

**MINUTES OF THE REGULAR MEETING OF THE
GRANTSVILLE CITY COUNCIL
APRIL 21, 2004.**

Mayor and Council Present: Mayor Byron Anderson, Council Members: Robin Baird, Wayne Butler, Todd Castagno, James Christensen.

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

Citizens and guests present: Mary Ruth Hammond (press), Gary Pinkham, Joe Cange, Russ Christensen, Jason Burningham, Dorothy & Claudia Lowder, Shirley and Anna Lynn Orr, Allan Johnson, Derek Ellis, Peter Peterman, Gordon Fields, Bill & DeAnn Christiansen, Jerry Hill, Reid Peterson, Nial Wagner, Todd & Kacie Hammond, Janet Cook, Eric Broadbent, Brian Rydalch, Bob Childs, Gary and Tammy Banford, Boy Scout Troop 678.

APPROVAL OF THE MINUTES: Wayne made the motion to approve the minutes of April 7th, 2004 with a grammatical correction on page 6. James seconded the motion. All voted in favor except Todd who abstained due to his absence at that meeting. Motion Carried.

CONSIDERATION OF SALARY STEP INCREASES: None were presented:

CONSIDERATION OF NEW BUSINESS LICENSES:

- a. **Cassity Landscaping:** Todd made the motion to approve the business license for Cassity Landscaping at 118 E. Main Street. Wayne seconded the motion. All voted in favor except Robin who abstained due to the applicant is his brother.
- b. **De Best Heating & Air Conditioning:** Todd made the motion to approve the business for De Best Heating & Air Conditioning at 284 E. Main Street. James seconded the motion. All voted in favor, motion carried.

OTHER BUSINESS: Alan Johnson was informed that his item South Willow Ranches was scratched from the agenda due to the lack of information provided by him. Recorder Palmer stated that she gave him the list the day before as well as the fact that Mr. Johnson was present at the last meeting when the information was requested.

CONSIDERATION OF ORDINANCE AND RESOLUTIONS:

- a. **Terry Baird requests zone change from RM-7 to CG at 111 E. Main:** Todd made the motion to approve the zone change from RM-7 to CG at 111 E. Main. James seconded the motion. All voted in favor except for Robin who abstained due to Terry being his brother. Motion carried.
- b. **Consideration of zone change from A-10 to RR5 & RR-1 along North Cooley:** Todd explained that the furthest north property along Piccadilly would be RR-5 and directly West of the current RR-1 zone would be the extended RR-1 zone. James asked Todd as to the discussion as to the intent for sewer or septic tanks in this proposed development. Todd stated that the Planning Commission recommended the zone change. Wayne asked if it is acceptable to install septic tanks? James stated that originally the development was approved to build 11 lots with septic tanks. Mr. Cange wanted to develop the remainder of the lots with septic tanks. James stated that the City Council denied the request until the ground water study had been completed to assess the effects of the septic tanks on the aquifer in the high ground water areas. James was wondering what the intent is for this expanded portion of Palomino Ranch now that the sewer line is being installed in this area. Is this development going to be required to connect to the sewer line? Wayne asked what the result of the study was? James stated that the study is on going. It is in its second year of analysis. Todd stated that the Planning Commission looked at septic tanks versus sewer connection, but these issues of septic tanks are separate from the zone change request. James asked if it would be appropriate at the time we change the zone that we give direction to the developer that the City Council intends to require that any additional lots in Palomino Ranch need to be connected to the sewer. Attorney Elton stated that it would be appropriate to let the developer know the

intention of the Council for these issues. James stated that the previous Council's position was that we did not want to do any major subdivision in the future unless they connected to the sewer system. Wayne and Robin concurred with that same philosophy of no major subdivisions with septic systems be allowed. Robin stated that we need to be sure that the sewer services all of the property in Palomino Ranch that is going to be built from now on. Mr. Cange presented a plat showing his plan (not visible to City Recorder). Mr. Cange did not want to tear his new road up to install sewer lines and the lots that access Cooley Street are planned to sewer to Cooley Street when the sewer is extended to that point. Mr. Cange stated that he had approval of 14 lots with septic tanks. James stated that a year ago Mr. Cange came in and asked for approval to develop 22 additional lots on septic tanks. The City Council tabled that request pending the results of the water study was completed. Wayne asked where in the process is the water study? James explained that it is a county wide ground water levels which does impact the viability of septic tanks and that is the driving force behind the question do we have septic tanks or not. Especially in high ground water areas. Wayne stated that with the sewer line coming across this area why wouldn't we require sewer connection and not septic tanks. Mr. Cange stated that he could design the sewer to come across the back property lines in phase one to pick up those lots as well. Robin and James wanted to make it clear to Mr. Cange that they would expect the proposed development to be connected to the sewer system. Wayne asked one more questions concerning additional A-10 north of the proposed change area. Based on the zoning map the land north of Piccadilly to the City boundary would still be A-10. James explained to the Council that we need to let the developer know our intention is to require the lots be on the city sewer system so he can prepare his preliminary plat in compliance with that requirement. Currently the issue before us is just the zone change. Robin made the motion to approve the zone change from A-10 to RR5 and RR-1 along North Cooley and Piccadilly request made by Grantsville Development L.L.C. Todd seconded the motion. All voted in favor, motion carried. Mayor confirmed with Mr. Cange that he is clear that the City Council intends to press the issue of sewerage the subdivision proposal for this property. Mr. Cange stated that he understands that.

