERG-CONSIDERATION OF AMENDMENT TO

INDUSTRIAL PARK OWNERSHIP AGREEMENT: Robyn addressed the Council to express concerns her and some of the other property owners are having concerning with the wording of the agreement with the possible loss of the property if the conditions are not met in developing the Industrial Park. Robyn read the conditions as follows. Each member must erect a building, and continue to operate a business without a 6-month lapse, paving of the road within in two years. They must also achieve an approved water and wastewater system. If they don't meet these conditions the property owners would loose the property. The banks that they are seeking financing from are not willing to loan them money to build their business structures because the finance company would not be in first position for the lien on the property. The city is in first position at all times. The main stumbling block is the requirement for the pavement of the road. We have talked about the problem of what would we do if one of the property owners does not have the money to help pave the road. Will all of the property owners lose their property because a couple of the property owners could not come up with the money to pave the road? We would like to propose that the city reword the condition that would say that if the road is not paved within 90 days of the due date. Then the property owners that have put their money in can give the money to the city to pave the road and then the city bill the lot owners that did not have all of the money. That way the business would not be taken away from us. This would mean that the finance company would not be at risk and the city could bill those property owners for the funds. Melanie Silva stated that if they could get their loans they could include the cost of the road in the loan amount. Mayor stated that he would look into this with Attorney Elton and put this on the next agenda. Mayor stated that he felt that this agreement was purposely worded vague to prevent this from happening.

WALDENWOOD HOMES – PROPOSED SANITARY SEWER LATERAL TO CONNECT 3 LOTS:

Levi Clegg and Whitney Karchner were present to request approval from the Council to install a sanitary sewer line across private utility easement along the north side of Clark Street east to Booth Street. This would prevent the requirement of 3 potential homes installing sewer lift pumps. The sewage would gravity feed to Booth Street. Mr. Clegg stated that he has reviewed this with Joel Kertamus the Public Works Director. Kevin stated that he has talked with Joel as well. Kevin stated that there is a stipulation that the individual deeds will need to reflect that the sewer line is privately owned and maintained sewer line. It was determined to have Attorney Elton advise them on the appropriate wording.

CONSIDERATION OF NEW BUSINESS LICENSES:

- a. **Lana McKean – 867 S. Poplar Lane – Property management services.** Mrs. McKean stated that they would be operating a rental agency and they would do the property maintenance. Craig made a motion to approve this business license for “Make It Ready”. Kevin seconded the motion. All voted in favor motion carried.
- b. **Celeste Killian – 357 E. Palomino Way - Crafts:** Craig made the motion to approve the business license for Celeste Killian. Kevin seconded the motion. All voted in favor, motion carried.

WALDENWOOD HOMES – PROPOSED SANITARY SEWER LATERAL TO CONNECT 3 LOTS (continued):

Attorney Elton arrived and was consulted as to the required wording that would satisfy the condition of running the sewer line on for private property to be maintained by the individuals. Kevin made the motion to approve Attorney Elton's recommendation that the wording be recorded with the deed of the property indicating that each of the property owners understand that they have a private sewer line and they have a requirement to maintain it and give notice to subsequent property owners. Then the current property owners would need to provide a waiver to hold Grantsville City Harmless. Seconded by Craig. All voted in favor, motion carried.

CONSIDERATION OF AMENDMENT TO THE TOOELE COUNTY JAIL

CONTRACT: Mayor explained that the Tooele County Jail has amended their contract and is asking that the City sign it. Attorney Elton stated that the biggest change is that they have deleted the notice requirement for prisoners receiving medical attention. Recorder Palmer stated that she has consulted with Judge Saxon and the Judge stated that in the past the Jail has contacted her when a prisoner is having a medical problem. The Judge can then make a decision to leave the prisoner in Jail and Grantsville City would

then be responsible for the medical costs, or the Judge can decide to release the prisoner on their own recognizance, which would make the prisoner responsible for their own medical expenses. If the city is not made aware of the medical liability immediately the possible expense to the city has a potential to be financially catastrophic. Justin asked why the Jail does not want to continue to notify us when medical attention is required. Attorney Elton suggested that the Jail does not want to perform the administrative function of notifying the cities. Mayor commented on the information provided by Recorder Palmer in reference to the research performed by Tooele City Attorney Roger Baker. In this information it was brought out that no cities in the research pay a per diem fee for prisoners, no medical reimbursement is paid to the County Jails in other Counties. Mayor Cole stated that he would present this issue at the Council of Governments meeting to seek support from other Mayors. Attorney Elton advised that the city not sign the contract until this issue is resolved.

