

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD JULY 16, 2003

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

Appointed Officers and Employees Present: City Recorder Wendy Palmer, Attorney Ronald Elton, and Public Works Director Joel Kertamus.

Citizens and Guests: Jason Duhon, Darrell Nielson, Jerry Edwards, DeAnn Christiansen, Tom Begeren Attorney for WalMart, Lynn McAlexander, Bud Swenson, Ted Dalferes, Mark Westhall from Carter & Burgess hired by WalMart, Peggy & Glen Pearce, Mr. & Mrs. Spencer, Gary Christley, Fred Hale, Delaun Blake, Chuck and Penney Griffith.

PUBLIC HEARINGS:

- a. Amendment to Chapter 15- Rm-15 zone area calculations:** Mayor Anderson opened the public hearing seeking comments of the proposed change to the area calculations for the RM-15 Zone. Attorney Elton stated that the previous calculations for land area requirement did not allow for the 15 residential units per acre. The new calculations allow for the 15 units per acre. Mayor Anderson asked for any further comments. No further comments being offered the Mayor closed the public hearing at 7:05 p.m.
- b. Consideration of Zoning Designation for Distribution Center property:** Mayor Anderson opened the public hearing seeking comments on the proposed zoning designation for the proposed distribution center on the property in and out of the City limits. Attorney Elton stated that he has received a letter from the Tooele County Commissioners giving their authorization to set a proposed zone of MD for the County property pending annexation into the City of Grantsville. The MD- Light Manufacturing zone permits the proposed WalMart Distribution Center activity. Mayor asked for any further comment. No further comment being offered the Mayor closed the public hearing at 7:10 p.m.
- c. Consideration of General Plan Amendment for Distribution Center Property:** Attorney Elton again explained that the State Law allows for cities to designate property outside of their boundaries with the permission of the County Legislative body. The Tooele County Commissioners gave the City such a letter in anticipation of the annexation. Mayor asked for any further comment. No further comment being offered, the Mayor closed the public hearing at 7:12 p.m.

CONSIDERATION OF ORDINANCES & RESOLUTIONS: Mayor Anderson moved Item 9 f and g to this portion of the agenda to accommodate citizens and guests present.

- f. Consideration of zoning designation for proposed Distribution Center Property in the northwest section of Grantsville.** Craig made the motion to adopt the Ordinance setting the zone designation for the 209 acres of the proposed Distribution Center for WalMart as MD-Light Manufacturing, 68 acres that is within the city and 141.27 acres that is outside the current City Limits. Paul seconded the motion. All voted in favor, motion carried.
- g. Consideration of amending the general plan for the North West area of Grantsville:** Craig made the motion to approve the Ordinance amended the general plan to an industrial use designation for the north west area of Grantsville City. Kevin seconded the motion. All voted in favor, motion carried.

AUTHORIZE NOTICE FOR FINAL PUBLIC HEARING FOR ANNEXATION-GRANTSVILLE LLC: Mayor moved item 11 up on the agenda to accommodate citizens and guest present. Craig made the motion to set the final public hearing for August 6th for the Annexation of 141.27 acres in the north west area adjacent to Grantsville City. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF VACATING COUNTY ROAD-GARY CHRISTLEY: Gary Christley addressed the Mayor and Council concerning a County Road that has been designated on his property on the North East Side of the Old Lincoln Highway. Gary stated that he has discussed this issue with the Tooele County Engineer Ray Johnson. Mr. Johnson informed Gary that if a County Road exists inside of the City Limits the County considers the road to belong to that city. Gary stated that they road does not exist on this property and would like to have the lines erased from his description. Mayor and Council stated that if Gary would present a legal description to the City Recorder, then the Recorder could begin publicizing the proposed abandonment for 4 weeks. Gary stated that he would get the property surveyed and get that information to the City Recorder to being the process of abandonment. Kevin made the motion to authorize the vacation requirements to begin once the legal description is delivered to the City Recorder. Justin seconded the motion. All voted in favor, motion carried.

APPROVAL OF MINUTES: Justin made the motion to approve the minutes of June 18, 2003. Kevin seconded the motion. All voted in favor, motion carried.

Kevin made the motion to approve the minutes of June 24, 2003 special meeting. Craig seconded the motion. All voted in favor, except Justin who abstained due to his absence at this meeting.

BID AWARD FOR NORTH COOLEY WATER PROJECT: Kevin addressed the issues of concern expressed by the Public Works Director about past performance of repair jobs performed by Hale Construction Company. Public Works Director Joel Kertamus stated that he had a meeting with Hale Construction Company and his issues have been satisfied. Craig made the motion to award the bid to Hale Construction for the North Cooley Street Water Line at a price of \$56,065 this price includes boring laterals and connection on Clark Street. Kevin seconded the motion. All voted in favor, motion carried. Mr. Fred Hale, owner of Hale Construction Company asked that the time clock not start for completion of the project until he can obtain the pipe from Plumbers Supply.