- c. **Russ Christensen & Steven Walker requests for zone change from A-10 to RM-15:** Todd explained that the Planning Commission made the recommendation to the Council for the change from A-10 to RM-15. Wayne asked if there is a question that once this property is developed if they are going to have an issue with the current use to the North? James reiterated to the applicants that the concern is if apartments are built will the property owners and tenants begin to complain about the wrecking yard that is directly north of this project and attempt to clean it up or close it down? Robin asked if the requesting parties have to go to the adjoining property owner to have them sign a paper for this zone change. Todd and James explained that all of the adjoining property owners have been notified of the proposed zone change request. James asked the developers Russ Christensen and Steven Walker if they have a concern about the wrecking yard directly north of this project. Mr. Walker stated to the Council that yes they would like to see the wrecking yard clean up. James explained that this wrecking yard is an existing use and the city cannot do anything about this business. We don't want you to come back next month to ask the city to clean it up. Mr. Walker stated that they are aware of the situation and are willing to accept the conditions. Todd stated that we are trying to maintain our rural feel and I have evaluated the zone change request to see if it is consistent with the General Plan. The General Plan calls for high density in this area. Todd made the motion to approve the zone change along west Apple Street from an A-10 to a RM-7 zoning designation. Robin seconded the motion. All voted in favor, except for James who abstained due to the fact his brother is one of the requesting parties. Motion carried.
- d. **Moved #d6 to this portion of the agenda. CONSIDERATION OF ZONE CHANGE FROM RM-7 TO RM-15 MAIN AND COOLEY STREET AREA:** Wayne asked some questions concerning this proposal for this zone change. Wayne stated that he has been informed that this Low-Income Housing project is a requirement for Grantsville City. Mayor Anderson explained that Grantsville has had a housing study conducted on our city as required by State Law HB295. Each city is required to have an affordable housing study conducted and adopted as part of the city's General Plan. James stated that there is another element to this housing plan. Grantsville City received a waiver from the Olene Walker Housing Trust Fund due to

the fact that this project was under way. The Olene Walker Housing Trust Fund Committee commended Grantsville City for the aggressive way that the City has provided Low to Moderate income housing opportunities in the past. The Committee was impressed with the fact that this the partnership with Tooele County Housing Authority and CDBG funds were already in place when the waiver was requested. Mayor stated that without the waiver it would cost 20% per of the total tax increment. This would cost the city 180,000 per year. James stated that an erroneous statement made by a Planning Commission member that stated that the plan did not call for any addition affordable housing units. The plan actually states that the city is in need of additional 20 rental units to meet the current needs of the city. This document is available for anyone to review. Wayne questioned why the zone change was not approved by the Planning Commission? What were the specific reasons that the Planning Commission had with the zone change? Todd stated that the Planning Commission actually did not deny or approve the zone change. The Planning Commission did not have a majority vote. Allot of discussion was from the received input from the public. James stated in the minutes that the Planning Commission did not want to promote competition with existing affordable housing projects. James and the Mayor did not feel that this argument was a legal or valid argument. Todd stated that the issues the Planning Commission struggle with zone changes is that the first question you consider is to ask if the zone change is in compliance with the General Plan. The Planning Commission should not have any leeway other than to answer the question does this zone change request meet the criteria of the General Plan. This piece of property is consistent with the General Plan that calls for commercial and high density residential. Todd stated that it is the zone changes before us at this time not what the density that would be allowed for housing. Todd stated that if the zone were changed to RM-15 then the density would be 15 units per acre. Wayne stated that this site is one of four sites considered. James explained that a committee was assigned to seek a better site for this project and due to development costs and the general plan restrictions the other sites were not feasible. High Density tends to work better in the middle of town where the infrastructure is readily available. The City Council in search of a site delayed Mrs. Christiansen until the last possible minute to come up with a better site and in the end reverted back to this original site. Wayne stated his opinion is that the property should be improved but maybe this would work better as a commercial property. We are losing the opportunity to have prime commercial property. But no businesses have ever located there for all of these years. At the last Council meeting we had a lot of comments in opposition to this project and spot zoning issues. Wayne stated that he wanted to present a personal experience he had with zone changes and then make his point with that. Councilman Butler explained that they had control of the property to the South and West of his property and had the Middle School Playground to the East of his property. Wayne stated that they did not have control of the 9 acres of property north of his property. Wayne stated that he talked with the property owners at the time and they wanted to deed the property to their children into 3 three-acre parcels. Wayne stated that they learned shortly after that time that a proposal was to change the zone to a higher density for a housing development. Wayne stated that he opposed that zone change. He felt that this zone was a spot zone but the zone was eventually passed. Wayne stated that he has appreciated the people that live in this development. These people have been an asset to our community and about 30-40% of these residents have been a lifetime resident in our city. Wayne stated that a compromise was made during the development process to reduce the density down in order to provide larger lots and not squeeze as many homes into this area as possible. Wayne asked if the development proposed could be scaled down to reduce the density here? DeAnn and James stated that they have already asked this question and the housing plan does not work financially to lower the density. James explained that the RM-15 is intended to be a spot zone tool. Wayne stated that he understands that we just approved an A-10 to RM-15 that is on the edge of the high-density area. James stated that he would like to bring up a point when we have these heated issues. A lot of times emotions and sensationalism is prevalent. The City Council is accused that we are not listening to the public. We have heard the input from the public. I would like to step back from the emotion and look strictly at the facts that surround this development. We have a General Plan in place and this zone change is in compliance with this plan. There is a tremendous amount of tax revenue that is hanging in the

