

MINUTES OF THE CITY COUNCIL MEETING HELD MAY 21, 2003

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: City Recorder Wendy Palmer, Attorney Ronald Elton, and Planning Commission Member Gary Fawson, Police Chief Johnson, Fire Chief Niel Critchlow, Fire Captains Brent Marshall and Kent Liddiard, and Public Works Director Joel Kertamus.

Citizens and Guests: Mary Ruth Hammond (press), James Childs from JRC Architects, Kirt & Rebecca Williamson, Delaun Blake, Barbara Grygierczyk, Gary Buhler, Darrell Nielson, Jerry Edwards, DeAnn Christiansen, Tom Begeren Attorney for WalMart, Lynn McAlexander, bud Swenson, Ted Dalferes, Mark Westhall, and Youth City Council members and Advisor Patty Hicks.

6:00 p.m. Work Session for public building needs assessments:

James began this meeting by introducing James R. Childs from JRC Architects. James discussed that the city needs to look into the long-range future when building new facilities. There is some evidence that if the city builds some of their municipal buildings in blighted areas it encourages the surrounding property owners to build and thus the neighborhood is revitalized. Mr. Childs expressed his appreciation for the opportunity to work with Grantsville City. Mr. Childs explained the process he will take to come up with the appropriate recommendations for the Council to consider. First, he explained that he would meet with each department to assess their space and storage needs. Mr. Childs stated that he would then look at the City Hall and assesses the possible uses or changes to the city hall to make it accommodate the needs of the departments that will remain in this building. It was discussed that the Fire Department would require their placement to provide a 4 minutes response time. James explained that the centroid that was compiled by Aqua Engineer Craig Neeley shows that the location for the Public Safety building would be in the area of Cherry, Clark, Hale and Center Streets. The central placement for current build out would move the building placement between Hale, Quirk, Cherry and Durfee Streets. Craig asked Mr. Childs if he would be looking at improving the current Fire Department Facilities and addition to the existing City Hall for the Police Department needs as well as building new facilities. Mr. Childs stated that he would be presenting many scenarios for the Council's review. Mr. Childs will take input from all departments compile their needs into different scenarios and then would need a budget from the Council in order to see if he can accommodate all or part of the needs.

Fire Department stated that they would like Mr. Childs to look at Salt Lake County Station #38 on 80th South and 13th East. The department stated that they really liked this building.

June 5th at 2:30 p.m. it was determined that the departments would rotate in through City Hall to talk with Mr. Childs about their needs.

7:00 p.m.

APPROVAL OF MINUTES: James made the motion to approve the minutes of May 7, 2003. Paul seconded the motion. All voted in favor, motion carried.

YOUTH CITY COUNCIL PRESENTATION: YCC Mayor Shaun Sagers updated the Mayor and Council on the activities of the YCC. YCC Mayor Sagers extended his thanks to the Mayor and Council for sending them to the Legislative Day, and explained that their next activity will be the water carnival on the last day of school. Paul Rupp the YCC liaison was presented with a shirt from the YCC for their appreciation of his support.

FIRE DEPARTMENT BUSINESS: Consideration of agreement with landowners for fire breaks. Craig made the motion to authorize the fire department to implement the fire break program with the use of the agreement prepared by Attorney Elton. Kevin seconded the motion. All voted in favor, motion carried.

INITIAL CONSIDERATION FOR PETITION TO ANNEX PROPERTY INTO GRANTSVILLE CITY IN BEHALF OF DARRELL NIELSEN: Tom Begeren Attorney for WalMart, Lynn McAlexander, Bud Swenson, Ted Dalferes, Mark Westhall Employees of WalMart and Carter Burgess, were present to request Grantsville City accept the petition for annexation in behalf of Darrell Nielsen for property that adjoins the North West area of Grantsville City Limits. James made the motion to give preliminary approval for consideration of annexation petition in behalf of Darrell Nielsen. Craig seconded the motion all voted in favor, motion carried.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. **Tree Ordinance:** Attorney Elton explained that this ordinance is numbered to be placed in the General Ordinances for the city. This ordinance could be renumbered and placed in the Land Use Management Code as well. It is up to the Council what government body regulates this ordinance.

James stated that he understand that Utah Power has been pruning the trees under the power lines as recommended by County Extension Office. James stated that he has talked with landscape contractors and they told him that tree removal would not cost more than \$200. Paul stated that he knows for fact tree removals cost much more than that. James stated that, I think if the areas of the Ordinance that brought the most concern from the public was clarified, it would make the ordinance more understandable.

Attorney Elton explained that he took the comments that he heard at the public hearing and incorporated some of them into the ordinance. Attorney Elton gave copies of his ideas to the Council for review.

Kevin stated that he was in city hall last week and Recorder Palmer suggested that the city participate in the purchase of the trees and in planting the trees. This would be a minimal investment to the city and it should make the citizens feel better about having the trees. This way the city can have more ownership in where the trees are planted and how they are planted.

