

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY
COUNCIL HELD WEDNESDAY, DECEMBER 19, 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. Fireman Paul Seekins, Kirk Gibson, Tony Skaug, Perry Skaug, Doug Anderson, Nile Critchlow, Kirk Gibson.

Citizens and Guests: Mary Ruth Hammond (press), Jerry Edwards, Bill Henderson, Millie Russell, Farrell Butler, George Miller, Jeff and Mike Didericksen, Barbara Cole, Craig Neeley, Neil Blackburn, Gary Christley, Matt Price, Alan Johnson.

PUBLIC HEARINGS: 1 & 2 Proposed amendment to the water right acquisition capital facilities plan and Proposed amendment to the water right acquisition impact fee:

Jerry Edwards stated that the only thing that he has reviewed is the fee structure. Mr. Edwards stated that he does not like it at all. The money figures are low and I don't think people should be required to provide water for every square inch of their property. What will happen if a developer brings in a bunch of water rights and turn them over to the city? Will the city be able to pump that water? If a person has 40 acres on Cherry Hill how is the city going to supply the water for 40 acres of water. Is the city really going to require that they provide water rights to the city to water 40 acres? This will not help the city and will not help the property owner who doesn't have water. This plan makes it unfeasible to be able to give our ground to our kids. Karen asked if Mr. Edward had a recommendation? Mr. Edwards stated that he did not see anything wrong with sagebrush.

Jeff Didericksen stated that he did not understand how you could require a property owner to provide water for all of his property if he is only going to water a small portion of the property. You can't make one person maintain water rights for the next person who may buy the property and want to water all of the property. The next person should be responsible for purchasing the water they need.

Alan Johnson stated that he has had a situation arise concerning a church site within his subdivision. The church site is 3 acres and over half of the property will be covered with church building and parking lot. Based on the proposed water requirement schedule he would have to maintain water for the parking lot that he will never need. Attorney Elton stated that there is a provision for commercial uses of property that will be considered on a case by case basis.

Farrell Butler addressed the Mayor and Council stating that he hasn't studied this issue. Mr. Butler stated that the problem that he sees is that the small lots up to the one-half acre the proposed ordinance is OK. I agree with Jerry if you try to force people to irrigate more than that it is unfair. If they want to water more let them buy it and maybe they might want weeds. I have a lot of mixed emotions about all of this. Five years ago we did not have any of the problems that we have now. We need to curb this ordinance a little bit and head off some of these problems.

Jeff Didericksen addressed the Mayor and Council stating that in the last three years he has heard this Council push for larger lots. How does this proposal help to promote the rural lot sizes? This will push people into smaller lots. You can't claim that you want to encourage large lots and then charge \$40,000 for water. The people who own the water will be rich. This ordinance pushes development to small lots.

Mayor asked for any further comment? No further comment being offered Mayor Cole closed the public hearings at 7:25 p.m.

3. Proposed amendment to General Plan with inclusion of street master plan:

Jerry Edwards stated that he just wants to make sure the city makes the streets wide.

Craig Anderson stated that this street master plan provides for a new designation of road standard, called a rural road standard. This standard may be applied to developments of one acre or larger. The right of way will be 80 feet wide with a cross section of pavement and ribbon curb to achieve 30 feet of hard surface.

Farrell Butler stated that he agrees with Jerry. Keep the streets wide. Center Street by the Elementary School is too narrow.

Karen related a problem that she saw after the city abandoned a portion of Cherry Street. Karen related that she considers this action to be a big mistake. She originally voted for the abandonment but now after seeing the effects she would not do it again. I think we should leave our streets as they were originally designed.

Mayor asked for any further comment. No further comment being offered. The Mayor closed the public hearing at 7:40 p.m.

SPECIAL PRESENTATION:

Mayor Elect Byron Anderson presented Mayor Cole and Council Member Watson with a gift and recognition for their service these past four years. Byron thanked them both along with the rest of the Council. The audience gave a round of applause.

GARY CHRISTLEY AND MATT PRICE REQUESTS SUPPORT FOR HERITAGE PLAY: Gary and Matt requested financial support for the Heritage Play that was written by Mr. Christley's mother as a tribute to Grantsville. Gary stated that the play is scheduled for the 2nd and 3rd weekends of June 2002. Kevin made the motion to authorize \$8774.87 in support of the Heritage Play. Karen seconded the motion. The funds are to come from the heritage savings account. All voted in favor, motion carried.

