

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD SEPTEMBER 17, 2003

Mayor and Council Present: Mayor Byron Anderson, Council Members: Craig Anderson, James Christensen, Kevin Hall (7:55 p.m.), Justin Linares, and Paul Rupp.

Appointed Officers and Employees Present: City Recorder Wendy Palmer, Attorney Ronald Elton.

Citizens and Guests: Mary Ruth Hammond (press), Troy Johansen, Jack Howard, Dave & Doryanne Hall, Jeannine K. Johnson, Glen & Peggy Pearce, Marilynn Shepherd, Jana Stice, Valerie and Jim Didericksen, Mary Young, Cindy Broadbent, Kathy Anderson, Fred Roberts, Bert Ivie, Robin Baird, Gerald G. Hill, Todd Castagno, Chris Williams, Karen Kleinlein, Liz Tripp, Brian Smith, Teresa Smith, Annette Bolton, Dan Murray, Leonard R. Hartke and son.

PUBLIC HEARINGS:

- a. **Wal-Mart General Plan Amendment for .3 acres of property along the north boundary of Grantsville City to an Industrial Designation:** Mayor asked for any comments on the proposed General Plan Amendment. No comments being offered, Mayor Anderson closed the public hearing at 7:04 p.m.
- b. **Wal-Mart request for MD Zone Designation for. 3 acres of property along the north boundary of Grantsville City:** Mayor asked for any comments on the proposed zoning designation. No comments being offered, Mayor Anderson closed the public hearing at 7:05 p.m.
- c. **Amendment to South Willow Subdivision on the corner of Nygreen and Willow Streets:** Mayor asked for any comments on the proposed amendment to lot 6 to create two lots from one. No comments being offered, Mayor closed the public hearing at 7:06 p.m.
- e. **Consideration of amending the use of security guard and caretaker residences in the Commercial and Industrial Zones to a conditional use:** Mayor asked for any comment on the proposal to make security guards and caretaker residences a conditional use in the Commercial and Industrial zones. No comments being offered, Mayor Anderson closed the public hearing at 7:07 p.m.
- f. **Consideration of amending the zoning code chapter 10-9 Manufactured and Mobile Homes:** Mayor asked for any comments on the proposed change to Chapter 10-9 of the Zoning Code. No comments being offered, Mayor Anderson closed the public hearing at 7:08 p.m.
- d. **Considerations of Zone change from R1-21 to CG (General Commercial District):** Mayor asked for a raise of hands from the audience of those people who wish to give comment on this issue. Mayor informed those interested in commenting that each person will be limited to 3 minutes and at 7:30p.m. the public hearing will be closed to any further comment.

Peggy Pearce- 112 South SR 112. Peggy read a statement: This is an election year. You were chosen by the people and promised to honor and uphold the established laws of our community and to stay in harmony with the Master Plan of Grantsville. You promised to protect and make decision that will benefit the people who voted for you and gave you their confidence. The zoning change you are being requested to approve by Mr. Kenneth and Lorell Fawson is NOT in support of our Master Plan. It will violate the integrity of our neighborhood in as much as the neighborhood is in a residential and agricultural zone that your Master Plan attempts to maintain. Do you or do we owe anything to the Maverick Company? I don't believe so. Do you owe the two men who are attempting to sell this property and who don't even live in the county anymore? I don't think so. This change is about nothing but money. These two men who are attempting to change the zoning could and have had an opportunity to sell this property to other people. Yes, even the neighbor, Marilynn Shepherd who will be so adversely affected by this noisy, intrusive, all night, dangerous business has attempted to buy this acre. This location is on an extremely dangerous corner. How can you possibly in good conscience make the decision to allow this to happen and adversely affect not only our neighborhood but several established businesses. Please make the right and proper decision in support of the people who elected you and count on your integrity.

Jeannine K. Johnson – Resident of Eastmoor Drive: Jeannine read a letter from Utah State Department of Transportation: UDOT ran a crash data report for the 500 feet of the Stansbury Park Access road between 1998 and 2002. The following characterizes the results: 47 crashes in the 5 year period, 45 were non-fatal injury crashes, 2 were fatal crashes. Jeannine stated that she would not want the responsibility to protect the children and the elderly of our community or to let them down. This is the Mayor and council's watch and their responsibility to consider the safety of these people.

Doryanne Hall- Resident across the street of the proposed change. I have lived here for 9.5 years. I attended the previous meeting at the Planning Commission, voiced my opinion at that meeting, and felt that our concerns were not heard. This is a residential neighborhood and this property is still zoned residential. The real estate sign is falsely advertising this property as commercial property. I think that is dishonest advertising. I tried to purchase the property for a residential price and the property owners would not even consider it.

Marilynn Shepherd-784 E. Main, homeowner directly to the west of this proposed change. I am concerned about the current downtown Grantsville businesses. If this zone change is allowed it will divide your downtown business district. This is what happened in Tooele and I don't want Grantsville to look like Tooele. We need to keep and protect our downtown district.

Liz Tripp-property owner on Eastmoor Drive: Mrs. Trip stated that she is concerned about the safety of our citizens trying to walk to this new convenience store. There is not a sidewalk past Eastmoor Drive. Mayor and Council explained that the city has applied for safe sidewalk grant money from UDOT. This grant was applied for prior to the zone change request by Maverick.

Burt Ivie- 274 S. Park Street. Mr. Ivie stated that he was a little different from most of the people in the audience. Mr. Ivie stated that he was in favor of expansion of commercial opportunities. He stated that he felt that competition was good for Grantsville and felt that Grantsville needs to grow.

Kathy Anderson- Resident and Business owner of Handy Corner. Mrs. Anderson stated that she felt that the Council needed to make sure before they decide on this zone change for Maverick that this is something we all need. Mrs. Anderson handed out a document that she states that if the Council allows the Maverick store and gas to come into Grantsville one of the existing stores will be forced out of business. I don't want to have Grantsville look like Tooele with the down town businesses boarded up and the commercial district to the other end of town. Kathy handed over her letter with petition attached.

Valerie Didericksen, owner of Way Station gas and convenience store. Mrs. Didericksen stated that if the city allows Maverick to come to town would be like asking the Grantsville High School Football team to compete against the University of Utah football team. If you allow Maverick stores to come in it will put one of the existing stores out of business. It has been a tough 2 years and the economy has not picked up enough to warrant an additional store.

Mayor asked for any further comment. No further comment being offered, the Mayor closed the public hearing at 7:20 p.m. Mayor informed those present that the ordinance will not be decided tonight. The Council will continue to receive written comment until the next meeting on October 1st, 2003.

APPROVAL OF MINUTES: Craig made the motion to approve the minutes of the meeting held September 3rd, 2003. Paul seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF FINAL PLAT FOR TODD CASTAGNO-FERRIS

WILLIAMS ESTATES SUBDIVISION: Todd began his request for approval by addressing the issues presented by City Engineer Craig Neeley from Aqua Engineering. #1. Provisions for pedestrian traffic in the street section. Todd stated that the Zoning Code does not require sidewalks in the RR-1 zone. Todd stated that he felt that the issues of sidewalks should have been brought up at the same time as the road width issue. If the Council requires sidewalk at this stage Todd stated that all of the engineering would have to be redone, road width would have to be changed to accommodate the sidewalk and still provide the road swail. #2. Alignment of the off-site sewer is problematic if Delaun Blake’s subdivision isn’t completed. Todd felt that Delaun has agreed to the right of way. If his development doesn’t complete for a couple of years Todd could obtain a right of way and still run the sewer through which would still be a benefit to Mr. Blake’s property. Craig made the motion to approve the final plat for Ferris Williams Estate Subdivision contingent upon Todd obtaining a written right of way for the sewer line from Delaun Blake and final review from the engineer for the storm water drainage issues. Justin seconded the motion. All voted in favor, motion carried. Justin commended Todd for his willingness to develop this property in a way that will work for all of the community and not just his property.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. **WalMart General Plan amendment for .3 acres of property along the north boundary of Grantsville City:** James made the motion to approve the general plan amendment designating the .3 acres for an industrial use. Justin seconded the motion. All voted in favor, motion carried.
- b. **WalMart request for a MD zone designation for .3 acres of property along the north boundary of Grantsville City:** James made the motion to approve the general plan amendment zoning the .3 acres as MD – Light Manufacturing. Justin seconded the motion. All voted in favor, motion carried.
- c. **Resolution adopting the 1999 Building permit fees schedule from the Uniform building Code:** It was determined that the current ordinance provides for adopting each new change without amending the ordinance.

CONSIDERATION OF AMENDMENT TO THE SOUTH WILLOW SMALL MAJOR SUBDIVISION ON THE CORNER OF NYGREEN AND WILLOW

STREETS: James Christensen disclosed and Robin Baird the petitioner for this amendment is his Brother-in law. Craig made the motion to approve the amendment to lot 6 of the South Willow small major subdivision changing one 5-acre lot into (2) 2.5-acre lots. Paul seconded the motion. All voted in favor except for James who abstained due to his relationship with Mr. Baird. Motion carried.

CONSIDERATION OF UDOT REQUIREMENT FOR 204 W. MAIN STREET

BUSINESS: Due to the Spencer’s absence at this meeting this item was tabled until they can be present.

