

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD
AUGUST 20, 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 Gary Fawson Planning Commission Member.

Citizens and Guests: Council Candidate Jason Duhon, Chuck and Penney Griffith, Council Candidate Gary Pinkham, Ryan Anderton, Bruce Parker, Attorney Craig Smith, Carl Aldem, Robert Lawrence, Brian Delahunty, Bruce James, Mr. & Mrs. Tom Camp, Mr. & Mrs. Rob Arbon, Ron Smith, Mike Colson, Mr. & Mrs. Brent Palmer, Dixie and Marnel Arbon, Cal & Evelyn Brown, Sherri Larsen, Barbara Poyner, Christine Johnson, Wes Arbon, Kristy Bleazard, Carlene Schultz, Mr. & Mrs. England, Doug Boman, Mary Ann Hunt, Ed Cole, Randy Hunt, Cindy Cole, and Barbara Grygierczyk,

APPROVAL OF MINUTES: Justin made the motion to approve the minutes of 8-6-03. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF MINOR SUBDIVISION AMENDMENT: Planner Bruce Parker explained the issues of the change to the minor subdivision ordinance. Some of the main changes include the requirement of concept approval and public hearings. Craig stated that he felt that the main premise of minor subdivisions has grown out of proportion. Craig stated that when he first presented the minor subdivision idea it was to allow land to be divided one or two times on streets that had infrastructure and roads. The minor subdivision was never meant to allow roads to be built. Bruce stated that the proposed document would need numbering corrections and Minor Subdivisions are only allowed for an original parcel to be divided. You may need to have the property owner provide proof of when their parcel was divided in order to ascertain if it meets the requirements for a minor subdivision and not previously divided. This would require some staff research to assure that the parcel is not allowed to be divided again after the minor subdivision approval. Any additional subdivision would need to be considered under the major subdivision regulations. Attorney Elton stated that he has reviewed the changes and after discussion of the changes with staff the public hearing portion of the ordinance change was removed. The public hearing is not a requirement by State Law and so it is Attorney Elton's recommendation to leave this requirement out. Attorney Elton stated that the Sketch plan approval has also been removed due to this taking place informally anyway. Kevin, Craig and James felt that the sketch plan should remain in the ordinance. Bruce felt that the information that is afforded surrounding property owners is a good thing for the City. James agreed stating that some of the hotly contested issues in our community like the Clark Street Trailer Court could have been addressed better had the neighborhood been notified and information distributed. Attorney Elton stated that the State Law does not require the noticing and if the staff misses the notification it could cost the developer extra time and complaints against the city. Paul asked about creating a private road. Bruce answered by explaining that anytime you are creating roads you are not creating a minor subdivision. Paul stated that this is going to be more expensive for the family that wants to give each child a lot if they have 5 or 6 kids. Craig stated that it could be considered on a case by case basis. Craig and Kevin stated that the town is starting to be developed under minor subdivisions. This is shifting the responsibility and expense for roads and infrastructure from the developer to the city. A perfect example of this is Taylor Road. There are two minor subdivisions in this area that were allowed on private accesses. Now these residents are clamoring to have the Mack Canyon Road improved at a cost of \$30,000.00. These residents had an opportunity to participate financially a couple of years ago and refused. Now they are back asking for the city to upgrade Mack Canyon Road again. The responsibility for the improvements should have fallen to the property owner that divided the property and received the profit from the lot sales. Craig and Kevin both felt that the minor subdivision number should be reduced from 6 to 3 or 4 lots. Craig made the motion to adopt the minor subdivision ordinance changes but reduce the lot requirement from 6 lots to 4 lots. Kevin seconded the motion. All voted in favor, motion carried.

WATER ATTORNEY CRAIG SMITH-DISCUSSION OF ATTACHING SECONDARY WATER RIGHTS TO PRIVATE PROPERTY:

Justin thanked Attorney Smith for his attendance at this Council meeting. Justin began by explaining the situation the city has found itself in with the outdoor water rights. Currently the water source impact fee allows citizens to show proof of an outdoor water right from Grantsville Irrigation Company in lieu of paying the impact fee. The problem is the city doesn't have any leverage to make sure that the irrigation share remains with the property it was presented for. Justin asked Attorney Smith if the City could be a co-signer on the deed or have the deed to the water turned over to the city. Attorney Smith stated that either option could work. Justin explained to the Attorney that the Grantsville Irrigation shares are required to pay \$150 per (A) Share. If the resident does not pay the annual assessment of \$150 then the Grantsville Irrigation Company sells the share on the open market to collect its fee. Now the Irrigation Share that was pledged in lieu of the outdoor impact fee is gone. The resident will begin to use the city water to water their lawns that they have not paid for the right to use. Attorney Smith stated that the best way be assured that the water is not lost is to take possession of the water share and bill the citizen in equal installments to cover the cost of the annual assessment. The Irrigation Company would send a bill to the city for the annual assessment. The other option would be to have the resident put the City on the water share certificate the city could hold the certificate in a safe. That way the water could not be sold without notifying the city. The down fall to this option is that the city would have to pay the assessment and collect it after the fact in order to save the water share for that property in which it was pledged. Justin stated that the water share should be deeded to the city outright. When an impact fee is paid the city doesn't give the money back. Why would we ever want to let the water share be sold, the residents gave it to offset the impact fee. This item was placed on the August 27th meeting to discuss further in depth.

LITTLE RENO ESTATES-OFFSITE IMPRVEMENT BOND: Carl Aldem from Summit Homes was present to inquire if the city would have any concerns with replacing the property bonds now in place for offsite improvements with a letter of credit. Mr. Aldem stated that the City owns all of the remaining lots and in order to finish the development his company would like to change the type of off site bonding. James made the motion to authorize the Mayor to negotiate and sign a new bond for Little Reno Estates Subdivision. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF REDEDICATION OF CLAY STREET EAST OF BOOTH STREET: Robert Lawrence presented a letter from himself and two property owners that received the land from the vacated Clay Street, Fern Williams and Gary Fawson. The letter asks that Grantsville City Council dedicate the vacated portion of Clay Street East of Booth Street. Mr. Lawrence explained to the City Council that he used the wrong words when he asked that Clay Street be abandoned east of Booth Street. Justin asked Mr. Lawrence if the vandalism that he was experiencing had stopped. Mr. Lawrence stated that yes it had. Mr. Lawrence stated that he just wanted to be able to gate the street off, not have the street abandoned. Attorney Elton informed Mr. Lawrence that the only way for the city to allow the street to be gated is to abandon the road. Residents are not allowed to restrict traffic on public streets. Mr. Lawrence stated that he doesn't have access to his property now. Attorney Elton informed Mr. Lawrence stated that he has a prescriptive right to pass to access his property. The property owners cannot stop you from crossing their property to get to yours. Mr. Lawrence stated that now he has to open a gate to get to his property and he wants to pass without opening the gate. Mr. Lawrence asked what he would have to do to get the city to dedicate Clay Street? Attorney Elton stated that Mr. Lawrence would need to survey the property and come up with a legal description and have the deeds drawn up, but before he does that he should find out if the Council is willing to dedicate this road. Kevin stated that at this time he could not see any advantage to the City dedicating this road due to the maintenance expense. The city abandoned this road at Mr. Lawrence's request because of all the vandalism and road damage due to four wheel drives. The high ground water in this area attracts this type of activity. Kevin, Craig and Paul all admitted to four wheeling in this area as kids. Craig and Attorney Elton stated that in order for the City to accept this road back is to require that it be an acceptable width and construction standard. This would be a huge expense to the property owners to bring this road up to an acceptable city standard. Mr. Lawrence stated that the city never took care of this road before why would the city make him

upgrade the road before the city will accept it back? Attorney Elton stated that State Law requires cities to make developers upgrade facilities to a current standard so that the tax payers are not paying for developers profits. Craig made the motion to table this issue until Mr. Lawrence could be given further information. Paul seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF APPROVAL OF FINAL PLAT FOR SOUTH WILLOW ESTATE PHASE 2B: Craig made the motion to approve the final plat for South Willow Estates 2B and authorize the Mayor to sign the off site improvement bonds once the Public Works Director and Engineer have approved the documents. Justin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF ORDINANCE TO CHANGE THE ZONE AT 533 E. MAIN: Craig made the motion to table this zone change request until a site plan can be obtained from the business owners as to their intentions on fencing and screening the business parking from the surrounding neighborhood also how they intend to handle the lighting. James seconded the motion. All voted in favor, motion carried.

Craig stated that he would contact the business owners and discuss these issues.

CONSIDERATION OF PROPERTY FOR CDBG/TOOELE COUNTY HOUSING AUTHORITY: Mayor stated that he received a letter from DeAnn Christiansen requesting the Council reconsider the Peterson Property on 500 South Hale Street. Craig stated that he also has been looking into additional property as an alternative for the housing project. Craig stated that he has been talking with the property owners of the Blue Bird, Williams Video, and Gessells Restaurant. All of these property owners are only using one half of the depth of their property. The middle half of the block is full of weeds, debris and such. Each of these property owners are willing to sell this section of their property if the price that they appraise for will match what they actually paid for the property. The outlet and entrance can be accomplished on the property north of the fire station for the 1.5 acres of property. Recorder Palmer stated that there is also a $\frac{3}{4}$ acre parcel that attaches to this area that is for sale that would provide a second entrance and exit onto Clark Street. There is always the Jessop Property that the Housing Authority has an option on but the Recorder needs the Council approval to obtain an appraisal for this property. James stated that he had an idea and contacted John Conway who owns the Trailer Court at 520 W. Clark. Mr. Conway stated he would consider selling a portion of the Trailer Court property to the City to construct the 20 units. Craig made the motion to authorize the City Recorder to obtain appraisals on the Jessop Property, Middle of Main and Clark Street after Craig obtains a better Description and the Conway Property that extends 500 feet east and west and 125 feet deep from Clark Street. James seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF SALARY STEP INCREASE: Kevin made the motion to approve Gale Hanson's Salary Step increase as recommended by his supervisors, \$10.66 to \$10.97 per hour. Craig seconded the motion. All voted in favor, motion carried. Council stated that Gale does a good job keeping the equipment running and maintenance of the cemetery and museum.

CONSIDERATION OF SETTING A PUBLIC HEARINGS: Craig made the motion to set the public hearings for September 17th, 2003 for General Plan amendment for .3 acres north of Grantsville, zone change from RM-7 to MD North End of Grantsville, Amendment to South Willow Small major subdivision, Zone change from R1-21 50 CG, SR112 and SR138, Amend to the use of security guard and caretaker residences in industrial and commercial zone, amend 10-9 manufactured and mobile homes. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF UTILITY BILL ASSISTANCE PROGRAM: Mayor explained that he was approached by the National Guard concerning the military families in Grantsville that are struggling while their military family member is on active duty. The National Guard has asked if the city could waive the utility bills until military personnel return. The National Guard would provide the city with a list of the active duty personnel and then inform the city when they return from active duty. James made the motion to waive water, sewer and garbage bills effective with any balance owed August 2003 until the city is notified by the National Guard of military personnel's return. Kevin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF FOREST SERVICE ROAD TO MACK CANYON: Kevin stated that he has been contacted by many of the residence of Taylor road that use the Mack Canyon Road to access their homes. Kevin stated that he has talked with the Tooele County Maintenance Superintendent and Tooele County has cut back on their support of the Forrest Service Access roads because the Forrest Service won't pay for services rendered. Kevin informed the Council and Mayor that he has been approached by contractor's that will be bidding a rottomillings job for next spring. There will be rottomillings available but the current price is about \$7.00 per ton. This is more that the last time the city did a project. Kevin asked Public Works Director Joel Kertamus to make an estimate on the expense to upgrade 9/10th of a mile of Mack Canyon Road. The lowest estimate is \$24,000 and rottomillings would be about \$35,000. Randy Hunt stated that he would be willing to participate as a landowner by providing equipment to haul and lay the rottomillings. Kevin stated that he would need to talk with the other property owners to see if they would be wiling to participate as well. Justin made the motion to authorize Kevin to talk with the property owners accessing Mack Canyon Road to see if they would be willing to participate financially to come up with a minimum \$24,000 total between all property owners. Kevin to talk with Darrell Nielson to seek his permission to upgrade the access road that goes across his property. Justin seconded the motion. All voted in favor, motion carried.

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

OTHER BUSIENSS: Mayor informed the Council that the Draft Impact analysis is being pursued by Craig Neeley in order to complete the Sewer line for the Walmart distribution center. Mayor stated that the Draft Economic Plan and budget is done and will be considered by the Taxing Entity in September. Mayor stated that he has met with Chris Robinson and Mr. Robinson is wiling to allow the sewer line to go across his property. Craig stated that Mr. Higley has not returned his calls and suggested that the city pursue an easement though the Howard property to the South.

ADJOURN: Craig made the motion to adjourn at 10:35 p.m. Justin seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Byron Anderson, Mayor