Paul stated that he likes Grantsville because it is a causal community and it is easy to live hear. I don't like the idea of people bird-dogging me to plant a tree. I don't like the idea that the city can come and say that we are going to plant a tree and that will block my view. The city already has an ordinance to handle landscape requirements I don't think we need to have another ordinance that is redundant. One comment that Gary Fawson made that I really get upset over is about the look of property that he feels is unattractive. Another Tree Board Member stated that when she looks out her window she does not want to see her neighbor's house she wants to see trees. Well I think she should plant more trees in front of her house and not impose her desires on her neighbors. I don't like to see the city dictating to us what we have to plant whether we want to or not. I don't think that the Tree Commission has a cross section of our community on its board. I would bet that everyone on this board wants trees. I drove through a portion of Draper City, they have a park strip, and only 3 in 20 homes planted trees in the park strip. That is as it should be. I think the Tree Board did a great thing when they got the donation and encouraged tree planting within our community. This way the people that want street trees can plant them. Whether the trees line up and if they are to be planted is already covered in the Zoning Ordinance I don't see a need for additional regulation.

Craig complimented the Tree Commission that they have done a wonderful thing with the Arbor Day tree planting, compiling a list of trees that grow well in our city. I understand that in order for them to apply for additional grants the City must adopt some type of a tree ordinance. I think it is a bad idea to adopt an ordinance for the

sake of the ordinance. I don't think we should give the Tree Commission power. They should only be an advisory committee and work with the citizens of Grantsville. They can be the facilitators of tree purchases. I don't believe they should have veto power over our Planning Commission. I don't like telling our citizens that they not only have to purchase the tree at their expense they have to foster the tree, prune it and water it at their expense. I feel that trees are a personal decision to be made by the property owner. I don't like the provision that the city can hold up occupancy on a new home because there is not a tree planted. What do we do in December and January?

Paul stated that he was not willing to give up our freedoms for federal grant give away. How much of our freedom are we willing to give up for grants. I think it is great that this committee can disseminate information to the people on what type of trees grow in the city and how to plant the trees. I think trees do make the city beautiful. However, we need to have faith in our citizens that they will plant trees on their own.

Justin stated that we should not forget what the objective of this ordinance is. I think the tree ordinance was constructed with the best intentions. I think we should do something.

James stated that the intent of the tree ordinance was so that the city could participate with the federal land and forest groups to get free trees and apply for grants. I agree with Paul about our freedoms. However, to facilitate the passage of this ordinance I would like to **make the motion** that we approve this ordinance as amended by Attorney Elton. Amend Chapter 31 & 32 to remove any wording that states to "Require" and replace it with encourage. That the city creates a budget for cost share of purchasing of street trees. The city needs to take the stance that we want the trees planted to give the city the look it once had prior to the irrigation ditches being eliminated. Help guide where trees go. Reword 31-4-3 to state that the city is exempted from permit requirement.

Paul stated that everybody should have the ability to use the street front property to their best ability and not be dictated to plant a tree.

Justin seconded the motion.

Craig stated that before he would be comfortable voting in this ordinance he would like to see the amendments written into the ordinance and vote on it in two weeks.

Mayor called for the vote: In favor- James, Kevin, Justin. Opposed – Craig and Paul. Motion carried.

CONSIDERATION OF RECREATION BUILDING LEASE: Ken Goodworth was present to request that the city's lease with the Grantsville Dance and Arts Company (GDAC) be issued to Ken's Gymnastics. Mr. Goodworth informed the Council that he has been running the gymnastics' program under the GDAC program for the last 4 years. He is splitting off from the Dance portion of GDAC. The GDAC has given a letter of intent to terminate their lease.

Craig made the motion to extend the standard lease for the Grantsville Recreation Center at \$250 per month and set the term of the lease for one year. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF BOND REDUCTION FOR HERITAGE GROVE SUBDIVISION: Justin made the motion to reduce the offsite improvement bonds in the amount of \$24,840.00. Justin commented that he was made aware of a problem with the secondary water connection made by Heritage Grove and suggested that the funds not be released until this issue is resolved Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF FAWSON SUBDIVISION AMENDMENT, 800 EAST:

Justin commented that at the last meeting he stated that the water impact fee issue of E. Matthews subdivision will come back to haunt the Council. Here is the same issue. This subdivision was approved prior to the implementation of the water source impact fee and now they are asking for an amendment to platted subdivision and the water source impact fee should apply. There is a lesson to be learned to apply the ordinance uniformly. James made the motion to approve the subdivision to Fawson's on 800 East with the stipulation that after the Council revisits the water issue they agree to comply with the decisions at that time. Justin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF MINOR SUBDIVISION FOR DELAUN BLAKE AT

475 S. HALE: Craig made the motion to approve the minor subdivision for Delaun Blake with the agreement that Mr. Blake will bond for the water improvements if they have not been installed. James seconded the motion. All voted in favor, motion carried. Mr. Blake was informed that the city will hold the deeds to the lots until the water line is complete.

