

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY
COUNCIL HELD WEDNESDAY, FEBRUARY 20, 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, Attorney Ron Elton, Todd Castagno, Planning Commission Member.

Citizens and Guests: Mary Ruth Hammond, Jason Duhon, Boy Scout Troop 903, Mike Colson, Corey Reynolds and Danny Barlow from Pinnock, Robins, Posey and Richins CPA.

Mayor Anderson presented the 2002 Olympic medallion that was given to each city in the State of Utah. Mayor stated that he would get a display case built so that the medallion could be on display at city hall.

PUBLIC HEARINGS:

- a. Consideration of amendment to all pertinent sections of the zoning code to establish an age limit for the keeping of suckling offspring born to animals being kept under special conditions.** James explained the purpose of this proposed change is that the current ordinance does not differentiate between offspring and adult animals. Conditional use permits and Legal Non-conforming uses are based on animal numbers. The Planning Commission felt that an offspring should not be counted as an additional animal until it is weaned or 9-months old. Mayor asked for any further comment. No further comment being offered, Mayor closed the public hearing at 7:10 p.m.
- b. Consideration of Moderate Income (Affordable) Housing Plan as a component of the General Plan:** James explained that the Affordable Housing Plan was a boilerplate document that has been molded to fit Grantsville City. This Affordable Housing Plan was a requirement handed down from the Utah State Legislature. Grantsville is required to adopt a plan in order to be eligible for some grants. Attorney Elton explained that this plan will be integrated into the General Plan. Mayor asked for any further comment. No further comment being offered, the Mayor closed the public hearing at 7:13 p.m.

CONSIDERATION OF AUDIT REPORT FOR FISCAL YEAR 2001: Corey Reynolds the lead auditor and Danny Barlow from Pinnock, Robins, Posey and Richins presented the audit for fiscal year ending June 2001. Mr. Reynolds complimented the city staff for their excellent cooperation during the audit. Corey stated that Treasurer Sue Gustin was very accommodating in retrieving documents when requested. The financial position of the city is back on solid ground. Mr. Reynolds encouraged the Mayor and Council to provide the needed funding for training of GASB 34 requirement. All of the city financial staff needs to have training and implement the new accounting procedures by fiscal year 2003. Kevin made the motion to accept the 2001 fiscal year audit as presented. Craig seconded the motion. All voted in favor, motion carried.

APPROVAL OF MINUTES: Justin made the motion to approve the minutes of the previous City Council meetings held 2-6-02 and 2-13-02 as grammatically corrected. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF NEW BUSINESS LICENSE: Craig made the motion to approve the business license for Christopher Barrett-80 N. Aspen Way- Cleaning Offices and installing visual display products in schools. Craig stated that the business license is approved based upon the conditions set of the Conditional Use Permit. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF SETTING PUBLIC HEARINGS FOR PLANNING COMMISSIONS ITEMS:

- a. Code amendment to allow the City Council representative to the Planning Commission the ability to vote on the Planning Commission matters**
- b. Consideration of amending communication towers regulations in certain zones:** Justin made the motion to set the public hearings for March 20, 2002 at 7:00 p.m. Craig seconded the motion. All voted in favor, motion carried.

(NOTE) Consideration of amending the provision for private roads was not approved by the Planning Commission and should not have been an agenda item.

CONSIDERATION OF MINOR SUBDIVISION FOR MIKE AND LORI

COLSON: Mike Colson was present to request a minor subdivision within a minor subdivision on South Hale Street. Attorney Elton stated that he has reviewed the amended deeds and they are in order. Mr. Colson was asked if he planned to run sewer to his lot. Mr. Colson stated that he was going to use sewer. Justin made the motion to approve the minor subdivision for Mr. Colson. James seconded the motion. All voted in favor, motion carried.

ORDINANCES/RESOLUTIONS: Consideration of amending the standpipe water rates. Kevin presented a worksheet that the Public Works Director prepared showing the cost breakdown of running a standpipe. The recommendation was to reduce the stand pipe water rate from \$5.00 per thousand gallons to \$4.00 per thousand gallons. Kevin made the motion to adopt Resolution 2002-01 amending the stand pipe water rate to \$4.00 per thousand gallons used. Craig seconded the motion. All voted in favor, motion carried. Craig brought up the issue of charging a premium water rate to water users outside of our city boundary. Craig stated that if the water rate is higher than the possible annual property tax people might be more inclined to annex into our city.