CHUCK GRIFFITH-REQUEST FOR SIDEWALK IMPROVEMENT ON HARRIS STREET: Mr. Griffith explained to the Mayor and Council that the south end of Harris Street as it approaches Cherry Street the sidewalk ends about 3 homes north of Cherry Street. Mr. Griffith requested that the Council considers using the Sidewalk replacement budget to cover the cost of the cement to complete the sidewalk on the east side of Harris Street and Mr. Griffith would find the labor force to form and pour the sidewalk. It was discussed that if the city pays for one side of Harris Street to be complete it would need to do the west side as well. This would be setting precedence for the city to install sidewalk and not require the homeowners to pay the cost. Councilman Hall and Public Works Director Kertamus both would like time to visit the site to assess the situation and prepare a cost estimate for proposed project. This item to be on the August 6th agenda.

JASON DUHON-4TH OF JULY FINAL REPORT: Mr. Duhon the 4th of July Chairman gave his final report. Mr. Duhon reported that he was under budget by about \$50.00. Jason expressed his disappointment in the Transcript Paper for their lack of coverage in Grantsville. Jason reported that the entertainment was constant from Noon on the 4th of July until 2 a.m. on the 5th. The food venders all ran out of food. One request was that the power be upgraded at the pavilions to handle the power needs of the venders. The car show was a big success again this year. Mayor and Council gave Mr. Duhon a round of applause and their thanks for another wonderful 4th of July celebration.

CONSIDERATION OF WATER CONNECTION OUTSIDE OF CITY LIMITS: Darrell Nielson requested the ability to connect to the Grantsville City water system for a single residence outside of the city limits. Mr. Nielson stated that he has some land that is situated just outside the city boundary that he would like to place a home on during the development of the WalMart and other development he hopes to attract to this same area. Mr. Nielson stated that when the property develops further he intends to annex the property into Grantsville City. Craig made the motion to permit the single connection to Mr. Nielson along with the payment of the applicable impact fees. Justin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF MINOR SUBDIVISION FOR THE CORNER OF MAIN AND CENTER STREET: Attorney Elton explained that this minor subdivision is being done under a PUD in order to accommodate the lot size and encroachment of lot lines. The Council encouraged Mr. & Mrs. Spencer to talk with UDOT about Highway encroachment permits due to SR138 (Main Street) being used for parking. Craig made the motion to approve the minor subdivision based on the conditions of the PUD set by the Planning Commission. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. **Consideration of zone change from A-10 to RR-1 at approximately 475 S. Hale thought to 475 S. Quirk Street:** Craig made the motion to approve the ordinance changing the zone from A-10 to RR-1. Kevin seconded the motion. All voted in favor, motion carried.
- b. **Consideration of amendment to Chapter 21.8 of the minor subdivision regulations:** Craig stated that he was not sure what this amendment really accomplishes. Craig stated that when the minor subdivision ordinance was first conceived it was intended to accommodate the lot that had property that fronted on an established street with all of the utilities and could be divided into two maybe three lots. It was never intended to allow for construction of roads or installation of utilities. Attorney Elton stated that Mr. Parker had placed a public hearing step into the process at the Planning Commission level. Attorney Elton stated that in talking with staff this is a cumbersome process and so it was eliminated. Justin and Kevin both agreed that they could not see that this amendment accomplishes anything. It was determined to have Mr. Parker present to review the proposed changes. Kevin made the motion to table this issue until Mr. Parker could be present. Craig seconded the motion. All voted in favor, motion carried.
- c. **Consideration of an amendment to the Land Use and Management Code for Grantsville City by adding the requirement to prohibit overhead power lines for new development:** Craig stated that he did not believe that Grantsville needs this ordinance. Why fix what is not broken. Craig stated that new construction runs their power underground anyway and within the existing areas of town it doesn't make sense to have a house on each side with overhead power and the one in the middle that is required to run their power underground. I think we as citizens are over regulated now. Kevin and Justin stated that the problem with Main Street improvement is the power lines. Justin stated that we need to start somewhere. The aesthetics of underground power is pleasing. Justin made the motion to approve the ordinance requiring all development, and upgrades install underground utility lines. Kevin seconded the motion. Vote is as follows: In favor: Kevin and Justin. Opposed: Craig and Paul. In order to break the tie vote Mayor Anderson cast is vote in favor of passing the ordinance. Motion carried.
- d. **Consideration of amending section 4.27c of the Land Use and Management Code:** Kevin expressed his concern about the fact that allowing housing for employees and security guards is a permitted use in the commercial and industrial zones. Kevin felt that the city should be careful about allowing anything smaller than the 22 feet wide to avoid getting camp trailers along our commercial zones on Main Street. Craig made the motion to approve the ordinance that would change the wording in section 4.27c to read "with the exception of security guard, caretaker quarters and agricultural employee housing" which would reduce the width from 22 feet for these uses. Motion died for lack of a second. Kevin made a motion to recommend to the Planning Commission to consider changing the use table to make these types of uses a conditional use in all zones. Paul seconded the motion. All voted in favor, motion carried.
- e. **Consideration of amendment of the mill levy for fiscal year 2004:** Kevin made the motion to approve the amendment of the property tax mill levy from .003331 to .003398 as recommended by the Tooele County Auditor to maintain our current level of property tax revenue plus growth. Craig seconded the motion. All voted in favor, motion carried.
- h. **Appointment to the Taxing entity for the Grantsville RDA:** Kevin made the motion to appoint Justin Linares and Craig Anderson to the Taxing Entity for the Grantsville RDA. Paul seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF APPROVAL FAWSON SUBDIVISION AMENDMENT:

Justin asked what the consensus of the Planning Commission was concerning the requirement of underground water right? Attorney Elton and Craig Anderson informed those present that the Planning Commission recommended no change to the ordinance. Justin and Kevin stated that they felt that the city really does not want to receive underground water rights in one, two or three acre feet allotments. This small amount of water right becomes too expensive to handle and keep track of. Craig brought up the question if the impact fee would need to be paid up front prior to recording the final plat or required at the building permit stage. Kevin suggested that he would like to have a work meeting with Planning Commission to work out their issues as well as the City Council's issues. Peggy Pearce stated that she would be fine to wait for the Council to work out these issues but her brother may be upset about another delay. Mayor stated that he would get with the Recorder and Zoning Administrator to work out a date for the work meeting. This item to be placed on the next agenda to consider a change in the water right impact fee ordinance.

AUTHORIZE NOTICE FOR FINAL PUBLIC HEARING FOR ANNEXATIONS-GRANTSVILLE LLC: Craig made the motion to set August 6, 2003 as the final public hearing for annexation of property owned by Grantsville LLC, Darrell and Barbara Nielson, Elaine Parkinson, Irene Seaquist. Paul seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF NEW BUSINESS LICENSES: Justin made the motion to approve the new business licenses for: Boman Construction Management Inc. 55 N. Tiebreaker Drive- Doug Boman; J&J's Million Dollar Enterprises, 653 E. Main #42, Lisa & John Montano; A+ Performance Handyman Services-902 S. Ruben CT. Roy Westerman; CL&N Enterprise-Stuffing Envelopes- Cathy Cook, 615 E. Hunter Way. Kevin 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 Ron Griffin. Salary increase will be from \$13.08 per hour to \$13.47 per hour. Kevin stated that Mr. Griffin does an excellent job. Craig dittoed the statement of job performance and seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF SETTING PUBLIC HEARINGS:

Craig made the motion to set August 6, 2003 for the public hearings to receive comment on Amendment to Anderson Ranch Subdivision, M.C. Durfee Subdivision, zone changes for 378 W. Clark Street and 550 E. Main Street. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF WATER SHARE PURCHASE: Craig Anderson presented the consideration of underground water right purchase from Joe Cange to the Council. Craig stated that this water right is suppose to be the same source as the water right that was received from Watt Homes. Craig stated that if the city has the same trend of water impact fees paid in the next three years the city could replace the money spent to pay for this water right in time to pay the "C" water bond. Justin made the motion to purchase the proposed underground water right from Joe Cange at \$2500 per share if the city water Attorney John L. Davis approves the water right. Paul seconded the motion. All voted in favor, motion carried.

Justin stated that he would get in contact with the another Water Attorney Craig Smith to see if he would be willing to help the city in some of the issues that are facing the city. This to be on the agenda he is able to attend.

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

OTHER BUSINESS: Mayor announced that the Packard Club arrived in town today to celebrate the Old Lincoln Highway. The Fire Department did an excellent job on the luncheon. Mayor informed the Council that the Deseret Peak Complex is not paying their water bill on time and has incurred some late fees. Justin asked if they were paying the full rate. Mayor reported that the County has not drilled a well yet and will be paying the full rate until such time that they begin to pump their own water. Mayor informed the Council that WalMart would not be paying for the sewer line across the north end of town. WalMart also informed the Mayor that construction would not begin until spring of 2004. Mayor stated that John Hay from WalMart has put his feelers out to try and help the city fund the sewer project.

Kevin stated that he and Joel have already talked about getting more power to the park on Cherry Street to accommodate the 4th of July. Joel stated that Mr. Duhon has been told that the concessions need to be located near the pump house and not around the pavilions. The pavilions provide more shade. It is more convenient to place the concessions around the pavilions.

Craig stated that the neighborhood around the old Jimbo's Drive-in was out in force at the Planning Commission. The neighborhood would like to have a privacy fence installed and verify the fuel tanks have been removed. It was suggested to have the property inspected. Craig asked that the business license policy to issue business licenses to applicants within a commercial district needs to be reviewed. Craig asked that this item be on the next agenda.

ADJOURN: Kevin made the motion adjourn at 9:50 p.m. Craig seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Byron Anderson, Mayor