CONSIDERATION OF LAND SITE FOR CDBG PROJECT: James Christensen and DeAnn Christiansen explained that they received proposals for two land sites for the proposed housing project. The best location is the 6.25 acres off the north corner of Booth and Clark Streets. There was some concern about the ability to sewer the project and Joel stated that he thought it could work. It was determined to get the property appraised as soon as possible to meet the Rural Development funding timeline. Justin made the motion to order the appraisal for the Williamson property. James seconded the motion. All voted in favor, motion carried.

James made the motion to authorize the Mayor to review the appraisal and to make the offer based on appraised value for 6.25 acres of their property. Justin seconded the motion.

CONSIDERATION OF ORDINANCE FOR MOBILE HOMES: James explained that the ordinance change will provide a mechanism to require mobile homes that are being moved into our city into compliance with the current HUD code. We need to protect the health safety and welfare of our residents. The intent is to draw a line in the sand to stop unsafe mobile homes from coming into the city. Grantsville is a magnet for tin trailers because we have no regulations to bring them up to standard. This ordinance will not affect any of the mobile homes within the city currently.

Craig stated that the city currently requires any trailer that is placed on the site to be inspected. Craig stated that he believes that some of the tin trailers built in the 50's are built better than the current trailers. I think this ordinance is rather discriminatory. The state code and the ordinance state that as long as the trailer meet those standards of when it was built. I don't think we can require that they meet current standards.

James made the motion to approve Ordinance 2003- 7 requiring any trailer that is 10 years old or older must be inspected prior to it being brought into Grantsville City Limits. Kevin seconded the motion.

Attorney Elton stated that he was reviewing the comment made by Mr. Conway the owner of the trailer court at 520 West Clark. Mr. Conway questioned whether the city would travel to another state or city to inspect a trailer. It was suggested that the trailer could be brought to the city limits but not disconnected from its mover until it passes inspection. James amended his motion by exempting the width requirement for the mobile home parks and roof pitch and overhang requirements. Trailers can be inspected in city limits that are brought from other cities but not removed from transport until approved by the Building Inspector. Trailers built prior to 6-15-1976 are prohibited everywhere within Grantsville City limits. Vote is as follows: In favor – Kevin, Paul, Justin, and James. Opposed – Craig. Motion carried.

CONSIDERATION OF BUSINESS LICENSES: James made the motion to approve the business licenses for T & T Pipe repair, Digital Photography, Willow Express, Hearth Crafts. Craig seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF SALARY STEP INCREASE: Kevin made the motion to approve the salary step increase for Glen Millward from \$14.45 per hour to 14.88 per hour. Craig seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF SETTING PUBLIC HEARINGS: Craig made the motion to set the public hearings for June 18, 2003 for the following proposals:

- a. Zone change from a-10 to RR-1 for 52 acres between Quirk and Hale Streets.
- b. Amend Section 4.27 © add language “with the exception of security guard, caretaker quarters and agricultural employee housing, concerning HUD housing standards.
- c. Amendment to prohibit any overhead power lines for new construction and development.
- d. Amend Chapter 21.8 Minor Subdivisions application requirements.

James seconded the motion all voted in favor, motion carried.

CONSIDERATION OF JAIL CONTRACT: Mayor Anderson stated that he wasn't ready to discuss this issue at this time. Craig made the motion to table Jail Contract issue. Kevin seconded the motion. All voted in favor, motion carried.

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

OTHER BUSINESS: Mayor informed the Council that he has an offer of culinary water that is for sale. Does the Council want to purchase it? Mayor will verify dollar amount and let the Council know.

Mayor stated that the Middle School is hosting a Reality Town demonstration and would like Council participation if possible. James and Craig stated that they would go in the morning, Mayor stated that he would try to attend in the afternoon.

Mayor informed the Council that there would be a meeting tomorrow afternoon to discuss the alignment of the sewer extension for WalMart.

James wanted to make sure the contract for JRC is on the June 4th agenda. Recorder Palmer stated she would make sure to put it on the agenda.

Justin asked about the irrigation shares and how we can attach them to the property. Mayor stated that he did not get the time to contact the other attorneys. Justin offered his help in this matter. Mayor thanked him and gave him the attorneys' names and numbers.

Kevin brought out the concern about the underground water issue on the north end of town. The Robinson's that are developing SaddleBack did not have success with their well in Lakepoint. There is a big concern that they will pipe the water from Grantsville to Lakepoint.

Recorder Palmer thanked the Mayor for his kind words in the paper concerning her efforts in the waiver success from the Olene Walker Fund.

ADJOURN: Craig made the motion to adjourn this City Council meeting at 10:20 p.m. James seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Byron Anderson, Mayor