balance from the Olene Walker Housing Fund. This housing project will benefit many of our own residents of this city. We need this transitional housing. It has been stated this project will drive down property value in the neighborhood. In fact when the Willow Apartment were constructed on Main and Willow Streets it actually increased the property values in that area. By cleaning up a blighted area. The level of finish and the level of build out are going to be tremendously done and the Housing Authority will manage this project by doing criminal background checks and it will eliminate the concern about the rift-raft that has been talked about in the past. Can the City Council guarantee that there will never be a problem in this housing project, No we cannot. When the Willow Apartments were proposed we had the same outcry from the neighborhood and concerns. There is a fact that not one person has been killed on Main Street associated with that project. And there are 28 units on 1.54 acres that is 18.18 units per acre. This proposed housing project has been proposed at 15.27 units per acre. We need to be careful when we sensationalize that children will die if this development is built. We need to look at the fact that over 2 million dollars will be invested in our community. We do not take these decisions lightly. It is in the neighborhood where I grew up; it is in Mayor Anderson backyard it is in my Mothers front yard. When we look at the facts and the long-term benefit to Grantsville City. Todd stated that he was not here at the public hearing and was involved at the Planning Commission. It is hard to sit up hear to make difficult decision. Wayne clarified that we are only considering the zone change at this time. James made the motion to change the zone from Rm-7 to RM-15 approximately 274 W. Main Street for 1.32 acres. Todd seconded the motion. All voted in favor, except for Wayne who abstained. Motion carried.

1. **Amend Chapter 21 to include flow chart for subdivision reference:** Todd made the motion to adopt the Ordinance amending Chapter 21 to include the new flow chart for the subdivision process. Robin seconded the motion. All voted in favor, motion carried.
2. **Amend Chapter 21.7.2 and Chapter 14.2 to require 50' frontage in RR-1 zone and on Wedge Shaped lots.** Todd explained that this is a housekeeping issue to have these two areas of the Zoning Code in agreement. Todd made the motion to approve the amendment to 21.7.2 and Chapter 14.2 to require 50' frontage in the RR-1 zone and on Wedge Shaped lots. Robin seconded the motion. All voted in favor, motion carried.
3. **Amend 21.7.5 (2) to state 4-foot sidewalks required:** Todd informed those present that this is a housekeeping issue to bring uniformity to the subdivision requirements. Todd made the motion to approve the amendment to 21.7.5(2) to state 4-foot sidewalk. Wayne seconded the motion. All voted in favor, motion carried.
4. **Amend Chapter 21.4.9 to allow no site work until final plat approval:** Todd made the motion to approve the ordinance amendment for Chapter 21.4.9 that no site work would be allowed until final plat is approved. Robin seconded the motion. Discussion: Robin asked what the penalty would be if this ordinance was violated. Attorney Elton stated that it would be a class c misdemeanor, which could be \$750 and 90 days in jail. Robin clarified that this issue would not put the city at risk at anytime. Attorney Elton stated that it is the developer that is taking all the risk. All voted in favor, motion carried.
5. **Consideration of deletion of 3.14. (2) & (3):** Attorney Elton stated that this is the issue that was in our Code book that Utah Code has since deleted. This deletion would bring the City Code in compliance with the Utah Code. This section required that the City Council prior to and sale or purchase of property be reviewed by the Planning Commission prior to the sell or purchase taking place. Todd made the motion to approve the ordinance deleting section 3.14. (2) & (3) of the Zoning Ordinance. Robin seconded the motion. All voted in favor, motion carried.