CONSIDERATION OF TRAFFIC SCHOOL FEE INCREASE: Craig made the motion to approve Justice Court Judge Mary Saxon's request for an increase from \$20.00 to \$35.00 for traffic school. Kevin seconded the motion. All voted in favor, motion carried.

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

OTHER BUSINESS: Byron explained that the meeting with the proposed distribution company was cancelled. Byron stated that the County is being very cautious in trying to verify that this company is a substantial company and in fact serious about their intentions. Byron stated that Justin, Craig and himself met with an engineer, Cameron Gunther, that has a lot of experience with developing EDA's. Byron and Justin stated that Mr. Gunther advised that the City should do the EDA up front along with the annexation before the company builds. Byron stated that one of the concessions that he has passed on to the County is that Grantsville City will run the water line to the proposed distribution site. Justin informed the Council that Mr. Gunther stated that the cost of building a sewer treatment facility is too expensive for a business to afford on its own. No matter how much the sewer line would cost, to Clark Street it would still be cheaper for that company than building and maintaining a treatment plant. Byron and Justin informed the Council that Mr. Gunther stated that EDA's are not done any more. Mr. Gunther did the project with Micron and knows this process inside out. Mr. Gunther also stated that he would work for us for \$50 per hour for a total estimated cost of \$5000. He estimated that the process would take about three months to complete. Kevin suggested that maybe Grantsville City prepare our own packet to be able to negotiate with companies directly.

Byron discussed the issue of the city prosecuting Joe Cange for installing a sign illegally on North Cooley. Byron stated that Wayne Jones contacted him asking what he wanted him to do in reference to this case. There are two separate issues: 1- The sign and whether it complies with our ordinance. 2- the permit to put the sign there. Byron stated that Mr. Jones felt that the city is in a gray area on the ordinance. If the first suit is thrown out then we couldn't prosecute on the permit issue. Attorney Elton stated that he talked with Mr. Jones and Mr. Jones told him that he want to throw the case out. Byron asked Attorney Elton if he felt that the city had a shot at winning it. Attorney Elton stated yes. James stated that he felt that the code is clear. James asked what the interpretation is that they feel makes it ok to put the sign up without a permit or subdivision approval? Ron stated that Palomino Ranch is stating that it is subdivision and a sign is permitted. Kevin asked if they are saying that Palomino Ranch is an approved subdivision. Ron stated no, but the city's subdivision ordinance is so strict that it controls speculative subdivisions, and Mr. Cange is saying that he has three separate deeds for the property. Kevin stated that Mr. Cange purchased three separate parcels that happen to adjoin each

other. James stated that is a pretty big jump to call that a subdivision. Attorney Elton stated that Mr. Cange is stating that the Zoning Administrator gave him permission and the Zoning Administrator states that she did not give any such permission or permit. Wayne asked the Mayor "does he want to allow our Zoning Administrator on the witness stand and have a defense attorney "rip her a new one"?" Byron asked Wayne if there was some middle ground? Mayor told Wayne that if they covered up the sign would they agree to that. Wayne told the Mayor that he would have to present that issue to Mr. Cange and his Attorney. Byron stated that Attorney Jones did ask Mr. Cange's Attorney's and they will probably agree to that. Attorney Elton stated that Mr. Cange has a pending civil case against Grantsville City and we should also expect that Mr. Cange drop that case in exchange for Grantsville City not pursuing our lawsuit. Mayor asked for the opinions from each Council Member: Craig stated that if it is intended as a subdivision sign, Mr. Cange does not have subdivision so the sign is illegal. Justin stated that just because you have a few deeds does not mean that you have a subdivision. Kevin stated that he believes that the sign is there illegally without a permit. I believe there is a wrong there. Byron stated that Mr. Cange is stating that the interpretation of our ordinance is wrong. Kevin stated that there are two issues number 1 is that if Mr. Cange is identifying his property then the sign is illegal because it was placed without a permit and the sign is too large. The reason he is not allowed to have a sign permit for subdivision is because he does not have a subdivision approval. I believe that there is wrongdoing on Mr. Cange's part. I want to correct something that I said at the last meeting concerning Craig's statement about allow Mr. Cange to cover up the sign. Grantsville City did offer that option to Mr. Cange and he refused to comply with covering his sign until the subdivision process was complete. In my opinion is that I don't have a problem with allowing Mr. Cange to cover the sign today but I do believe that Mr. Cange should pay the fine for violating our ordinances. We should give him a time frame to complete the subdivision process and if he does not have an approved subdivision at the end of that time frame he must remove the sign. He must drop the civil action against Grantsville City. That satisfies those things that say he did something wrong and he needs to admit that and there is a penalty for that. It may only be \$50 fine but the fact is that he is wrong and he should pay for that. It satisfies the opinion of the citizen out there that are saying that we have got the cart before the horse down there and they believe that there is a subdivision approved. I believe that the city is stretching out to allow Mr. Cange to even allow him to cover the sign rather than tear it down. Attorney Elton and Mayor Anderson stated that Mr. Cange will not accept this offer. Kevin asked what justification do we have to stop the prosecution from going forward?

