

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD
AUGUST 6, 2003**

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

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

Citizens and Guests: Jason Duhon, Chuck and Penney Griffith, Council Candidate Gary Pinkham, Ryan Anderton, Mr. & Mrs. Jayson Tate, Kathy Mueller, Ms. Brower, Shirley Bussard, Dick and Karen Johnson, Penney Anderson, Bruce James, Mary Ruth Hammond (press), Boy Scout Troops 6156 and 167, Leaders Ron Brown and Dee Mair.

PUBLIC HEARINGS:

- a. Final public hearing for annexation- Grantsville LLC, Darrell & Barbara Nielson, Elaine Parkinson, Irene Seaquist.** Mayor Anderson asked for any comments concerning the Annexation. No comments being offered the Mayor closed the public hearing at 7:11 p.m.
- b. Amendment to Anderson Ranch Subdivision (1) lot into four (4) Lots:** Mayor Anderson opened the public hearing to receive comment to the amendment to the Anderson Ranch subdivision. No comment being offered the public hearing was closed at 7:12 p.m.
- c. Amendment to M.C. Durfee Subdivision of the corner of Cherry & Cooley Street one (1) lot into (2) lots:** Mayor Anderson opened the public hearing to receive comment on the amendment to the M.C. Durfee Subdivision. No comment being offered the Mayor closed the public hearing at 7:13 p.m.
- d. Consideration of zone change of 1.63 acres at approximately 550 E. Main from RM-7 to CN:** Mayor Anderson opened the public hearing to receive comment on the proposed zone change. It was explained that this business property formally known as Jimbo's has lost its legal non-conforming use status due to the business being closed for more than one year.

Jason Duhon-637 E. Main stated his comment is that alcohol should not be permitted to be served in this restaurant due to the residential neighborhood that surrounds this business. Mr. Duhon stated that he understands that there have been citizens confirm that the old fuel tanks are located under the dining room on the west side of this building.

Ryan Delahunty, 565 E. Main: Mr. Delahunty explained that he lives on the east side of the proposed business district. Mr. Delahunty stated that this is a growing community and he understands the desire of the city to attract businesses. Mr. Delahunty asked the Council to consider the residential activities that surround this proposed business district as well when the business applies for its business license. Mr. Delahunty stated his concerns about odors from the garbage and grease bins. He was also concerned about the exhaust smells from cars that would be coming and going from this potential business. He expressed his concerns about loitering and "teenage lunacy" being controlled. Another concern was that fuel tanks that he claimed to exist under the dinning room of the current building. Mayor Anderson responded by informing those present that this public hearing is about the changing the zone from Rm-7 to CN. The actual business license is another issue. As far as the issue of "teenage lunacy" and loitering, these issues can be handled with existing laws.

Ryan Anderton realtor for the owners of the property expressed his opinion that all of the concerned expressed about the fuel tanks have already been resolved. The Maddox Family that owns the property has spent thousands of dollars on testing the property for signs of the fuel tanks. The Tooele County Health Department issued a statement that they are satisfied with the fact that the storage tanks do not exist on the property and declared the issue closed. The other issues of loitering and drinking will be handled like it is handled with any other business in the community with current laws.

Shirley Bussard that lives on the West property to the proposed commercial zone stated that she was concerned about the additional foot traffic that would steal her lawn chairs. Ms. Bussard stated that she has talked with the potential buyers of the building and have no other concerns. She stated that she thought the buyers were wonderful people.

Bruce James- 50 N. Trackside- Mr. James stated that his property abuts the commercial zone to the north. Mr. James stated that he would like to have the lighting angled so that the lights would not shine in their yards and a fence installed to stop foot traffic going through their yards.

Ryan Anderton stated that the new buyers have already determined to place a privacy fence.

Saul Clark – 68 N. Race Street. Mr. Clark stated that he was asked to come to testify that the storage tanks were present on this property. Mr. Clark explained that his father owned the property originally. Mr. Clark stated that the fuel tanks were on the east side of the property.

Mayor asked for any further comment. No further comment being offered the Mayor closed the public hearing at 7:28 p.m.

- e. **Rezoning from A-10 to R1.12 378 West Clark Street:** Attorney Elton explained that the publication for this zone change and the agenda items were published incorrectly and this item will have to be published correctly for 14 days and another public hearing held. The correct zone requested is R1-21. Mayor asked for any comment on the zone change at 378 W. Clark Street. No comment being offered, Mayor Anderson closed the public hearing at 7:35 p.m. Craig made the motion to select September 3rd for the public hearing for consider zone change from A-10 to R1-21 for 378 W. Clark. Kevin seconded the motion. All voted in favor, motion carried.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS: Justin made the motion to approve the minutes of July 16, 2003. Kevin seconded the motion. All voted in favor, motion carried.

