

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY
COUNCIL HELD FEBRUARY 18, 2004.**

Mayor and Council Present: Mayor Byron Anderson, Council Members: Robin Baird, Wayne Butler, Todd Castagno (7:40 p.m.), and Paul Rupp.

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

Citizens and guests present: Adam Geldmacher, Robin & Rueben Quarnberg, Shauna Stocks, Misty Stocks, Lyle Lawton, Terry Baird, Mrs. Gilbert, Joe Cange, Ed Hughes, Sally Brown and her sister Suzie, Boy Scout Troop 1308, Jerome Gourley, Mr. & Mrs. McBride, Cindy Madsen.

PUBLIC HEARINGS: Mayor Anderson opened the public hearing at 7:05 p.m. to receive comment on the proposed amendment to the Orchard Lane Subdivision. No comment being offered Mayor Anderson closed the public hearing.

Mayor Anderson opened the public hearing to receive input on the proposed zone change from RM-7 to RM-15 at 692 E. Main at 7:06 p.m.

Lyle Lawton addressed the council expressing his opposition to the proposed zone change. Mr. Lawton stated that this zone change for such a small parcel of property would be found to be spot zoning and this property is unsuitable in size for the use of a multiple family unit.

Tom and Elizabeth Tripp presented a letter to the mayor and council for their consideration it reads as follows: "I regret no being able to attend the council meeting in person do to needs of employment. I am writing to comment on the proposal to rezone the property located at 692 East Main from RM-7 to RM-15 for Ed Hughes i.e. Item b. on the February 18, 2004 agenda. First I would note that in the planning and zoning meeting where the proposal for rezoning was initially heard which I attended, there was no opportunity given for public comment. A motion was made and passed while the requestor Hughes still stood at the podium to make his case. Those who were in attendance at that meeting and had planned comments we not given place to make those objections including myself and Lyle Lawton. We had no change to present opposing views, but we were referred to make comments at the hearing before the City Council.

The proposal to rezone the property at 692 East Main is obviously a spot zone. The house as it currently sits (being zoned RM-7) is surrounded by property that is also zoned and fully used at RM-7. To construe otherwise would fly in the face of the facts that the property in question is bordered to the East, West and south and across the street to the north with single family dwellings. The adjacent properties are already developed to the RM-7 uses and there is no other planned changes that would alter this proposal as a spot zone. In fact the old building at 692 East Main which has been relocated at least twice would have to be modified to be something other than a single-family dwelling. It should be easily determined by the city council that a rezone of this property would be spot zoning consequently illegal. Such a move to rezone this property could subject the city to unnecessary and costly legal action. I recommend that the rezoning proposal be turned down. Signed by Tom Tripp"

Ed Hughes the petitioner addressed the Council that when he purchased the home he did not realize that the home had been condemned and unlivable. Mr. Hughes stated that he has invested a great deal of money to upgrade the home in or to make it livable so he could rent it out. He stated that he needed to rent the basement of the home as an individual unit in order to recoup his investment. Mr. Hughes stated that he plans to make the front yard strictly for the upstairs apartment and the rear yard would be strictly for the basement apartment. Mr. Hughes stated that currently there is not access to the basement from the upstairs. There is only an outside entrance. Mr. Hughes stated that the neighbors should be happy tat he has gone in and cleaned up all of the trash and debris that was both inside the home and outside. The residence will be more attractive as a duplex than it has as a single family home. Robin questioned that availability of the

home to comply with the 14000 square foot requirement. It was determined that the update to the zoning ordinance had not been completed and a replacement page would need to be provided. There was an amendment to the code that allowed for the proper footage requirement to comply with 15 units per acre. This correction was adopted last fall. Mayor asked for any further comment. No further comment being offered the Mayor closed the public hearing at 7: 13 p.m.

c. Zoning commission recommendation to amend section 4.32, regarding the burial of utility lines. Attorney Elton explained the to those present that the current ordinance is worded to require all repairs, alteration and new construction would be required to install power utility lines under ground. It was the feeling of the Council and Planning Commission that existing homes that needed power upgrades should not have to change an overhead connection to an underground connection. Mayor asked for any further comment not comment being offered the Mayor Closed the public hearing at 7:15 p.m.

The Mayor and Council discussed the installation of new power poles along SR138 north to the Wal-Mart Distribution Center. There was concern that the underground utility line ordinance would be required for this transmission line to Wal-Mart. Mayor stated that he and Attorney Elton were going to review the legality and contact Utah Power as needed.

APPROVAL OF MINUTES: Paul made the motion to approve the minutes of the City Council meeting held 2-04-04. Wayne seconded the motion. All voted in favor, motion carried.

T-MOBILE COMPANY-JEROME GOURLEY: Mr. Gourley stated that the if T-Mobile located the monopole at the rodeo grounds they would need to go to 110 feet. The highest pole at he rodeo grounds is 55 feet. Wayne stated that he would like to suggest an alternative site to Mr. Gourley. The city owns property along West Street and Durfee Street. There is currently a large metal power pole in place in this area and felt that if T-Mobile were to place a cell tower next to the power pole it would not be offensive or most likely not even noticed. Wayne stated that the elevation is about 50 to 60 feet higher at this location so it would be conceivable that the cell tower height could be reduced. Mr. Gourley stated that he would look at the site and let the Council know if it would be suitable. The consensus of the Council was favorable if this new site was workable. This item to be on the next agenda.