Justin stated that it is a sticky situation when you look at what we hoped was that Mr. Cange would have covered it up when we gave him that offer. So we get to the point we are today. Kevin has a good point in that our citizens watch what we do with all of the developers in our town and they want to know what is happening. It is a tough situation for any developer to get things approved and when they refuse to work with the city it just gets more difficult. Attorney Elton reminded the Mayor and Council that the city compromises on issues all of the time siting the issue with traffic school. Your prosecutor is saying that he does not like the case and he wants to compromise it. Kevin stated his concern about the prosecutor making that decision without discussing the case with our Zoning Administrator. Justin stated his position is if we can avoid going to court and spending our money as a city on court issues we should consider it. The question comes in is what is the compromise. Byron stated that he believes that the only compromise that Mr. Cange would be willing to accept is agree to cover the sign and drop the civil suit. Attorney Elton stated that he would not recommend less than those two options. Justin stated that the only thing more is to plead guilty and pay the fine.

Craig stated that when this issue first began he sat down with the Zoning Administrator and reviewed the issues. Mr. Cange claimed there was a misunderstanding. Craig stated that in his opinion it was solely on Mr. Cange's part. Craig stated that he agreed with the Zoning Administrator's findings. Mr. Cange was willing to test our ordinance. Craig stated that the Planning Commission has tightened the ordinance even further that would regulate even the excavation of dirt on the property of a proposed subdivision. Byron stated that if we have proposed to change the ordinance does not that admit that our ordinance is faulty. Attorney Elton stated no it does not. Craig stated that if Mr. Cange would cover the sign, drop the civil suit, and agree to a time line for the development to be approved and the sign is apart of the approval process.

Paul stated that his big concern is that developers come into a town like ours and they try and see how far they can push. I have a gut feeling that Mr. Cange installed that sign as a premeditated action. He intended to do that to push the limits to make the Council cave in to what he wanted. I think allot of developers do that. Kind of like a border war. I think what Craig and Ron are saying is a pretty good way to go. I agree with Kevin too that Mr. Cange has done something wrong. I think he needs to pay for what he has done though. Somewhere along the line we have to make a stand on this kind of issue. Kevin stated that as we grow and develop somewhere along the line we need to send a message that we have ordinances and regulation and this is the way Grantsville City does its business. I agree with Paul I think what Mr. Cange did on the Cooley Street property was premeditated. I think that he felt like if he got enough invested there the City would not have the heart to turn that subdivision down. I think the sign is a classic example of that and I think if we don't begin to uphold our ordinances we are going to run into some real problems.

James related to the Mayor and Council that he has had an opportunity to sit on the Planning Commission for the last year and hear several proposals from Mr. Cange. It is frustrating to watch the way Mr. Cange wants to do business. He doesn't bring a complete application for the Commission. He wants to piece meal approvals. I think his approach is, "if you can confuse them you can control them basically." Mr. Cange brought the Palomino Ranch forward without a complete application. I moved that the Planning Commission table his subdivision request until he was completed. I have heard around the community that he is saying that we are trying to stop growth we are trying to stop him from doing anything. And we aren't, we are trying to do the business of the city in front of the city and not have any of the piece meal agreements along the way where they are like Watt Homes that you have lawsuits at the end. I think we should follow the ordinances the way they are laid out and the way the application process is in place. If a person violates that they should pay the penalty. I personally don't think that we should concede and let him cover it up with plywood, which will be an eyesore. I believe that the sign should be removed. The plywood could be in place 5, 7 or even 10 years. He has indicated to us that he is doing this project in his spare time out of his pocket and he is in no hurry. Paul stated that Mr. Cange told him that he is in no hurry and he is just playing. James stated that people come up to him and say what in the heck is going on with Palomino Ranch? Has this subdivision been approved? People look me in the eye and say I know that deal was done behind someone's haystack somewhere and they feel that Mr. Cange was given indication that it was going to be approved so Mr. Cange put the sign up anyway. James emphasized that we have got to stop this behind the scene approvals for these developers. We have got to do the city's business in front of the city. I don't think it is appropriate that we back off and drop the lawsuit. What we are asking for is the Mr. Cange admit that he is guilty of violating the sign ordinance and we are conceding to cover the sign and pay your \$50 bucks and admit you're guilty because you were. By the way, if you want that development approved we would be happy to review it, just follow the procedures. No one is here to stop him from doing it; we just want it done right. I just want to send a clear message that everyone in this room should not make an agreement or do anything with a developer outside of a City Council meeting and we need to follow the policy and procedures as they are set forth in the code. That is how I feel. That may be harsh and maybe we have to go to court and fight over \$50.00. Byron reviewed with James that he wanted Mr. Cange to plead guilty, pay the fine cover the sign and drop the civil case. James stated yes, this case is probably not black and white but, he is basing this on his experience with Mr. Cange doing everything piece meal.

