

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY
COUNCIL HELD DECEMBER 03, 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.

Citizens and guests present: Water Attorney Craig Smith, Gary Pinkham, Joe Cange, and Alan Johnson.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

November 5th, 2003: Craig made the motion to approve the minutes of November 5th, 2003. Justin seconded the motion. All voted in favor, motion carried.

November 19th, 2003: James made the motion to approve the minutes of the Council meeting held November 19, 2003. Justin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF SECONDARY WATER ISSUES: Attorney Craig Smith was present to review the proposed Ordinance concerning the assignment of secondary water shares to Grantsville City in exchange for the outdoor water impact fee. Attorney Smith stated that the simplest way to accomplish the exchange of water rights for impact fee is to have the citizen put the water shares into the city's name. The water assessment could be billed with the current city utility bill each month. Grantsville Irrigation Company would send the annual water assessment to the city. Attorney Smith stated that the City needs to create an agreement with the Grantsville Irrigation Company concerning the existing share that have been pledged in exchange for the impact fee. The Irrigation Company needs to help the city keep track of the water shares so they are not sold or removed from the lots they were pledged for.

Justin stated that this ordinance is the answer to the concerns that the city has had about guarantee of the secondary water right to be attached to the property in perpetuity. This ordinance protects the city's water resources the same way as if they paid the impact fee in cash. We wouldn't refund the impact fee why would we allow anyone to sell his or her water share. Paul asked about leased water shares. Attorney Smith and Justin both stated that the city would not accept leased water share in exchange for an impact fee. The purpose of the water source impact fee is to assure that the future residents of Grantsville will have enough water. Paul asked if we are trying to discourage the use of culinary water for outdoor watering? Justin stated no, only to make sure if someone is using culinary water for their outdoor watering, they have paid the impact fee so the city can guarantee the proper amount of water right is available.

James stated that we are legislating how much water should be available for each lot in our community. By transferring the water right into Grantsville City's name, this insures that there will be ample secondary water for our community into the future.

Craig stated that he believes this action to be a violation of the 14th amendment of the Constitution (equal treatment by the law). Craig was concerned that not everyone in our community is forced to turn over the water right. Kevin and James stated that the amount of water required has already been adopted. Therefore, the issue of how much water is required is not an issue we need to address. We need to determine how the city will ensure that the water given in exchange of paying the impact fee remains with the property it was intended for in perpetuity.

Justin made the motion approve ordinance 2003-27. James seconded the motion. Kevin stated that he is concerned about the Grantsville Irrigation Company's reaction to Grantsville City owning a controlling interest. The Irrigation Company officers have expressed to him that they would want the City to agree not to exercise their full rights. Justin stated that he would be against that. Why would the city own a controlling interest in the company and relinquish their rights to vote in the city's best interest. Craig stated

that this would encumber the administrative staff with administering the collection of the water share certificates and billing the homeowner for the annual assessment. This fee would need to be calculated and added to the annual assessment fee. Justin stated that we are only enabling the city to collect the impact fee whether it is in water or money and secure it to the property. In favor: James, Justin, Paul, and Kevin. Opposed: Craig. Motion carried.

CONSIDERATION OF SOUTH PASTURE SUBDIVISION IMPROVEMENT BOND EXTENSION REQUEST: Alan Johnson was present to ask the City Council for an extension for placement of improvement bonds on South Pasture Subdivision. Mr. Johnson stated that the improvement bond is for pavement of 50-75 feet of roadway. Mr. Johnson stated that Mountain Vista Development will be paving that portion by spring and he did not want to bond if he did not have to. Craig made the motion to extend the improvement bond time line for 6 months. James seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF SALARY INCREASES: Kevin made the motion to approve the salary increase from Grade 16-3 to Grade 16-4 for Larry Bolinder. Kevin stated that Larry is doing an excellent job and has improved as a leader. Craig seconded the motion. All voted in favor, motion carried.

Kevin made the motion to approve the salary increase for Brad Pace from Grade 12-8 to Grade 12-9. Kevin stated that Brad is a do it all guy. You can go around our city to see the excellent work in construction and concrete this guy does. Craig seconded the motion. All voted in favor, motion carried.

Kevin made the motion to approve the salary increase for Robin Hensley from Grade 9 step 2 to Grade 9 step 3. Kevin stated that Robin is a great asset to the City she is always willing to help in any capacity she is asked. Craig seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF NEW BUSINESS LICENSE: James made the motion to approve the business license for Lori James- Centurion Technologies. James explained that this is a security guard contractor. They will operate a computer and phone in their home. The work will take place on site of the companies that hire them. Justin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

a. Consideration of approval of Resolution approving a Franchise Agreement with Tooele County to obtain right to use County Roads for City Sewer line. James made the motion to approve the Resolution for the Franchise Agreement with Tooele County. Craig seconded the motion. All voted in favor, motion carried.

PROPERTY ACQUISITION: Justin explained that Joe Cange contacted him about purchasing 10 acres adjacent to the 3 acres that the city just purchased from him. Justin explained that Mr. Cange wants \$12,500 per acre. Mr. Cange's letter explained that he would be willing to accept part cash and part in water shares. Kevin asked if Mr. Cange was selling the acreage with secondary water. Mr. Cange stated that the secondary water did not come with the property. Craig stated that it has been his experience as a City Councilman for the past 8 years the city does not want expensive parks to maintain throughout the town. Mr. Cange was also offering the remaining 37 acres that he would be willing to exchange for culinary water rights. James stated that the city has initiated an impact fee for parks and purchasing land for parks. The Mayor stated that the city has many projects already targeted for park impact fees and would not want to commit 100% of its park impact fee to the purchase of one area. Mr. Cange stated that he would be willing to accept 50% of the impact fees in the future to pay for the 37 acres. Kevin asked if Mr. Cange knew if the 37 acres had irrigation company water line and risers. Mr. Cange stated that there is a waterline on the property but no risers. It was determined to place this item on the December 17 for further discussion.

Fire Station Property: James reported that the Pehrsons and Rydalch are intending to sell more land than originally understood. Each property owner will be selling .8 acres of property. James asked the approval to pay \$30,000 per parcel of property. James made the motion that the city offers \$30,000 to each property owner for the purchase of the property for the public safety building. City to pay all closing costs except their portion of property tax. Kevin seconded the motion. Craig stated that he still feels that the best use for that property is for the construction of low-income housing. If the city is going to build a public safety palace, we should have it out front where everyone can see it. All voted in favor, motion carried.

CHRISTMAS: Recorder Palmer stated that the city's Santa Claus visited with over 400 children on Saturday. Mayor stated that the event was well attended. Recorder Palmer reminded everyone about the Employee Christmas Party on the 9th at 7:00 p.m.

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

OTHER BUSINESS: Mayor informed the Council that Lorell Fawson is anxious to sell his land to Maverick and wants the city to intervene with UDOT in order to speed up the approval process. Mayor stated that he talked with Dan Murray of Maverick and Mr. Murray stated there is nothing the city can do. Maverick is challenging the application of regulations not only for the Grantsville site but also other areas in the State of Utah.

James stated that he would like to have a prudent report from Tooele County on their intent for either drilling a well or transferring the water over to Grantsville City. Craig stated that he would like to see the city make a resolution that would transfer excess revenues into the General Fund. Mayor Anderson stated that he would have Commissioner White come to the next Council meeting to explain the County's intentions for water for the Deseret Peak Facility.

Justin stated that he was concerned that Brad & Jody Sandberg that live on the Corner of Willow and Pear Street still have their barrier/fence up in the City's right-of-way. Paul questioned if Ed Watson was going to remove his pavilion and landscape mountain. Recorder Palmer stated that she had already sent the letter to Mr. Watson. The next step would be to cite Mr. Watson into court. The Council wanted a letter to be written reminding Mr. Watson that he is in violation of the current zoning code and he has 30 days to remove his structures on West Street. The Council would also like a letter sent to Brad Sandberg to remind him to remove his fence/barrier. Recorder Palmer stated that she did not want to be the brunt of the repercussions again with Mr. Watson, someone else needs to sign the letter. The Council stated that if they are asking others in the community to remove their fences and obstructions that everyone should be held to the same standard.

Paul asked if the Council were still planning to meet with the new Council Members to do a transition question and answer meeting? Mayor stated that he would set it up after the first of the year.

Kevin asked if the city is planning to hold the meeting on the 17th. Recorder Palmer stated that the audit is to be presented and approved at that meeting. Kevin expressed his support for Gary Pinkham to the Mayor as an excellent candidate for the vacant position on the Planning Commission. Mr. Pinkham has some public works experience that would be valuable to the Planning Commission.

James agreed with Kevin that Mr. Pinkham would be an excellent candidate and getting the vacant positions filled is important for the Planning Commission to function properly.

Craig stated that the Mayor would need to find a replacement for his appointment to the Board of Health and USGS County Water Study, and UDOT Rural Road Funding Committee, Small Urban Communities Commission.

Justin reminded the Mayor that he is currently serving on the Mosquito Abatement Board.

ADJOURN: Craig made the motion to adjourn this meeting at 9:10 p.m. Kevin seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Byron Anderson, Mayor