JACK ALLRED BUILDING PERMIT FEE FOR MODULAR HOME

PLACEMENT: Inspector Allred presented a list of recommendations for the Mayor and Council to consider for adoption of requirements for modular home placement. Some the recommendations that Jack made were as follows:

- a. Stairs & front porch to be concrete.
- b. Front door to face the street.
- c. Porch should be covered.
- d. Full foundation around the exterior and jacks supporting the center.

The Council is to review and to make recommendations at the next meeting.

4TH OF JULY CELEBRATION: Theresa Dumus introduced herself. Mrs. Dumus has agreed to be the Chairman for this years 4th of July Celebration. Mrs. Dumus stated that she has had quite a bit of experience organizing large events. She stated that she is currently the prayer day chairman, which is a national event. She has also has been the organizing chairman for the Great Eastern Mountain Man Festival. She informed the Council that she has already lined up children's Native American Dance group. Mayor and Council thanked Mr. Dumus for her willingness to be in charge of this year's celebration.

Mayor presented the fireworks bid for this years 4th of July celebration. Mayor suggested increasing the dollar amount to improve the fireworks display. Kevin made a motion to increase the fireworks display bid from \$6000.00 to \$6,750.00. Craig seconded the motion. All voted in favor, motion carried.

GARY CHRISTLEY – HERITAGE PLAY: Mr. Christley stated that the biggest hold up on getting this play going is that Matt Price, who was to direct the play has become ill. Mayor and Council suggested that maybe this play should be directed by a professional director. Mayor and Gary were to talk with prospective directors and report back at the next City Council meeting.

REVIEW OF NUISANCE ORDINANCE AS IT RELATES TO FARMING

ACTIVITIES: Attorney Elton presented a sample amendment for the Council's consideration. It was determined that the Council would review the proposal and discuss this again on the next agenda.

- a. **Enforcement of nuisance ordinance-305 E. Clark:** Recorder Palmer explained that Ordinance Officer Hansen has given this property notice to abate their nuisance ordinance violations. The notice was returned to City Hall undeliverable. The notice was mailed to the same address as the property tax notice. Now it is up the direction of the Council what happens next. Officer Hansen needs to know how much further he should pursue the clean up of this property? It was determined that the Council and Mayor would review this property to check its condition. The Attorney will draft a new ordinance that would allow the city to clean up the property and attach the expense of the clean up to the property tax collection.

Recorder Palmer reported that Officer Hansen informed her that there are two dumpsters on site at 298 W. Clark and the Bank wrote a letter to the Police informing them of the clean up plan and that it will be complete within 30 days.

CONSIDERATION OF COMMUNICATION TOWER ORDINANCES: Justin made the motion to approve the Ordinance 2000-next number adopting regulations for the placement of communication towers within Grantsville City. Craig seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF SALARY STEP INCREASES: Craig made the motion to approve Corporal Steve Barrett salary step increase. Karen seconded the motion. All voted in favor, motion carried.

ARBOR DAY CELEBRATION: Mayor stated that the Arbor Day celebration is set for April 27th. Mayor stated that the offshoot of that is that the city develops a tree board. Justin stated that he would like to have a handout for new homeowners to tell us what will grow in Grantsville and how to take care of it.

WATER REQUIREMENTS: Mayor discussed a letter that was received from the Irrigation Company that states that they would like the city to determine the average irrigated acre for development. The Irrigation Company is still recommending that 3 shares of irrigation water be required for each irrigated acre. Recorder Palmer stated that she views that determination to be done at the time of the engineer's review of the subdivision and the engineer would review the landscape plan and give their recommendations. Craig stated that his point of contention is the amount of non irrigated areas. Craig stated that corrals and haystacks come and go. Mayor stated that you can use the half right and half wrong philosophy. Mayor and Recorder stated that the impact fee study and the zoning ordinance set some standards for available area that can be irrigated by the limit of coverage by buildings in different zoning districts. Craig stated that the Irrigation Company is missing the boat. They are not willing to make the adjustments to accommodate the residential user. Discussion of the inferior "C" Share verses the "A" was held. Craig stated that to keep the cheap water for the farmers Grantsville Irrigation Company must to increase the water rates for the residential users. Kevin stated that in the best interest of the citizens the city should work together with Grantsville Irrigation Company. Justin stated that we should not make our decisions based on the Irrigation Company profitability. Kevin stated that you should require three shares per irrigated acre. Craig stated that we should not consider that every space should be irrigated. Mayor stated that he believed that the impact fee ordinance does not expect that every square inch be irrigated. Mayor stated that we need to set the average and then have an agreement to adjust the irrigated acre as we gain more information. Kevin stated that we have to start a little high because if we start to low we can't go up. Craig stated that the Irrigation Company needs to change their business structure from agricultural provider to a residential provider. Kevin asked Craig what are they suppose to do, they do supply the majority of the water to agriculture. To be on the next agenda.

CENSUS: Mayor asked if any of the Council had concern about the results of the census. Mayor stated that he took exception to the numbers because he felt that the city is up around 6500 population rather than 6000.

MUSEUM BUSINESS: Recorder Palmer asked for a calling list for volunteers that will conduct tours. Karen stated that she has volunteered to replace Ruth Matthews somewhat, when available. Karen stated that she has conducted three tours. Max Davis has agreed to also conduct tours. Recorder Palmer asked if Mr. Davis is retired. Karen stated no he was not retired. Mayor would like to expand our facilities. Recorder Palmer stated that we need people that are available during the day. Karen stated that JoAnn Hanson has agreed to conduct tours in a pinch. Mayor stated that is not what JoAnn stated to him. Recorder Palmer stated that she does not want the office staff pulled out to conduct tours of the museum. Recorder Palmer reported that the last two tours of the museum were conducted by city employees. We don't want to pull employees from their job duties to conduct tours of the museum. Karen stated that she would have a calling list for the next City Council meeting.

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

OTHER BUSINESS:

Karen read the letter from Karen Hamm asking for the city to intervene in a property next to her that has horses. It was determined that the issue was a civil matter.

Karen stated that she has talked with Jay Hale about the purchase of property that is located on the corner of SR112 and Main Street. Mayor stated that she should have not represented the city in an attempt to purchase property without the authority from the Mayor and Council. Karen read a letter for Peggy Pearce stating that this property would make an excellent park location. The Mayor and other Council members disagreed stating that this intersection is the busiest intersection in our community and putting a playground there would be to dangerous.

Mayor stated that he found out that the city can annex property that has been serviced by the city without getting a majority vote from the property owners. The eastern area is prime candidate for this. I have one more meeting with the School Board concerning the base closure issue. Attorney Elton explained that the School Board wants to have Tooele City give their side and Grantsville City present their side. Mayor stated that he did not want to respond to Tooele City.

Kevin stated that he completed the Grant Application for the rodeo grounds. Un-knownst to him the baseball volunteers put in a grant for the baseball field and concession stand. The grant requests were for \$10,000 and \$40,000. Kevin stated that he discussed this with Byron and the Mayor and neither of them had been contacted. Kevin stated that he talked with Jeff Killpack and Jeff informed Kevin that he was going to put in a grant to upgrade the Cherry Street facilities a few days before the grant dead line. Mayor stated that he would send a letter to the Tooele County Recreation Board to request that they disqualify these two grant applications on the basis that the city has not agreed to these improvements at this time. Grantsville City has prioritized the Rodeo Grounds for improvement this year. Mayor stated that we have put a great deal of improvements into the baseball parks in the past few years. Travis McClusky a member of the Tooele County Recreation Board made a report that our facilities are in terrible shape which is not true.

Craig stated that the green clean is scheduled for April 28th. Craig informed the Council that JoAnn has been seeking bids for the General Clean for dumpsters. Craig stated that the Dennis McBride Car show that is put on during the Sociable was so big this year that it may be moved across the street to the park. This might also give an opportunity for groups to make some money by providing food items.

ADJOURNMENT:

Kevin made the motion to adjourn this meeting at 11:30 p.m. Craig seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Merle E. Cole, Mayor