

**MINUTES OF THE REGULAR BUSINESS MEETING OF THE
GRANTSVILLE CITY COUNCIL, MAY 4, 2005. HELD AT GRANTSVILLE
CITY HALL, 429 E. MAIN, GRANTSVILLE, UT 84029**

Mayor and Council Present: Council Members: Robin Baird, Wayne Butler, Todd Castagno, Kyle Matthews and Paul Rupp.

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

Citizens and guests present: Mary Ruth Hammond (press), Joe Cange, Karen Klienline, Jay Wadman, Dave Domingo's, and Roger Brockbank.

MAYOR PRO-TEM: Robin made the motion to appoint Paul Rupp as Mayor Pro-tem in the absence of Mayor Anderson. Todd seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF PRELIMINARY PLAT FOR PALOMINO RANCH GRANTSVILLE DEVELOPMENT PHASES 1a AND 2. Mr. Cange stated that there would be 9 lots in phase 1a and 3 five-acre lots in phase 2. Mr. Cange stated that he would connect them all to the sewer line. Robin stated that both the Zoning Administrator and Engineer recommend that Cooley Street adjacent to Palomino Ranch and possibly even Piccadilly Street be improved. Mr. Cange stated that no motion was made to require the city streets of Cooley and Piccadilly be improved. Robin read the minutes of June 16, 2004. The minutes stated that Mr. Cange will be required to improve all streets that adjoin Mr. Cange's Property-this included the minor subdivision on Piccadilly as well. The original development was only approved for 14 lots total. There are 27 lots currently. Mr. Cange stated that none of his lots front on a city street. Mr. Cange stated that he is trying to provide an access to his neighbor to the west. Kyle stated that the private road would not be a private road just because it has a chain on it. The lock on the chain is not effective because there are 50 firemen- are you going to give each of them a key or hide the key in the bush? Kyle stated that he isn't buying the fact that no lots front on Piccadilly or Cooley Street as a reason that Mr. Cange does not have to improve these streets. Kyle stated that he believed that Mr. Cange purposely designed his subdivision on the hope that the city would buy that philosophy and not require street improvement. Council asked Mr. Cange does he have any responses prepared in response the Engineer and Zoning Administrator? Mr. Cange stated that he had a copy of their memo's and had not prepared his response. Todd made the motion to table the preliminary plat consideration for Palomino Ranch until Wayne, Joel and Craig can meet together and make a recommendation on the street standard that Cooley and Piccadilly streets will be required to meet. Robin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF FINAL PLAT FOR SILVER FOX SUBDIVISION – JAY WADMAN: Recorder Palmer stated that she received a message from Engineer Craig Neeley concerning review of the final plat. Engineer Neeley stated that he has not had a chance to review the plat for all recommended changes but was not opposed to the Council approving the plat contingent on his review and approval. Wayne asked Mr. Wadman about the park for this subdivision. Mr. Wadman stated that if they developed a phase 2 for Silver Fox they would consider donating land to the city for a park. Mr. Wadman stated that he did not believe that they should be responsible for the actual development of the park. They would only donate the land. Wayne stated that he is concerned about approving a subdivision on Old Lincoln Highway Street. This street is in failure. If this subdivision is approved, they should be responsible to upgrade it along its entire frontage. Silver Fox Subdivision has two streets that enter onto Old Lincoln Highway. Mr. Wadman stated that Old Lincoln Highway is the city's responsibility and he would not up grade it. Paul stated that we have the same situation here that we have with the Palomino Ranch and improvement of Cooley and Piccadilly Streets. Wayne made the motion to table the approval of the Silver Fox subdivision until the standard for road improvement of Old Lincoln Highway can be determined. Robin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF NEW BUSINESS LICENSES: Kyle made the motion to approve the new business license for Hal Sagers at 97 S. Willow Street for a vanpool. Todd seconded the motion. All voted in favor, motion carried.

Kyle made the motion to approve the business license for Scot Raifor at 1018 Mustang Drive, home office for a mobile cleaning service. Robin seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF ORDINANCES/RESOLUTIONS:

- a. **Consideration of zone change from R1-21 to CD (Commercial Development) on the south-west corner of SR112 & SR138:** Wayne stated that he is concerned about creating a gateway and a place of arrival to our community. If the entrance is filled with Strip Malls I don't think that sends a welcoming image to our community. Wayne stated that he is concerned about urban sprawl and not maintaining the commercial area in the center of our town.

Robin stated that he enjoyed reading the material from the citizens that were willing to sign their letters. The letter that was written using foul language and making accusations but was not signed offended Robin and the rest of the Council. Robin stated that he has grappled with the point of "Down Town" and where is it? In addition, how much land is available in the "Down Town" to purchase for commercial development without tearing down a home. Robin stated that it is hard for Government to limit competition and it is not our job to make sure some business is successful. It is not our job to say our town can only have 3 gas stations, or two strip malls. It is our job to make our community gateway pleasing. This property is not appropriate for residential development.

