

**MINUTES OF THE REGULAR BUSINESS MEETING OF THE
GRANTSVILLE CITY COUNCIL, SEPTEMBER 20, 2005. HELD AT
GRANTSVILLE CITY HALL, 429 E. MAIN, GRANTSVILLE, UT 84029**

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

Appointed Officers and Employees Present: City Recorder Wendy Palmer, Attorney Ronald Elton, and Planning Commission Member Gary Pinkham.

Citizens and guests present: Christy and Craig Bleazard, Veronica Montgomery, Caleb Roope, Attorney for Pacific West Alain Balmanno Joan Johnson, Julie Blake, Kirk Davis, Jody Barney, Michelle Riddle, Doug Snow, Joyce Nolter, Scott Davis, Mr. & Mrs. Leavitt, Dennis Vanderheiden.

CONSIDERATION OF APPEAL OF PLANNING COMMISSION DECISION – PACIFIC WEST COMMUNITIES: Mayor Anderson read the appeal hearing rules to those present. Mayor stated that Pacific West Communities would have 15 minutes to present their appeal arguments to the Council. The public will have 10 minutes to make comments relative to the appeal. Pacific West Communities will have 7 minutes to make their rebuttal. Mayor informed those present that the Council has received all of the pertinent information from the Zoning Administrator that included all written public comment, minutes of meetings, applications etc. Mayor asked if anyone present objected to the rules as they have been explained. No objections were voiced.

Caleb Roope representing Pacific West Communities addressed the Mayor and City Council to present the appeal of the Planning Commission Denial of amendment to the Planned Unit Development of Country Haven Condo's. Mr. Roope stated that his company is in the business of providing work force housing for communities. Mr. Roope stated that his company has developed 50 projects consisting between 40-60 units. This housing is not for the lowest income families. The target income for this housing project is \$25,000-\$35,000. Rental rates are between \$511 to \$659 per month. Mr. Roope continued by stating that the amendment to the PUD of Country Haven Condos is simply to use the land more efficiently. This change will create a more desirable environment and sense of community. A recreation room, laundry facility and common park area will be realized from the amendment if approved. Mr. Roope informed those present that they are prepared to build the condos as approved in 1997. But, feels that grouping the eighteen units into 8 larger units provides a more livable environment for kids and families. There will not be garages but they will provide covered parking. There will be an onsite manager.

Councilman Paul Rupp asked how many units will be in each building. Mr. Roope stated that there will be eight units per building. Three will be 8 buildings rather than 18 buildings. Paul asked Mr. Roope if higher income renters could rent these apartments? Mr. Roope explained that his development company has received tax credits from the Federal Government to provide affordable housing. Renters would have to meet income criteria. Paul stated that the fewer structures would mean quite a cost savings to the developer. Mr. Roope disagreed even to the point of stating that the type of material they use for their siding is more expensive than the approved stone and stucco.

Todd stated that Planning Commission member Mike Warner researched the past records concerning this development and found that each unit is to have a 2 car garage, height limitation is 35 feet. A privacy fence is to be installed around the perimeter. Each unit is to be individually owned. This proposed amendment is a substantial change to the approved PUD. Mr. Roope stated that they feel they have improved on the original plan. It was a concern that the condo owners bought into a development and the expectation that this development will continue as presented to them. Mr. Roope stated that developments change all of the time and you never know what you will end up with. The Council disagreed with this statement.

Wayne asked Mr. Roope if he is stating that their criterion for improvement is the increase of open space? Mr. Roope stated yes. Plus the open space now has room for playgrounds and outdoor activities.

Paul disagreed with Mr. Roope about the cost of the 8 building with no garages being more expensive to build than the 18 buildings with garages. Mr. Roope stated that the larger structures would require fire sprinkling. The siding is far superior to the usually siding you see on local homes and have a foam back for energy efficiency.

Julie Black-owner of a condo in Country Haven Condo and the president of the Condo Association asked that the City Council uphold the Planning Commission decision for the following reasons

- a. The proposed change does not maintain the condo construction, these will be apartments.
- b. The units will not be individually owned.
- c. Construction is intended to change from Brick and Stucco to Siding.
- d. Apartments have received federal tax credit, for rental reduction for low-income renters.
- e. Doesn't comply with the PUD Chapter Section 7.8 & 12-5.

Scott Davis- 286 E. Orchard Circle- Mr. Davis commented that he has two issues with the proposed amendment to the PUD.

- a. The low income apartment will adversely affect their property values.
- b. The new configuration of the apartment construction will encourage the majority of the traffic from the development to funnel through Orchard Lane rather than Quirk Street as it was intended with the original approval.

Joan Johnson – 235 E. Cherry Street- Mrs. Johnson commented that it isn't right to change the development from a condo individually owned to apartments to be rented. The residents that purchased the Condos are taking all of the risk.

Joyce Noeltner- 111 S. Orchard Lane- Mrs. Noeltner stated that if Pacific West Communities is willing to build the project as it was originally approved in 1997 then why are we here listening to a request for an amendment?

Mr. Roope replied to comments by stating that the proposed amendment to the PUD they feel is a superior plan. Apartments do not reduce property values. Traffic going down Orchard Lane is a concern but the city should have never let that street pass for that development.

Mayor asked the Council for their comments.

Kyle stated that he feels that open space is a detriment, it is expensive to maintain. I don't feel that providing more open space and combining more units into fewer buildings is an improvement.

Wayne stated that he is supporting the denial of the Planning Commission because the proposed amendment is in direct conflict with the original approved condo development. If I put myself in the position of the current condo-owners I would be upset about this proposed change. I concur with the safety issues as presented by the Planning Commission and Neighbors concerned about the added traffic to Orchard Lane. This street is 33 feet wide at the widest point. Grantsville already has a government funded low-income type development under construction now. To me this is a high-density development and not the quality of the original plan. The open space is nice but it is not right to change an approved development once residents have made an investment in their homes. They have an expectation that their investment will be carried on.

Paul stated that he does not buy into the fact that fewer buildings cost more to build than more buildings with garages. The first plan is more suitable for family housing with individual garages. This is a federally subsidized project. You have received the subsidy up front rather than the renters getting a monthly distribution. The reason the city approves the plans for a complete projects so that those buying into the project and the city know what the final product will look like.

Todd stated that he is in agreement with Paul, Kyle, and Wayne in their comments. We have had many discussions concerning the original proposal of the Planned Unit Development Ordinance states that any amendment must be in substantial conformance with the original approved development. This proposal is completely different from the approved PUD.

Robin stated that the Planning Commission did an excellent job in their decision to deny the application for amendment to the PUD. The reasons given were appropriate. The meeting was lengthy and they heard input from the development and the citizens. I think open space is great. But I feel that this development should be held to the standard in which it was originally approved.

Robin made the motion to uphold the Planning Commission Denial for the Country Haven Condo's Amendment application based on the reasons stated by the Planning Commission and City Council:

- a. This application substantially changes the approved PUD by:
 - 1. Changing the maximum units per building.
 - 2. Elimination of 2 car garages for each unit.
 - 3. Allowing rental of Units. Units should be individually owned.
 - 4. All streets were to be to City Standards.
 - 5. Exteriors were to be brick, stone and stucco and of a certain size.
 - 6. Maximum height was to be held at 35 feet.
 - 7. It was to be an upscale development, not low-income housing.
 - 8. Entire project to have a privacy fence.

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

APPROVAL OF MINUTES: Todd made the motion to approve the minutes of the regular City Council meeting held 9-20-05. Kyle seconded the motion. All voted in favor, motion carried.

CONSIDERATION OF BID FOR QUIRK STREET PROJECT: Wayne made the motion to award the water and sewer line extensions for Quirk Street to TES Construction. Kyle seconded the motion. All voted in favor, motion carried

Kyle asked if the city was going to install the connection from Hale to Quirk at this same time. Recorder Palmer reported that she asked the engineer about this water line. Engineer Neeley explained that with the connection of Quirk Street to the South Willow Well that the zone 2 connection from Hale to Quirk is not needed. The waterline will be installed only with development of the area.

APPROVAL OF ELECTION JUDGES: Kyle made the motion to approve the election judges as presented by Recorder Palmer. Robin seconded the motion. All voted in favor, motion carried.

ELECTION JUDGES FOR 2005 ELECTIONS

DISTRICT #1 (Votes at City Station)

- ___ Mary Thornton, 49 E. North Street – 884-5570
- ___ Karla Hammond, 61 N. Kearl, 884-5039*
- ___ Donna Sanborn-37 E. Clark, 884-0311
- ___ Bernice Castagno, 4778 Hwy 112-884-6630 8th only A

DISTRICT #2 (Votes at City Hall)

- ___ Sherlene Lawton, 14 S. Eastmoor Dr.-884-6006
- ___ Judy Norton, 363 E. Palomino Way, 884-0197
- ___ Tina Mann – 89 S. Willow St, 849-2516A
- ___ Peggy Pearce, 112 N.SR112, 884-6205. 8th only A

DISTRICT #3 (Votes at Willow Elementary)

- ___ Sandra Bitner, 140 E. Durfee Street- 884-6746*
- ___ Wade Bitner, 140 E. Durfee Street – 884-6746
- ___ Carlene Schultz, 462 E. South St.-884-0543
- ___

DISTRICT #4 (Votes at the Middle School)

- ___ Diane Hunsaker, 7 E. Durfee- 884-5028* Yes
- ___ Mary Randle, 35 W. Vine, 884-6469
- ___ Sheri McKee, 195 W. Durfee 884-6059
- ___ Lois Orgill, 60 W. Durfee, 884-3356-3745, Nov 8th only
- ___ Pat Eatough, 98 W. Vine, 884-5045 October 4th only

DISTRICT #5 (Votes at the Senior Center)

- ___ Joan Parkinson, 107 Deseret Circle-
- ___ Lisa Johnson, 44 S. Harris Street, 884-6175
- ___ Karen Johnson, 66 S. Quirk Street, 884-3836
- ___ Sharon Bottleberg- 31 E. Cherry- 884-6480 A
- ___ Carla Chamberlain, 130 E. Deseret Circle.884-0835 A
- ___ Janet Filion, 152 S. Harris, 884-5098

ORDINANCES/RESOLUTIONS:

- a. **Proposed amendments to Chapter 1 of the Land Use Management and Development Code to comply with Senate Bill 60:** Todd made the motion to approve the ordinance amending Chapter 1 of the Land Use Management and Development Code to comply with Senate Bill 60. With the provision that the curb gutter, and sidewalk provision is added back in with the ability to sign a waiver if the city deems necessary. Paul seconded the motion. All voted in favor, motion carried.
- b. **Consideration of proposed amendment to Chapter 9 – Landscaping:** Paul made the motion to table the consideration of this amendment and instruct Attorney Elton to delete the sections of the proposed ordinance that state mandatory and replace that wording with encourage. Delete the requirement of subdivisions street trees. Kyle seconded the motion. All voted in favor, motion carried. Attorney Elton stated that he would draft the changes for the next meeting.
- c. **Consideration of amending Chapter 14 by adding a new zone RR-2.5:** Wayne questioned why the Commission decided on 2.5 rather than a whole number. Todd explained because it was half of 5-acre zone, which is the next zone up. Todd made the motion to approve the ordinance adding the zone RR2.5 to Chapter 14 of the Land Use Development Code. Kyle seconded the motion. All voted in favor, motion carried.

APPROVAL OF BILLS: Wayne made the motion to approve the bills of 9-16-05. Robin seconded the motion. All voted in favor, motion carried.

COUNCIL INFORMATION AND UPDATES:

Mayor Anderson stated that he talked with the Rural Water Users Association and they are going to come out on October 4th to discuss helping Grantsville City with a tiered rate.

Wayne stated that Foreman Larry Bolinder is putting together the information to contract out the Street Improvement for East Durfee, East of Willow Street.

Paul stated that the replacement of power for the J Rueben Clark to move the pole got to be a can of worms. He decided that a 8 foot line could be run for \$350 to run the mast of the neighbors home to the east up 8 feet so the trucks could pass under the power line with no problem.

Todd stated that Officer Aagard asked to have the signage placed in front of the High School that would only allow for bus parking from 2:30 to 3:00 in the afternoon. Mayor stated that the Willow Elementary would like to hook to the city power system at the crossing lights to light their marquee. When this gets worked out the Mayor will bring it to the Council to review and approve the agreements.

CONSIDERATION OF LAND PURCHASE (CLOSED SESSION): Todd made the motion to adjourn into closed session to discuss land purchase. Robin seconded the motion. All voted in favor, motion carried. 9:15 p.m.

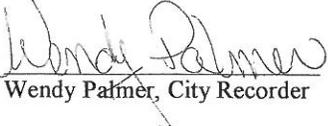
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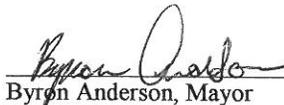
Appointed Officers and Employees Present: City Recorder Wendy Palmer, Attorney Ronald Elton.

Kyle made the motion to come out of closed session at 9: 24 p.m. Robin seconded the motion. All voted in favor, motion carried.

Wayne made the motion to authorize the Mayor to negotiate \$85,000 or less for the purchase of 3.7 acres to include water shares for the expansion of the cemetery. Paul seconded the motion. All voted in favor, motion carried.

ADJOURN: Wayne made the motion to adjourn this meeting at 9:25 p.m. Kyle seconded the motion. All voted in favor, motion carried.


Wendy Palmer, City Recorder


Byron Anderson, Mayor