

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY  
COUNCIL HELD WEDNESDAY, SEPTEMBER 5, 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, Attorney Ronald Elton.

**Citizens and Guests:** Mary Ruth Hammond (press), Brian Wittwer, Todd Castagno, Ferris Williams, Kelly Williams, Chris Williams, GHS Principal Teri Linares, Steve West, Tooele County School District, Judd Lawrence.

**APPROVAL OF MINUTES:**

**August 1, 2001:** Justin made the motion to approve the minutes of the previous City Council meeting held 8-1-01. Byron seconded the motion. All voted in favor, motion carried.

**August 15, 2001:** Justin made the motion to approve the minutes of the previous City Council meeting held 8-15-01 with the following changes: Change approval of Conditional Use Permit to Approval of business licenses, change the word jester to gesture. Byron seconded the motion. All voted in favor, motion carried.

**CONSIDERATION OF ORDINANCE: Byron made the motion to adopt the ordinance 2001 next number to enact a daytime curfew ordinance. Karen seconded the motion.**

Discussion: Karen stated that she felt that we should not adopt this ordinance due to the many people that were not in favor of it. Mayor stated that several people have stopped him over the last two weeks that wanted the city to adopt this ordinance. Kevin stated that he was under the impression that the High School was asking for this ordinance and has since discovered that the school did not initiate this ordinance. Justin stated that he felt that the police do a great job and they had all the right intentions of finding a way to do things better. Kevin stated that he felt that the public perceived this ordinance wrong. **All voted in opposition. Motion failed.**

**CONSIDERATION OF MINOR SUBDIVISION AT APPROXIMATELY 500 S.**

**HALE STREET:** Kelly Williams is seeking to divide one lot into 4 lots. Craig made the motion to approve the minor subdivision for Kelly Williams at 500 S. Hale Street. Byron seconded the motion. All voted in favor, motion carried.

**CONSIDERATION OF WAIVER OF FEES FOR GHS HOME CONSTRUCTION PROJECT:**

Principal Teri Linares and Chris Williams were present representing the GHS construction program. Principal Linares thanked the Mayor and Council for the partnership that they have been able to achieve with the city. Mrs. Linares stated that she understands how much the city provides at no cost to the High School in the way of baseball, softball, soccer fields etcetera and the amount of savings it is to the School District and to the citizens of our city.

Teri and Chris explained the construction program to the Mayor and Council and thanked them for their support of this program. Teri requested that the High School and City partner up once again in the request for waiver of building fees and impact fees due to an inter-local government benefit of helping support low-moderate income housing an the nonprofit federal program Housing and Urban Development. Karen made the motion to approve the building permit and impact fee waiver for the GHS Home Construction project co-sponsored by Housing and Urban Development as follows: Building fees \$1027.35, Plan Check fee \$667.78, Park Impact fee \$574.00, Public Safety Impact Fee \$228.00, Water Facilities Impact Fee \$1275.00, Sewer Facilities impact fees \$1175.00, Temporary Water connection \$30.00, Water Right Acquisition indoor \$1061.00, Water Right Acquisition outdoor \$1320.00. Kevin seconded the motion. All voted in favor, motion carried.

**CONSIDERATION OF PROPERTY ISSUES AT 378 W. CLARK STREET:** No action was taken.

**CONSIDERATION OF GRANT WRITER:** Craig stated that Craig Peterson is under contract with the Chamber of Commerce and he is too busy. It was discussed that the city may want to invest in an employee to train for this position. It was determined to put this item on the second meeting in November for further discussion and consideration of fund allocation. Craig handed out information he had from the Utah League of Cities and Towns concerning grant sites on the Internet.

**CONSIDERATION OF CHALLENGE TO CONDITIONAL USE PERMIT FOR WILLOW ELEMENTARY SCHOOL PROGRESS REPORT.** Mayor stated that the traffic survey is months away. Mayor referred to a letter received by the Tooele County School District stating that it is their preference to install curb and gutter. Craig stated that he has a meeting with Bruce Parker later this week and would like to make a motion to postpone this item. Byron seconded the motion. All voted in favor, motion carried. This item to be on the October 3, 2001 agenda.

**CONSIDERATION OF WATER IMPACT FEES:** Judd Lawrence, Bingham Engineering stated that he did a mathematical check on Councilman Byron Anderson's calculations and assumption with the home compound being removed as irrigated acreage. Byron stated that he did not assume that 100% of the net acreage was irrigated. Judd stated that Byron's calculation for irrigated acre increases until it reaches the half-acre lot size and then the amount of irrigated acre goes down. Judd stated that it could be argued that it is both consistent and inconsistent. Byron stated that if you use the mathematical straight line going up and a straight line coming down, where the two lines cross is a circle in there that unravel. Judd stated that it wasn't consistent across the board. Judd stated that we want to have something relatively simple. Judd stated that he did some calculations based on the first worksheet and came up with a percentage of irrigated area verses gross lot area that varied between 60 & 73 percent. The 60 percent on the smaller lots and the 73 percent on the one-acre lots. I thought if we were within a 10 percent band with these assumptions, which is about as close as we are going to get. I think we all recognize that we are never going to nail this down to actual square foot on every lot. So, I decided to look at a percentage of the gross acreage. I picked 2/3 of an acre because mathematically you can take 2/3 of an acre and 3 acre-feet of water required per acre. You cancel out the 3's and times the lot acreage by 2 and that is how many acre-feet of water you would need. It backs down the requirement on the one-acre lots and may be over estimated on the smaller sized lots. The impact fee for lot size will vary for the 7,000 square foot lot from \$2159 to \$6860 for a one-acre lot for the indoor and outdoor use. These figures are based on the \$2800 per acre-foot of water. Byron stated that he liked Judd's approach except he has figured that 100% of the net of the lot will be irrigated. Judd and Kevin both stated that they did a brief review of the town and Kevin obtained a list from the Grantsville Irrigation Company showing that more lots water more than lots that water less. Byron asked if Kevin could tell what percent of the gross or net portion of their lot are they irrigating. Craig stated that he feels that we should breakdown what we are doing. Our primary purpose is to buy water and protect our culinary system. Craig stated he had JoAnn pull up a lot of water bills to see what the consumption rate is. I discovered that there are very few people use a full acre-foot of water in a year. Some of these people have irrigation water and some do not. For me this works if we cut it off at the 14000 square foot lot size. What we do is say that we see that as a foot print of a house. If you have a one-acre lot that is an ample yard, and according to Judd 1.09-acre feet of water handles those, including indoor and outdoor water sources. If they have a larger lot than that, we should view that as something other than irrigated-whether it is horse corral, RV pad, etc. We view the excess land over 14000 square feet as unirrigated. Mayor asked Craig "What if it is irrigated?" Craig stated that it would be irrigated with someone else's water. If the water supply is ample it would behoove the city to sell them that water to irrigate as much as they want. When there is a drought, the city has accepted their impact fees we are obligated to continue to provide them with the outdoor water resource. I don't feel that the City will want to go to the expense to provide the extra storage facilities to provide the water for outdoor use. And we don't currently require the current residents to irrigate any percentage of their lot. Now when they go on a secondary system that is not the city's deal. If the Irrigation