Paul stated that he has been thinking about the current strip mall that is on the opposite corner to the east. There is a possibility of having 16 businesses in this area now. What more could this county or community support? I think this property is too small for a strip mall. The building needs to be set back off the street and have ample parking in the front. We would have this commercial area and then a mile gap before there is any other business. Paul stated that he would rather see a good solid anchor business and good management on this corner.

Kyle stated that he would not want to see a home sitting on this corner. This property is not going to be residential. This land is going to be commercial if we deny it today it is going to keep coming back. The question before the Council is just the zone change and not the type of business. The Planning Commission and the City Council will have a say on the type of business when the conditional use permit is applied for.

Todd stated that if the Council turns down this zone change request this zone designation cannot be applied for another two years. We could table the zone change pending the outcome of the conditional use permit application.

Wayne made the motion to deny the zone change until we see a concept development commensurate with the Grantsville Beautification committee plans. Wayne changed his motion to state "table" the zone change until the Council sees a concept development commensurate with the Grantsville Beautification Committee plans. Paul seconded the motion. Vote is as follows: FOR: Wayne, Paul, Robin. Opposed: Todd and Kyle. Motion carried.

- b. **Consideration of City Council review of conditional use permit for certain types of developments:** Robin made the motion to approve the ability for City Council to review commercial development conditional use permits over \$250,000 and multiple housing conditional use permits over 4 units. Todd seconded the motion. All voted in favor, motion carried.
- c. **Consideration of new business license application form:** Recorder Palmer stated that the business license application form has not changed significantly for many years. The Utah State Division of Occupation and Professional Licensing is leaning on local jurisdictions to help police the state license requirements.

Recorder Palmer stated that our community has been dealing on a trust level, especially of our local contractors. It has been discovered that some of the local contractors have not been carrying their state licenses and the city has allowed them to continue to renew our local license. Our citizens need to be protected the best we can to make sure our city license at least checks for state license. Even cosmetologists must each be individually licensed in order to comply. Office Assistant Sabrina Fawson has compiled a license form using different entities that will give us information that is more complete. Wayne made the motion to approve the new business license form as presented. Kyle seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF RECOVERY RIGHTS REQUEST FOR FERRIS

WILLIAMS SUBDIVISION: Recorder Palmer stated that she had submitted the recovery right request from the Ferris Williams Subdivision to Aqua Engineer for review. Aqua Engineering stated that the recovery right would have a possible benefit area and recommended a recovery right be granted. Kyle made the motion to approve the recovery right as recommended by Aqua Engineering for a period of 15 years. Paul seconded the motion. All voted in favor, except for Todd who abstained due to him being the developer of the Ferris Williams Subdivision. Motion carried.

APPROVAL OF PRELIMINARY BUDGET FOR 2005/2006 FISCAL YEAR:

Recorder Palmer explained to the Council that in the past the Council has approved the current year budget as a starting point for the next years proposed budget. Then work meetings would be set for the completion of the capital facilities update and changes. The final budget must be adopted by the second meeting in June which is June 15, 2005. Robin made the motion to adopt the preliminary budget for 2005/06 as presented. Wayne seconded the motion. All voted in favor, motion carried.

APPROVAL OF BILLS: Todd made the motion to approve the bills as presented. Kyle seconded the motion. All voted in favor, motion carried.

COUNCIL INFORMATION UPDATES: Kyle stated that he has been getting questions about what is going on at the city gravel pit. We have a member of the Planning Commission that is crushing gravel without this service going out to bid. There is concern that the gravel is being crushed for an adjoining property owner. We need to get down to the bottom of what is going on so we can answer to our citizens. It just looks bad. Wayne stated that he would get with Joel and have him give a report on this issue.

Wayne stated that he has been looking in to the possibility of flooding in Grantsville. Wayne stated that he has been talking with the County concerning the planning for flooding and with Joel to make sure that the city has enough sand and sandbags in the case of flooding. Kyle stated that he has been talking with the Soil Conservation district. They are of the opinion that this year we are ok as far as flooding possibilities. Next year if we have another wet year is when the flooding concerns will take place.

Wayne and Paul stated that the service project from the LDS Church was really great. They used 8 5-gallon buckets of white paint. The buildings will need a second coat. Paul and Todd explained that they would be ready to move the Anderson Granary within two weeks.

Robin stated that they are going to remove the power pole at the site of the old snack shack at the Cherry Street Park. Recorder Palmer was asked to do a work order to install a construction fence around the hole left by the demolition.

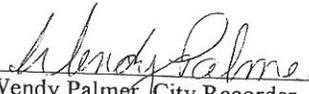
CONSIDERATION OF CLAIM OF NELSON MOYLE (CLOSED SESSION):

Robin made the motion to suspend the regular city council meeting and enter into a closed session to discuss litigation. Kyle seconded the motion.

Mayor and Council Present: Council Members: Robin Baird, Wayne Butler, Todd Castagno, Kyle Matthews and Paul Rupp.

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

Motion by Robin to retire from the closed session and adjourn the Regular City Council
meeting at 9:25 p.m. Kyle seconded the motion. All voted in favor, motion carried.



Wendy Palmer, City Recorder



Byron Anderson, Mayor