

**MINUTES OF A SPECIAL MEETING OF THE GRANTSVILLE CITY
COUNCIL HELD WEDNESDAY, FEBRUARY 13,2002**

Mayor and Council Present: Mayor Byron Anderson. Council Members: Craig Anderson, James Christensen, Kevin Hall, Justin Linares, and Paul Rupp.

Appointed officers and employees present: Wendy Palmer, City Recorder, Representative from Utah Local Government Trust Attorney David Church.

Craig made a motion to enter into an executive session at 7:05 p.m., to discussion pending litigation. James seconded the motion. All voted in favor, motion carried.

Mayor and Council Present: Mayor Byron Anderson. Council Members: Craig Anderson, James Christensen, Kevin Hall, Justin Linares, and Paul Rupp.

Appointed officers and employees present: Wendy Palmer, City Recorder, Representative from Utah Local Government Trust, Attorney David Church.

Craig made the motion to adjourn the executive session at 8:08 p.m. Justin seconded the motion. All voted in favor, motion carried.

Other business: Mayor Anderson informed the Council that the proposed industrial development north and west of our city is coming closer to a decision being made. Mayor asked the Council if they would allow him to offer the County the donation of pipe for the needed waterline? Council agreed.

Mayor Anderson informed the Council that the Youth Court is requesting the use of the Courtroom for their court business. There was concern as to the scheduling of other clubs and activities. Byron stated that he would talk with Mr. Harding and have him call the office for scheduling.

Mayor Anderson informed the Council that he was present through the hostage incident that took place a week ago Monday. Byron stated that the swat team did an excellent job and complimented Chief Johnson for his leadership. Council members all voiced their support for our Police Chief and Officers for their fine work.

CONSIDERATION OF TABLING PUBLIC HEARING SET FOR FEBRUARY 20,2002: Craig made the motion to table the proposed public hearing set for February 20,2002 concerning the request for abandonment of a road stated as "Road to South Willow" on the plat map. Joe Cange in behalf of Clark Ventures made this request. This item requires title search, surveyed description and final report from negotiations as requested at the 2-6-02 meeting, by Kevin Hall and Byron Anderson. James seconded the motion. Byron stated that he has talked Mr. Cange about the proposed negotiations. Byron stated that Mr. Cange has no interest in blocking the city out of our property. Byron drew a map showing what he and Mr. Cange was hoping to do some trading property around. Byron diagramed the city property west of West of West Street North of 400 South, then outlined the 70 acres that Soil Conservation originally stated they would give to the city for a park. The Soil Conservation District has now deeded that land to Clark Ventures/Joe Cange. Byron stated that Mr. Cange wants the city to make some trades for other State and Federal Land and then he would trade us for that land to increase the size of the property around the Gravel Pitt. Since Mr. Cange now has control of the property around our property. Kevin stated that he agrees that this is a simple process for negotiating a trade due to the fact that we may not have an interest in the road but we do have an interest in the entrance to our gravel pit. We have a legal right by prescriptive easement. However, it would be better to get a deed from Clark Venture's. Byron stated that "I am hear to tell you right now that if you are trying to blackmail him, by saying that you give us the front of that property or we are not going to abandon that road, you are never going to get anything. Kevin stated that this type of negotiation is something that is done everyday. This is not something that is out of the ordinary. Grantsville City has an interest that Mr. Cange owns the right-of-way legally to our gravel pit. Byron stated that Mr. Cange is willing to give that up. Kevin stated that is all we need to do is negotiate that in this process, we give him something and he gives us our

right-of-way. Byron stated that he would not lay it on the table to him by saying that we will not give you abandonment unless you give us our right-of-way. James stated that it does not have to be worded like that. Kevin stated Grantsville City has ownership to that right-of-way through prescriptive use and rather than fight about it after he trades it to someone else. We should negotiate it up front and take care of it. Byron stated that is exactly what he has been doing with Mr. Cange. And that's why Mr. Cange has been telling Byron what he would like to do ultimately. Kevin stated that no one has ever told the Council that. Mr. Cange has not presented that information to the Council. Craig stated that Attorney Elton stated that the city was not ready to hold a public hearing on this issue. Craig continued by stating that he thought Attorney Elton stated that the City did not have to do anything and Mr. Cange could quiet title the property. Justin stated that he remembers Attorney Elton's advice to mean only if we did not want to negotiate with Mr. Cange. Craig stated that the property description needs to be a land survey description to ensure that no other existing roads is included in the abandonment. Kevin commented that at the last City Council meeting the Council voted that the Mayor and himself are to negotiate the road issue. Byron stated that the negotiations are still going on. Kevin stated that he has not been involved in those negotiations as requested by the Council. Byron stated that he felt that it was perfectly well within his authority to negotiate on his own. Kevin reminded Byron that the Council voted that both Kevin and Byron negotiate with Mr. Cange. Byron stated that he negotiated with Mr. Cange. Kevin stated that he should have been present during the negotiations. Byron stated that he believes this issue is within his authority to negotiate. Byron stated that this issue goes back a long ways. One of the problems in the past is that we would try and strong-arm everybody and that is what got us in trouble with Watt Homes. James stated that he does not feel that Kevin is trying to strong-arm anybody. Kevin stated that he did not believe that we are trying to strong-arm anybody. Byron stated no...we are schmoozing them, when you get what you want- you win. Kevin stated that by the same token Mr. Cange is schmoozing us. He has something that he wants from us and it is a fair deal. Byron stated that he knows Mr. Cange is schmoozing us. Justin stated that if Mr. Cange doesn't care then this shouldn't be a big deal. Kevin stated that it is not something that we are trying to strong-arm him with. Mr. Cange has something we need ownership to and we have something he needs. Byron stated that we will get it from Mr. Cange. Paul stated that we don't know that though, that is the problem. Byron asked if the Council wants to go strong-arm him? Paul stated that nobody has said anything about strong-arming Mr. Cange. All Kevin is saying is that while the city is working on Mr. Cange's request is there something we can do about getting the right-of-way to our property, it is simple negotiations. Byron asked if the Council said that we wouldn't abandon the road if Mr. Cange doesn't give us our access? Kevin stated no, we would negotiate for those items. Byron asked what would the negotiation be? James stated that we would ask for our access in exchange the abandonment. Byron stated that Mr. Cange has already agreed to give us the right-of-way. James asked then why are we arguing, if we agree and Mr. Cange agrees? Kevin asked when did Mr. Cange agree to that? Kevin reminded the Council when he asked about the access to the gravel pit when this issue was first brought to the Council a month ago and Mr. Cange would not address the issue. James stated that he doesn't understand where we differ if Mr. Cange has already agreed to deed us the needed property. Byron stated that he wants to solve this issue. James stated that what you are saying is our interest is already protected and we will have our access to our gravel pit. Byron stated that there might be more trades in the future to obtain more land. Paul stated that if Mr. Cange feels that it is an unfair trade then we need to know if he is expecting money in addition to the land trade. Byron stated that Mr. Cange doesn't have any interest in taking anything from us, money or anything else. James stated that the problem with open-ended agreements that aren't narrowed down leads us into these situations just like Watt Homes. Kevin reminded the Mayor and Council about the open ended agreement with Soil Conservation District where a deed did not transpire and now Mr. Cange owns the land that the Soil Conservation District promised Grantsville City for our park expansion. In addition, the potential for that to happen again unless we get a deed from Mr. Cange is very high. Byron mapped out a proposal that Mr. Cange is asking Byron as the city Mayor, to trade for soil conservation land next to the city and keep the land open for time and all eternity. Justin restated that the plan is for the city to trade for federal land and the object is to leave this land open for time and all eternity. Justin asked about the map that was mentioned if it was a map that Craig drew up. Craig stated no, the map master plans some of Grantsville City's trails as Joe Cange envisions

it. Byron surmises that the gain for Mr. Cange is that it would put Soil Conservation property in areas that he can trade for. Craig stated that Mr. Cange might also want to have undevelopable land around his developments for a higher salability of his property. Byron stated that one of the things he has had Craig looking at is whether these trades are a win-win situation. Craig stated that he has talked with Jim Gowans about it. Justin asked about the likelihood of the State trading that land. Rep. Gowans stated that the State is looking into providing for conservation easements. Craig stated that public facilities should still be permitted. Justin stated that he is confused because the State could keep the land and state that it is open space rather than give it to the city and loose the control. Byron stated that was one of the pitches to the State is that the land is very remote and Grantsville City is closer and would be able to manage it more efficiently. Justin had a question about the ordinance that the city adopted that required Soil Conservation property to remain open space. Recorder Palmer stated that is in the amended General Plan. Kevin remembered the same thing. Justin stated what does that mean now that the land has been traded. Byron stated that Mr. Cange offered his partner's help with the federal land trade. James asked how it will proceed from here? Byron stated that it will work out to our benefit. James asked the Mayor if Kevin will be a part of the negotiations? Byron stated that he would tell Kevin everything he knows. Byron stated that he never had any other intentions. James stated that he understands that but, the Council needs to be aware of the dealings that are happening. If there is going to be swapping and trading of city land the Council needs to be aware of it. Byron stated that he felt left out of the information when he was on the Council and it is his intentions to make the Council aware of anything he knows when he knows it. Byron stated that the dealing with sensitive items he may be a little vague with the Council but this deal with Mr. Cange is absolutely the Council's decisions. James stated that we need to make sure that we know what is going on and it is not a verbal handshake that the city has access to the gravel pit. Because he could trade the land and we won't have the access. Byron stated that if we are not going to get this in writing and to the Attorney I will bring it back. Kevin asked Byron why he refuses to allow him to be a part of the negotiations on this road issue with Mr. Cange. Byron stated that he isn't – the meeting just happened the day before yesterday. Kevin reminded Byron that he stated that as Mayor he has the authority to negotiate. Byron stated that if he comes across that it might not get us what we want, it is going back in front of the Council. Paul asked the Mayor who decides what we want though? Byron stated that we want the property in front of our property. James and Paul told the Mayor that the next time he has a meeting, have Kevin come. Mayor stated that he did not have a formal meeting with Mr. Cange. James stated that if land is being swapped then it is a formal meeting and Kevin needs be present. Kevin stated to the Mayor that the Council voted that you and I negotiate with Mr. Cange, and you are refusing to let me negotiate with him. Byron stated that he was misread. Byron stated that if there is a formal meeting Byron will make sure Kevin is there. If there is a hitch it comes directly back to the Council. James stated that he was hearing that we were not asking for the access to our gravel pit. Paul reflected on a trip that he and James took with Mr. Cange, Mr. Cange took them up to the gravel pit and was complaining about the pile of debris that the city put around the gravel pit to keep people out because of dumping. Paul stated that Mr. Cange wanted that cleaned up. Paul stated that statement made him concerned about Mr. Cange's intentions. Craig amended his motion to include in the motion to table the public hearing "until the issue is resolved to the satisfaction of the Council. All voted in favor motion carried.

Kevin made the motion to adjourn at 9:50 p.m. Seconded by Craig. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Byron Anderson, Mayor