SET PUBLIC HEARING FOR ZONE CHANGE REQUEST FOR PORTION OF CASTLEWOOD COVE FROM A-10 TO R1-12: James made the motion to set the public hearing for zone change for May 19th, 2004 at 7:00 p.m. Robin seconded the motion. All voted in favor, motion carried.

DISCUSSION OF RESTRUCTURE OF SUBDIVISION FEE SCALE- TODD

CASTAGNO: Todd explained that he is proposing a schedule of fees for subdivisions that would provide for fee for administration costs if the subdivision is incomplete and needed to be rejected. After some discussion it was motioned by Todd to place this item on the next agenda and for change in terminology for the new ordinance. Seconded by Wayne. All voted in favor, motion carried.

DRAINAGE SWALES – TODD CASTAGNO: Todd stated that he and the Mayor met with the South Willow Estates Home Owners Association and Derek Ellis from Mountain Vista Homes who is the developer for South Willow Estates. Todd stated that the residents in South Willow do not want a trail or sidewalk from their subdivision because they are afraid they will lose their bussing to the schools. They did talked about the drainage swales in the development and Mountain Vista Homes offered a trackhoe for a day for free to help the residents bring their drainage swales into compliance. Todd’s question was how do we manage the drainage swales throughout town is we continue to require developments install them. It was determined to take this issue to the Planning Commission for their recommendations. Mayor stated that he would talk with Joel and Engineer Neeley to see if they have any options to recommend.

OLD LINCOLN HIGHWAY PARK- JAMES CHRISTENSEN: James stated that the subdivision is on the next Planning Commission meeting and then we can work on the issues of the cement wall. It was decided to get three options for the contractors to bid on so that the Council can chose the best option for the park. Todd made the motion to authorize James to obtain bids for three options for the cement wall at the Old Lincoln Highway Park. Robin seconded the motion. All voted in favor, motion carried.

APPROVAL OF BILLS: Wayne made the motion to pay the bills. Todd seconded the motion. All voted in favor, motion carried.

OTHER BUSINESS: Mayor Anderson stated that Tooele County is going to be doing a chip seal on Burmester Road and asked if Grantsville City wanted to participate and go all of the way to North Street. Wayne stated that he would get with Joel about this issue.

Mayor stated that a firm from Texas is looking very strongly about locating on Exit 84 for their truck stop. Tooele County Planners are trying to encourage them in our direction. There will be a conference call tomorrow.

Wayne read the response letter from Wal-Mart concerning the landscaping suggestions forwarded to them from the Council. Wayne stated that this letter is not an absolute no. Wal-Mart has saved a lot of money on excavation costs and may be able to allocate some of that money for the landscape improvements. Wayne stated that Randy Hunt has been hired to do some of the foundation work. So Wal-Mart is trying to hire local companies. Wayne stated that Wal-Mart is also still trying to help the Klick’s who live directly across the street.

Mayor informed the Council that he signed the contracts with T-Mobile today. Todd explained that the Planning Commission limited the tower to 80 feet in height. If there is another company that wishes to co-locate they must come back to the Planning Commission for approval to raise the tower.

Todd expressed his appreciation to Derek Ellis, Mountain Vista Homes for their cooperation in meeting with the Home Owners and the other issues at hand. Todd stated that the land that was set aside for a school site will be deeded over to the City but the Home Owners want to have input on how the land is used. Todd stated that he would not be able to submit the paperwork in time for the Grant. The Council needs to work on the Water Conservation Plan. Todd informed those present that the Planning Commission wants to recommend an architectural standard in our city.

Robin expressed his appreciation to the Mayor and Council that they can sit together and discuss issues, disagree and we can be civil with each other.

Robin asked if there was a standard anywhere that requires a certain percent of open space for each development. Attorney Elton explained that the only clear-cut standard is in the Rural Subdivision Standard. This standard is 20%.

Attorney Elton informed the Mayor and Council that Tooele Army Depot filed a protest that the Tooele County Attorney found to be invalid for the proposed annexation for the South Boundary of Grantsville City. Recorder Palmer asked if she could go ahead and advertise for the public hearing? Attorney Elton stated yes.

Mayor asked if the Council was willing to authorize the annual city summer event by going to the Stingers Baseball game. Mayor was authorized by the Council to make the arrangement.

ADJOURNED: Robin made the motion to adjourn this Grantsville City Council meeting at 9:28 p.m. James seconded the motion. All voted in favor, motion carried.

Wendy Palmer, City Recorder

Byron Anderson, Mayor