UTILITY TAX OVERPAYMENT CONSIDERATION: Byron made the motion to authorize the Mayor to solve this issue consistent with the law. Karen seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF NEW BUSINESS LICENSES:

- a. **Jamie Castagno- Knot Heads- 880 N. Old Lincoln Hwy.** Craig made the motion to approve the business license in conformance with the conditional use permit. Justin seconded the motion. All voted in favor, motion carried.
- b. **Brad Grow license was approved 11-21-01.**

NORTH HALE STREET: Millie Russell informed the Mayor and Council that the fences have been removed and the debris was pushed back on Ruth Anderson's property.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. **Water Rights acquisition Capital Facilities Plan.** Karen made the motion to approve the ordinance adopting the new water right acquisition Capital Facilities Plan. Kevin seconded the motion. All voted in favor, motion carried.
- b. **Amendment to water rights acquisition impact fee.** Karen stated that she would like to have the impact fee capped at one third or one half acre lot size. If a landowner wants to water more than that amount of property they should be responsible to purchase the extra water on their own. Karen made the motion to cap water right acquisition impact fee at one half-acre lot size for the outdoor water requirement. This size lot follows our general plan intentions of a rural community. Byron seconded the motion. Kevin stated that he was confused as to the agreements made as to what we as a body were going to present to the Grantsville Irrigation Company. Kevin expressed his displeasure of Byron and Karen not attending the work meeting with the Irrigation Company if they had no

intentions of sticky to the issues agreed on in the 11-21-01 City Council Meeting. Mayor stated that it seems that we are back peddling. If this motion is passed we as a Council have accomplished nothing in the past three years. Kevin, Mayor and Justin stated that we have spent so much time on what we considered to be a compromise at the last meeting. Why would we have directed the engineering studies and documents to be performed to match that compromise if we were not going to following our own recommendations?

Justin made a motion that he would like to amend Karen's motion to at least set the cap at the one-acre lot size that we are approving. Byron seconded the amendment to the motion. Vote on the amendment to the motion is as follows: In favor – Justin, Byron, and Kevin. Opposed – Karen and Craig. Motion carried.

Vote on the original motion as amended to one acre: In favor- Byron, Justin, Kevin. Opposed: Karen and Craig. Motion carries.

- c. Adoption of amended general Plan including Land use elements and map:** Karen made a motion to amend the proposed map by changing the western area of Grantsville, south of Mack Canyon Road and what would be Durfee Street if it extended further west. This land would allow zone changes down to one-acre zone designation. Craig seconded the motion. Kevin suggested that if we make any changes to the map we should send it the Planning Commission for their review and recommendations. As far as the south section of town we are giving up our ability to negotiate with a developer for a real rural subdivision. With the current zoning proposal the negotiations will begin below one acre. Craig stated that the Planning Commission has already received the map and has turned their recommendations over to the Planning and the City Council. Karen stated that she would like an opportunity to vote on this plan. Vote is as follows: In Favor – Karen, Byron and Craig. Opposed – Justin and Kevin.
- d. Amendment to the Subdivision Regulation concerning the additional requirements for outdoor water resources:** Justin made the motion to approve the ordinance as amended by the previous standards. Kevin seconded the motion. Craig stated that he is opposed to the water right impact fees. Craig stated that he feels they are intrusive and I don't believe that it addresses natural open space. Vote is as follows: Kevin, Byron, and Justin. Opposed- Karen and Craig. Motion carried.
- e. Adoption of street master plan as part of the general plan:** Kevin made the motion to approve the Street Master Plan. Seconded by Justin. All voted in favor, motion carried.
- f. Amendment to Impact fees ordinance to allow fees to be waived for low-income housing:** This ordinance postponed until January 9, 2002 meeting.

CONSIDERATION OF PURCHASING WATER RIGHTS FROM JOHN LAING HOMES: Justin made the motion to authorize the Mayor to develop the agreement to purchase 130 acre feet of culinary water rights from John Laing Homes at \$2500 per acre foot. The agreement is to include paying a portion of John Laing Homes payments on the C water bond in exchange for the purchase price. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF DONATION TO YOUTH PEER COURT: Mayor stated that he thinks that it is a good thing and suggested that the court, police department and administration departments all donate \$500.00 to help the Peer Court get off the ground. There was some concern about the actual function and jurisdiction of the Peer Court. It was suggested that Mr. Harding the advisor and some of the kids come back to the Council with a certified plan and a final presentation.

AWARDING BID FOR CEMETERY AND PARK BUILDINGS: Kevin made the motion to award the contract to A & D Construction for \$43,881.00 plus performance and payment bond. Craig seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF DATE CHANGE FOR JANUARY MEETING

SCHEDULE: Byron made the motion to change the City Council meeting dates to the 9th and 23 of January 2002. Craig seconded the motion. All voted in favor, motion carried.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

November 21, 2001 – Justin made the motion to approve the minutes of the City Council meeting 11-21-01 as grammatically corrected. Byron seconded the motion. All voted in favor, motion carried.

November 28, 2001 – Irrigation Company Work Meeting: Kevin made the motion to approve the minutes of 11-28-01. Craig seconded the motion. All voted in favor except for Karen who abstained. Motion carried.

December 5, 2001: Craig made the motion to approve the minutes of 12-5-01 as grammatically corrected. Karen seconded the motion. All voted in favor, motion carried.

APPROVE OF BILLS: Karen made the motion to approve the bills. Byron seconded the motion. All voted in favor, motion carried.

OTHER BUSINESS: Mayor Cole informed those present that he has allowed for the city to shut down on the 24th of December this year. Council was all in support of this decision.

Craig thanked Karen and Mayor Cole for their service and the experience of working with them.

ADJOURN: Craig made the motion to adjourn at 11:00 p.m. Kevin seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Merle E. Cole, Mayor