Company says that they must have two share of secondary water to water their lot that is handled strictly outside of the city. It also follows our planning process as to how much we are going to view as irrigated. This water right acquisition impact fee only regards our culinary system. I don't think it is wise for us to foresee somebody irrigating or making landscape green and guaranteeing them 2.45-acre feet of water for a one-acre lot. I don't see it as the right way to go for purposes of water impact fees for the culinary system. It will affect current lots or if a developer comes in that cannot connect to the secondary system. We tell them that the irrigated acre is minus the house print and the amount of outdoor water available to them is 14,500 square feet of outdoor landscape. If they want to make five-acre lots that is fine but the impact fee will only, be sufficient for 14,500 square feet of outdoor landscape. In addition, in time of hardship we are not going to allow you to water your outdoor landscape. When an individual meter registers one-acre foot of water, we are going to raise the price drastically to let them know it is a premium and they will have to pay for it. Byron stated that we have got to defend the assumption that they are going to irrigate 100% of the net area. Craig stated that 14000 square foot is defensible; but when you get to the larger lots that may be hard to defend. There are very few that are completely irrigated. Justin stated that most of the new large lots are irrigating the whole thing. Another thing when you say that it is not the city's problem, I don't agree with that at all. I think it is our problem. Whose water are they going to use when the secondary water is exhausted? Craig stated that they are not supposed to use culinary water. Kevin stated that it is our problem to look to the future. Craig stated that how many people have used over an acre-foot of water. Craig reflected the problems in South Willow Estates being short on outdoor water. Craig stated that South Willows Estates problem is the homeowners association not Grantsville City. Kevin stated that the reality of it is that we need to stay in harmony with the irrigation system. If you look at the smaller lot subdivision, they aren't selling. The majority of the people that are moving into our community are moving here for the ability to have green space. We need to create a mechanism to stay in harmony with the water providers so that there will be sufficient water available to service our community. Byron asked if the Irrigation Company has created a standard? They don't have a standard so there is no harmony. Kevin stated that there is a standard three acre-feet per irrigated acre. Craig stated that the Irrigation Company requires one A share to get the water to your property and if you only maintain one A share then you can only water 14,500 square feet. Kevin stated that there is a fair calculation that identifies a standard with the State Engineers office and our own impact fee study. Byron agreed stating that we have both agreed with the Utah State standard of three-acre feet per acre. What there is no agreement on is what an irrigated acre is. If we set that standard, they need to be in harmony with us. Judd stated that Craig's alternative where you level it off at a quarter of an acre you only need to provide this much to protect the culinary system. If you look at the grand scheme of things, it actually burdens the culinary system. It comes in at \$2800 per acre-foot and you cap it to only require one share of water. However, if someone brings in a  $\frac{3}{4}$  acre lot, pays the \$2800 for the city impact fee, and decides to keep the whole lot green, they must go to the Irrigation Company to purchase additional shares but they are not required to by the city. Craig stated that is an option that will be managed by the subdivision ordinance as a side issue. Judd stated that the developer is going to take the easy way out and pay the impact fee and not put in a secondary water system and the city will have the water burden. Craig said that we have to keep in mind what is the city's job? If a developer comes in and wants to develop 1 acre lots it is his duty to convince the Planning Commission that he does not need to water all of the irrigatable land. Byron asked concerning the secondary water ordinance, if the property can be serviced by the secondary system and there are no shares available to purchase. Judd stated that if the property has been using the secondary water then the water rights would probably transfer with the property. Kevin stated that he did not believe that the city should start with the minimum water requirement. It is a lot easier to go down than to go up. Judd stated that the older areas of town were set up on a different basis. The areas of town that he reviewed showed that every open area left outside of the house, corral, driveway etc, was being tilled up in preparation of being green. Byron stated that doesn't show what percent is being green. Craig stated that he did a study of two homes with three member family with one acre lot and one 8000 square foot lots. Neither used one acre-foot of water. Justin stated that you could pull examples all day that would show a different answer. Justin stated that when he purchased his lot he wanted enough water to water all of the lot and he was unable to buy more than one share. Craig asked if the lack of water