APPOINTMENT OF ELECTION JUDGES FOR THE 2003 ELECTIONS: James made the motion to accept the list of Election Judges presented for the 2003 elections as follows:

DISTRICT #1 (Votes at Fire Station)

- ___ Karla Hammond, 61 N. Kearl, 884-5039*
- ___ Renae Powell, 505 E. Clark St, 884-6354*
- ___ Barbara Dalton, 142 W. Clark, 884-6329
- ___ Donna Sanborn-37 E. Clark, 884-0311

DISTRICT #2 (Votes at City Hall)

- ___ Sherlene Lawton, 14 S. Eastmoor Dr.-884-6006
- ___ Dori Ann Hall- 107 N. HWY 112 – 884-0652
- ___ Ester Takos- 128 S. Eastmoor Drive-884-0456
- ___ Bernice Castagno-4778 Hwy 112- 884-6630

DISTRICT #3 (Votes at Willow Elementary)

- ___ Sandra Bitner, 140 E. Durfee Street- 884-6746
- ___ Ora Bridges, 496 S. Quirk Street- 884-9614
- ___ Carlene Schultz, 462 E. South St.-884-0543
- ___ David Bridges- 496 S. Quirk,-884-9614 (Alternate)

DISTRICT #4 (Votes at the Middle School)

- ___ Colleen Oliver, 111 W. Durfee- 884-3779
- ___ Diane Hunsaker, 7 E. Durfee- 884-5028*
- ___ Cindy Rowley- P.O. Box 246-884-1158

DISTRICT #5 (Votes at the Senior Center)

- ___ Joan Parkinson, 105 Deseret Circle, 884-6606
- ___ Carla Chamberlain, 130 Deseret Circle-884-0835
- ___ PJ Patterson, 262 E. Cherry, 884-6573*

Craig seconded the motion. All voted in favor, motion carried.

Kevin arrived at 7:55 p.m.

CONSIDERATION OF APPRAISALS AND PRIORITY FOR LAND PURCHASE FOR 2004 CDBG PROJECT: James made the motion to prioritize the land purchase for the 2004 CDBG project #1 site to be 520 W. Clark, JD Conway; #2- 278 W. Main, Jessop Family Trust. Justin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF NEW BUSINESS LICENSES: James made the motion to approve the business licenses for Desert Mullies, Max & Janae Wahlberg, 338 E. Clark Street, Wildlife Videos; Leonard Hartke, Budget Tree Service 136 E. Main; and James Nickerson, Freeman Landscape & Hauling-415 W. Cherry. Craig seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF SETTING THE FINAL PUBLIC HEARING FOR WILLIAMS ANNEXATION: James made the motion to set the final public hearing for Betty Williams Annexation request for October 1, 2003. Craig seconded the motion. All voted in favor, motion carried.

SPECIAL RDA AND CITY COUNCIL MEETING: Justin made the motion to set special meeting for the RDA and City Council. Kevin seconded the motion. All voted in favor, motion carried.

DONATION FROM EAGLE TO LIBRARY: Craig announced that he accepted the donation in behalf of the Bookmobile Library for Large Print books in the amount of \$300.00 from the Lady Eagles group.

APPROVAL OF BILLS: Craig made the motion to pay the bills. Kevin seconded the motion all voted in favor, motion carried.

Craig made the motion to pay the 2nd pay request for Hale Construction for the North Cooley Waterline. Kevin seconded the motion. All voted in favor, motion carried. Kevin questioned if Palomino Ranch Subdivision has been billed for their portion of this water line. Recorder Palmer stated that she would get with Aqua Engineering to get the cost breakdown in order to send the billing out.

OTHER BUSINESS:

Mayor stated that he was approached by Todd Castagno and Grant Peterson concerning sponsorship of the Grantsville FFA to raise funds for the FFA to go to Washington DC. Craig made the motion to sponsor the FFA with a \$250 donation. Paul seconded the motion. All voted in favor, motion carried.

Jack Howard from the Tooele Chamber of Commerce invited everyone and all candidates that make it through the primary election to the Chamber luncheon at the Ivy Garden on November 5th.

Mayor informed the Council that he met with Wells Fargo Bank and they are offering 3.3% financing for the sewer line.

Justin reviewed the Taxing Entity Committee meeting held September 11, 2003. Justin explained that the budget was passed 6-2. The only dissenting votes were from the Tooele County School District representatives.

Justin stated that he has been getting information that the water issues in other counties are starting to be an issue as far as what the priority date of a water right is. Justin stated that the city needs to be very careful about the water priority dates when purchasing water.

Kevin questioned the Council on whether or not we are going forward with purchasing the J. Rueben Clark Property. Kevin stated that he feels that the purchase of this property is vital to the future generations of Grantsville. It was suggested to borrow from capital funds and then pay ourselves back. Kevin thought we could institute a special tax to pay for the property and upkeep. Mayor stated that he had Karen Watson working on financing the property as well. Mayor stated that he would get in touch with Karen to see if she has made any progress. It was suggested to have a couple public hearings to find out if the public really wants this property. Mayor stated that he would speak to Mr. Cange to see if he would postpone his minor subdivision approval request until the city makes a discussion.

Craig stated that he has been attending the Utah League of Cities and Towns meetings this week and some of the issues that the cities will be faced with are an allocation of sales tax change, and impact fees and development requirements challenges from the Utah Home Builders Association who is claiming cities taking their authority too far.

ADJOURN: Craig made the motion to adjourn at 9:15 p.m. James seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Byron Anderson, Mayor