DICK JOHNSON – REQUEST FOR OUTDOOR WATER AND PARK IMPACT FEE WAIVERS: Mr. Johnson stated that he has purchased a building permit to place a modular home on his farm. Mr. Johnson would like to have the Park Impact fee waived because he has 180 acres of farm that surrounds this home that can be counted as open space. Mr. Johnson wanted to have the outdoor water impact fee waived because there will be no outside landscaping only the farm land. Justin made the motion to waive the outdoor water requirement as long as there is no grass or landscaping. If that changes Mr. Johnson is to pay or turn over the water rights prior to any outdoor watering. The Park Impact fee is to be paid. Craig seconded the motion. All voted in favor, motion carried. Explanation gave by the Council for the requirement of the Park Impact fee is that the Impact is not to ensure open space it is for the improvement of the city parks.

CDBG PROJECT-CHANGE OF LOCATION FOR HOUSING PROJECT: Craig and Mayor Anderson explained that the Williamson property is not available for the 20 unit LMI housing project. DeAnn Christiansen, Tooele County Housing Authority has found a 9 acre parcel that is approximately 490 S. Hale Street. This property is currently in the RR-1 zoning area of the General Plan. Attorney Elton asked what the property would be zoned? It was explained that it needed to be a RM-15 zone. Attorney Elton stated that this would be considered a spot zone. Mayor and Craig stated that this was the only other property that was for sale. Justin stated that we shouldn't abandon our general plan on the basis of what property is for sale. I think there are some options that we haven't looked at. Mayor Anderson stated that Craig made mention of a parcel that may work. Craig stated that he wanted to look into more. Justin made the motion to disapprove the 9 acre parcel at approximately 490 S. Hale Street. Kevin seconded the motion. All voted in favor, motion carried.

CHUCK GRIFFITH-SIDEWALK IMPROVEMENT PROJECT REQUEST:

Kevin and Joel addressed their resolutions for the missing sidewalk on the East and West sides of South Harris Street. Joel stated that he would recommend keeping the sidewalk in line with the current sidewalk which would require a 4 foot park strip. Joel stated that there is a fence that would have to be removed as well. Joel stated that he would propose that the residents pay for the concrete and the City would perform the work as time permitted. Kevin stated that this project is not in this years budget and may not be funded until next year. Kevin suggested that the city could carry the contract on the cost of the concrete and the residents could make monthly payments much like the current curb, gutter, and sidewalk project the city has done earlier. A price was suggested for the cost of the cement to be around \$500.00 per lot owner. Chuck was given the task of talking with his neighbors and getting the go ahead from all the neighbors at least on one side of the street and report back to the City Council. Justin commended Mr. Griffith for his enthusiasm to make our city look better.

AMENDMENT OF ANDERSON RANCH SUBDIVISION (1) LOT INTO FOUR (4) LOTS: Penny Anderson was present to represent this issue. Council asked Penney if she understood that she would need to provide the underground water right for the indoor water requirement @ .45 acre feet per lot. Penny stated that she was only prepared to provide the outdoor water right. Council informed her that since her subdivision was approved a water source impact fee ordinance has been adopted that requires major subdivisions to provide all the water needed for their subdivision including indoor and outdoor water rights. At this time the Council is considering an ordinance that would allow those developments that need to provide small amount of water right to be allowed to pay the impact fees. Penney was asked if she wanted to provide the required amount of water or wait until the Council's completes the amendment process. Penny stated that she would wait. Council stated they expected to be complete by September.

AMENDMENT TO M.C. DURFEE SUBDIVISION ON THE CORNER OF CHERRY & COOLEY STREET- (1) ONE LOT INTO (2) LOTS: Due to the owners of this property not being present and the water source impact fee issue not resolved that would effect this subdivision the Council took no action.