has made Justin's lot unlivable. Craig stated that he did not feel that it is the city's place to make sure that every resident has the Cadillac version. Justin stated that if we don't require adequate water for the net irrigated acre then whose water do you think they will use. Justin stated that he is using a lot of city water because he does not have enough irrigation water. Craig stated that is ok because the city should adopt the graduated water rate and the city will make money from that shortage. Kevin stated that when there is a shortage the city will take over the secondary water system, purify the water. Why should we create that today? Mayor stated that you don't wait for the shortage and then react. You plan today for the possibility of a shortage in the future. Craig stated that if we are intending to cap growth we should say that and get on with it. Instead of using the backdoor approach by making the requirements and fees so high, no one can afford it. Kevin stated that if you talked with the people in Watt Homes I'll bet that everyone of them would have preferred to have sufficient amount of water to take care of their lots up front. Craig stated that many of them are trying to purchase more water now. Kevin stated that is very difficult for someone to buy a new home and then turn around and pull another \$2500 out of their pocket. Craig stated that the shortage of water is the Irrigation Company problem to work out. Craig stated that he felt that the Irrigation Company should at some point stop being an agricultural water provider and become a residential provider. Judd stated that the shortage of secondary water is the city's concern and if the city takes the Irrigation Company over the administration of that system will not change much. Karen asked Craig why his recommendation is for only 14000 square feet. If we are promoting a rural community why not half acre or more? Craig stated that he feels that the house footprint should be only 14000 square feet for the home area. The rest of the land is either for livestock or other needs of the residents. We don't have a landscape ordinance we can enforce. Kevin stated that we are not requiring that anyone plant one blade of grass. Grantsville City requires that developers put in a certain standard of road, size of water and sewer lines. What is the difference if the water requirement is another standard that is to be complied with just like the facilities? Justin stated that he believes that those people that are buying one acre lots are not planning to limit their landscaping to just 14000 square feet. Kevin stated that he agrees with that. Craig stated that they buy one-acre lots to put horses in the back and RV's. I don't think we can foresee what they are going to do. We need to stick with the house print for water requirement. A good developer should tell them up front this is how much water each house has so the potential buyer knows what they are getting into. Kevin asked Craig how many **good** developers do you know? Mayor stated that we should think about working toward Judd's suggestion of percentage of lots to be irrigated. Judd asked if we should use the base numbers of 67% or go toward the sliding scale. The lots up to 1/3-acre lot will be 100% of the net acreage is irrigated. The variables come into play when you get to your larger lots. Byron asked if we pull a percent out of the total like 70% and work it through the worksheet for our defense. Judd stated that we can come up with a basic square footage of how much a one acre lot would be used for livestock and then figure in the other one-acre lot owners that want to have the whole acre in garden and lawn. Mayor suggested that if we did a standard that did not comply with the Irrigation Company three shares of water per acre. What happens to my one-acre lot? Judd stated that if the city develops the formula for the irrigated acreage the Irrigation Company will use that calculation to determine the amount of water shares that the developer has to provide and then the development will divide the water up internally. Craig stated that we are only talking about the culinary water right. We don't have a dog in this fight. Judd stated that it is intertwined. Because if the property owners provide irrigation water for their portion of the outdoor water impact fee, they haven't paid the impact fee for the use of city water once the Irrigation Company is out of water. Craig stated that those negotiations are handle by the development process. It will boil down to what the developer says he is going to irrigate and what the city allows and then the developer will have to provide three shares of irrigation water per irrigated acre. Judd stated that as an Irrigation Company person, the developer would say that they are only going to allow so much of the property irrigated to reduce their requirement. Justin stated that the developer will do what is the cheapest for them. If the developer ends up with extra water when they are done with the development, they will sell it. Craig stated that this is a whole other process with the subdivision ordinance. Judd stated that this discussion will be driven back to the developer to not develop in an irrigated portion of town because it is too expensive. The developers will look to the West Side of town to develop. Craig stated that is exactly what we want is to preserve the farm ground and have development on the

west. Byron asked Judd if we adopt this 67% or 50% is the Irrigation Company going to agree. Judd stated that if the city dictates what the percentage is the irrigated acre and then the Irrigation Company would require three-acre fee of water per irrigated acreage that has been defined by the city. Kevin asked if we are on track with these figures. Judd recommended to the Council too not to come up with an arbitrary number and keep it simple and use the straight line. Stay away from taking a percentage times a percentage. Byron asked Judd if we adopt a standard like 70% would that be applied across the board to all lots? Judd stated that only those lots larger than 1/3 acre. We have already accounted for the house print etc and determined that what is left will be irrigated on lots 1/3 acre and below. Byron made the motion to instruct Judd to refigure the percentage of irrigated acre to something less than 100% of net of larger lots than 1/3 acre lot. Justin seconded the motion. In favor: Byron, Justin, Karen, and Kevin. Opposed: Craig. Craig stated that he feels that the city is overstepping our police power by requiring more water than the 14000 square feet. Mayor stated that the developers have been asking the city to provide that number to them. Craig stated that I think that we have the facts before us and we can adopt the ordinance.

**CONSIDERATION OF PURCHASING WATER RIGHTS:** Mayor stated that the city is still getting offers to purchase water rights. We have over \$200,000 in the impact fee fund that we could purchase water rights with. Mayor stated that the status of John Anderson is uncertain. Mayor stated that the offer is for \$2000 per acre-foot. Justin made a motion to authorize the Mayor to pursue the purchase of water rights and consider the ability to bank the water rights. Mayor suggested that the Grantsville Irrigation Company and city get together and buy the existing irrigation well south of South Willow Estates, which both entities can bank the water in this well. The Irrigation Company could pump their full water right and Grantsville City could accept irrigation underground water straight across to bank in this well. Mayor will work on finding a new water attorney and put together a presentation for the Council to consider. Justin withdrew his motion.

**CONSIDERATION OF ORDINANCES:**

- a. Amending section 13-2 bond requirement for beer licenses:** Attorney Elton explained that this ordinance proposes to bring the license chapter into compliance with Utah State Law in reference to the bonding requirements. Craig made the motion to approve ordinance 01-11. Byron seconded the motion. All voted in favor, motion carried.
- b. Consideration of ordinance to amend Section 24 by adding section 24-5a:** Byron made the motion to approve ordinance 01-12 requiring permits for private improvements within the city right of ways. Justin seconded the motion. All voted in favor, motion carried.
- c. Consideration of ordinance relating to water requirement and a formula for average irrigated acre.** Justin made the motion to postpone this item until the next City Council meeting. Karen seconded the motion. All voted in favor, motion carried.

**ELECTRIC SIGN AT CITY HALL:** Mayor has received the specification for construction of the electric sign. Byron made the motion to approve the specifications and advertise for bid. Bids to be awarded at the next agenda. Craig seconded the motion all voted in favor, motion carried.

**CONSIDERATION AND AWARD OF BIDS FOR PARK GAZEBOS:** Byron presented the bid from Play Space Designs for \$119,415.00. Byron made the motion to accept the bid. Craig seconded the motion. All voted in favor, motion carried.

- a. Consideration of awarding bid for landscape architect for the Gazebo project:** Byron made the motion to award the landscape architect bid to Landmark Design Inc for \$8800. Craig seconded the motion. All voted in favor, motion carried.
- b. Storage Buildings for park and cemetery:** Kevin presented plans to build a 30 ft X 50 ft metal building at each location. Kevin made the motion to approve the specification and put the buildings out for bids. Craig seconded the motion. All voted in favor, motion carried. All voted in favor, motion carried.

**CONSIDERATION OF DISPOSITION OF ITEMS PURCHASED FOR THE RECREATION CENTER:** It was determined that Kevin would get a list of items and search for an appropriate place to donate them.

**OLD LINCOLN HIGHWAY CELEBRATION:** Byron stated that the celebration will be up by the end of the week. The Fire Department is doing the cooking. The cars will be arriving in Grantsville around 2:00 p.m. on September 15, 2001.

**APPROVAL OF BILLS:** Craig made the motion to approve the bills. Karen seconded the motion all voted in favor, motion carried.

**OTHER BUSINESS:** Mayor stated that he has received a street plan that includes the SR-112 by-pass road from Ray Johnson at Tooele County. Mayor is hoping to get some funding from the UDOT small communities funding. Mayor discussed the wetland issue that includes salt grass species that is north of Grantsville. Mayor requested the City Council attend the Planning Commission meeting Thursday September 13, 2001 to hear the presentation from Tooele County concerning the proposed gravel pit on the west boundary of Grantsville City.

Karen discussed the condition of the museum walls that are crumbling inside the Donner Red museum. Byron stated that he would take care of the repair.

Kevin informed the Mayor and Council that a resident of Taylor Road approached him about getting some of the rottomillings placed has approached him. Kevin stated that Staker Paving has to have an answer tomorrow. The request came from one person and there is no consensus yet if any of the residents are willing to participate financially. Taylor Road is a private road and the property lines are not well defined. There is also a concern as to who has control over Taylor Road in order to be able to upgrade it. Recorder Palmer stated that the residents of this private road should contact Staker themselves and arrange for the work to be done. The other streets that the city has facilitated the actual upgrades were actual city streets. Kevin stated that Staker would not be willing to work on a private street unless the city is backing the project to make sure they get paid. It was decided to let the property owners work this out.

**EXECUTIVE SESSION:** Craig made the motion at 10:30 p.m. to adjourn the regular Council meeting and call to order an executive session to discuss pending litigation.

**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.

Karen made the motion to reconvene the regular Council Meeting at 11:50 p.m. Craig seconded the motion. All voted in favor, motion carried.

Mayor informed the Council about an issue concerning personnel issues.

**ADJOURN:** Byron made the motion to adjourn this regular meeting of the Grantsville City Council at 11:51 p.m. All voted in favor, motion carried.

---

Wendy Palmer, City Recorder

---

Merle E. Cole, Mayor