Kevin asked about a timeline for the removal of the sign or approval of the subdivision. Attorney Elton informed the Council that the Prosecutor was just going to drop the case. Kevin stated that he is very troubled about that, Mr. Jones does not even have all of the facts. Attorney Elton stated that the prosecutor has the authority to do that but, Ron's suggestion to him was to get direction from the Council. Ron stated that he recommended prosecution to the Zoning Administrator prior to filing in Justice Court.

Byron stated that he would contact Wayne Jones and have him make an offer of covering the sign, plead guilty, pay his fine, drop the civil case against the city. Deadline for the removal or approval of the sign within 1.5 years. Attorney Elton stated that if they decide to go to court the Prosecutor needs to contact the Zoning Administrator.

James stated that Mr. Conway is upgrading the old Indian Hills Trailer Court. Mr. Conway wants to phase the improvements over 4 years. Council was supportive of Mr. Conway improving the trailer court. James presented a concern that the Commission had concerning cars backing on to Clark Street. Craig stated that the sidewalk exists under the gravel. James asked about the sidewalk replacement project and would that be available to this Mr. Conway. Justin stated that he liked the suggestions Shauna made concerning the RV parking lot the premises. James stated that if any of the Mayors or Council would like to give any input on this

James stated that he has been in contact with Mr. Oliver, from Utah Main Street, concerning Economic Development for Grantsville. Mr. Oliver stated that there is grant money available to help us with restoration of historic buildings and provide marketing analysis. This would require a comprehensive plan in order to put this together. James asked if the Council would like to meet with him. It was determined that a special meeting should be held to give Mr. Oliver the time he needs. It was suggested to follow the special invitations to the property and business owners. James suggested March 27, 2002 or the 10th of April and will confirm and then send out invitations.

Justin stated that he was curious about the Industrial Park Participants paying the cost of the road. Recorder Palmer informed the Council that due to her health problems late fall through December she has not been able to get the billing out until the end of January. Justin stated that he was concerned about the businesses and the requirements. Justin was concerned about the city not enforcing our timelines. Kevin stated that even the tenants are concerned that not all of the tenants are living up to their agreements. Byron stated that he would check these issues out.

Paul informed the council that the Historical Commission has mailed off the grant and they have talked with the owners of the Blue Bird and Vonita Gollaher and Hilda Erickson's home to get permission to work on getting this places on the Utah Historical Register. The Council was very interested in the trying to purchase the Old First ward house.

Craig stated that he is pursuing a sidewalk project for the Willow Elementary School.

Byron and Kevin reported on the meeting with Mr. Cange concerning the desire to negotiate the abandonment of "Road to South Willow" for the entrance to the City's gravel pit. Kevin and Byron stated that Mr. Cange had no interest in negotiating with the city on this issue. Kevin stated that Mr. Cange kept changing the subject to talk about a park and his desire to have the zone changed to enhance the value of his property and then he would give the property around the gravel pit to the city, but would not discuss the entrance to the gravel pit any further. Attorney Elton stated that the County will not take the road off the map without the city's approval. Mr. Cange could quiet title the road. Kevin stated that one of the flags went up for him when Mr. Cange mentioned the hills around the gravel pit, stating that it should be cleaned up. It was determined that the city would take no action on Clark Venture's request for abandonment of "Road to South Willow".

Craig made the motion to adjourn at 9:55 p.m. James seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

C. Byron Anderson, Mayor