CONSIDERATION OF NEW BUSINES LICENSE POLICY – CRAIG ANDERSON: Craig stated that the current policy for issuing business licenses in the commercial district is that if the activity is a permitted use, the office issues the license on demand and payment of fees. Craig stated that he would like to have all business licenses come through the Council approval prior to issuance. Mostly for information to the Council but also to raise questions that maybe need to raised. Some of the businesses that are moving into older buildings should have an inspection by the Building Official and the Fire Chief. Attorney Elton explained that even if the business license comes to the City Council for approval the Council cannot impose conditions on that business. The ordinance would have to be amended. Currently the business license is a revenue fee not an enforcement fee. If we regulate the licenses we would need to evaluate the cost of enforcement and that would become the fee for the business license. Craig made the motion to require that all business licenses must go through Council approval prior to issuance of the permit. Justin seconded the motion. All voted in favor, motion carried. Craig stated that he would work with Attorney Elton for any additional requirements for business license approval for Council approval at a later date.

CONSIDERATION OF POLICY FOR PLAT SUBMITTALS: Recorder Palmer informed the Council that the new subdivision ordinance requires that the final plat to be reviewed only by the City Council. In the past the Planning Commission reviewed it prior to sending it to the City council for final approval. Recorder Palmer informed the Council that the current policy to be on the City Council agenda is to have items to the Recorder by noon the Friday before the Council Meeting. Final plats will need to be reviewed by city staff, public works director and engineers. Recorder Palmer requests 21 day submittal requirement for all final plat prior to a Council consideration. Craig made the motion to set the police for City Council consideration of Final Plat for Subdivisions at a 21 day submittal time frame. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF ORDINANCE AND RESOLUTIONS:

Justin made the motion to adopt Ordinance 2003-13 approval of amending the RM-15 required square footage per units calculations. Craig seconded the motion. All voted in favor, motion carried.

Craig made the motion to adopt Ordinance 2003-14 Annexation for Grantsville LLC, Darrel & Barbara Nielson, Elaine Parkinson and Irene Seaquist. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF FAWSON SUBDIVISION AMENDMENT: This item was tabled until the water source impact ordinance amendment is completed.

CONSIDERATION OF NEWBUSINESS LICENSES: Justin made the motion to approve Lueker Handyman service and Tate appliance Repair. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF SETTING PUBLIC HEARINGS: Amendment to the Subdivision Ordinance and Water Source Impact fee requirements. Craig and Kevin were concerned that the Minor Subdivisions calculation is too much. They would like to see the minor subdivision be reduced to 3 lots or less. It was discussed that the small blocks of water right is more cumbersome to the city to track it may be more advantageous to allow for blocks of 4-6 acre feet of water for subdivision be allowed to pay the impact fee instead of providing underground water right. Craig made the motion to set the public hearing for September 3rd to allow developers that are required to provide 4 acre feet of water or less to satisfy the water impact fee be allowed to pay the impact fee at the time of development approval. Kevin seconded the motion. All voted in favor, motion carried.

APPROVAL OF BILLS: Kevin made the motion to approve the bills including Taylor Construction 60% payment request for safe sidewalk project. Craig seconded the motion. All voted in favor, motion carried.

OTHER BUSINESS: Mayor informed the Council that Wal-Mart will not fund the sewer line. Dave Douglas from the State Economic Development emailed him some sources for funding to look into. Mayor stated that he met with Rural Development and they can offer us partial grant, partial loan, or loan guarantee. The loan guarantee will help drive down and interest rate we may be able to get from a bank. Wal-Mart has sent a letter to us requesting the final engineering figures by September 15th.

Justin commended Police Sgt. Brent Rowley and the rest of the officers and the Fire Department for the Night Out against crime activity. Justin stated it was well done. Justin stated that the Craig Smith has agreed to attend the Council meeting on August 20th and stated that Mr. Smith is excited to come and help our city.

Kevin suggested that each member of the Council and the Mayor check out the water situation on the north end of town. There is a property owner down there that is pumping their well 24 hours a day and 7 days a week and it is going into a ditch. There is great concern as to what this pumping is doing to the ground water situation in our community. Kevin informed the Council and Mayor about the complaints he has been receiving on the condition of the Mack Canyon Road. This road is a forest access road and the city is not responsible for the maintenance of this road. Kevin stated that he talked with the County Maintenance people and they used to maintain the forest service roads but the forest service never paid the County for their work. So now the County only works on the most traveled areas as of the forest areas. Kevin stated that he will have the Public Works Director present a cost estimate and options for this road. Kevin stated that the residents of this end of the road will need to help fund anything that is done. This will be on the August 20th agenda.

Craig informed the Council and Mayor that he attended the Tooele County Recreation board as it relates to the Trails Master Plan for the County and a Task force on gravel pits. The Council all wanted a copy of his information.

ADJOURN: Craig made the motion to adjourn at 9:20 p.m. Justin seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Byron Anderson, Mayor