CONSIDERATION OF PURCHASE OF ROLLER FOR MAINTENANCE

DEPARTMENT – JOEL KERTAMUS: Public works Director Joel Kertamus explained to the Mayor and Council that he has \$15,000 budgeted in the capital facilities plan for the purchase of a roller for the Maintenance Department. Joel stated that he has been attending auctions trying to pick up a usable roller for a decent price. Joel stated that the last auctions he attended the used rollers were selling for almost the price of a new one. Joel has been contacted Construction Sales company that have this type of equipment and letting them know what the city is in the market for. He received a bid from a company for \$16,500 for a roller that has 141 hours on it. The dealer is willing to provide a warrantee on this machine just as if it was a new machine. Robin made the motion to authorize the purchase of a roller for the price of \$16,500. Wayne seconded the motion. All voted in favor, motion carried.

Wayne discussed that he had visited with the project manager for Big D construction. Wayne stated that this company was willing to come to a City Council meeting to answer any questions the Mayor and Council may have. Their was a question if the city had a sweeper. Joel stated that the city does not. The mud on SR138 at the Wal-Mart site was pretty bad. Joel stated that he would contact UDOT to see what could be done to mitigate the mud problem on the street.

REPORT OF WATER QUALITY BOARD MEETING-JOEL KERTAMUS: Joel informed the Mayor and Council that he and Engineer Craig Neeley met with the State of Utah Water quality board concerning the violations of the Grantsville Wastewater Treatment Plant. Joel reported that after the meeting and discussion of the parameters set for the type of facility Grantsville has the Board felt that the limits set are not reasonable. Grantsville City is in an unusual circumstance with the way the treatment plant is

designed. Joel stated that the new discharge permit will allow higher ammonia levels which will keep the city out of the violation areas thus allowing the city to use the facility as it was designed through its intended life. This give the city more time to design and determine what kind of upgrades we want to pursue. The comment period for the new permit will expire on March 30th and the new permit will be issued at that time with the new parameters.

CONSIDERATION OF SALARY STEP INCREASES: Wayne made the motion to approve the salary step increase for Darrin Yates from Grade 13-3 to 13-4. Paul seconded the motion. All voted in favor, motion carried.

Paul made the motion to approve the salary step increase for Dan Chamberlain from Grad 14-9 to 14-10. Robin seconded the motion. All voted in favor, motion carried.

Todd arrived at 7:40 p.m.

CONSIDERATION OF NEW BUSINESS LICENSES: Wayne made the motion to approve the business license for Bert Ivie at 274 S. Park Street. Paul seconded the motion. All voted in favor, motion carried.

Paul made the motion to approve the business license for Janna Baird for ZaZoo Productions –34 N. Bowery (at the Recreation Center). Wayne seconded the motion. Robin declared that Janna Baird is his niece. All voted in favor, motion carried.

SET PUBLIC HEARINGS:

Todd made the motion to set the public hearing for zone change at 111 E. Main from RM-7 to CG, Burmester Road from A-10 to MD South of Industrial Park, North Cooley Street from A-10 to RR-5 and RR-1, 445 W. Apple Street from a-10 to RM-15, for March 17th, 2004 at 7:00 p.m.

CONSIDERATION OF PROPERTY PURCHASE ON COOLEY AND MAIN STREETS: Recorder Palmer explained that Dennis McBride has offered to sell some property that is on the Corner of Cooley and Main Streets. Recorder Palmer informed the Council that this property is directly west of the property purchased for the LMI housing project. The addition of this property would be a benefit to the project by providing an additional entrance/exit as well as some additional parking. It was also thought that a monument could be placed in the corner to provide a gateway to the historic district of our museum, 1st ward church and J. Rueben Clark Farm and other historic home that are in this area. Recorder Palmer stated that there is additional money left from the grant that could purchase the property. Paul made the motion to authorize Recorder Palmer to obtain an appraisal and pursue purchasing the property for appraised value. Robin seconded the motion. All voted in favor, motion carried.

Mayor explained that the Clark Realty has offered additional property to the North of the barn and house that the city has purchased. Mayor would like the City Council to review the information and this item will be on the next agenda for further consideration.

CONSIDERATION OF PROPOSED FENCING ORDINANCE CHANGES TO ACCOMMODATE OPEN RANGE: Attorney Elton stated that he has reviewed state law and county ordinance and cannot find that the ranchers have the rights that they were explaining they had at the last council meeting. Robin made the motion to have James go over this proposed change with the ranchers to see if this amendment helps them or they can bring more information to the Council for consideration. Paul seconded the motion. All voted in favor, motion carried.

APPROVAL OF THE BILLS: Paul made the motion to approve the bills. Robing seconded the motion. All voted in favor, motion carried.

OTHER BUSINESS:

