

**MINUTES OF THE REGULAR BUSINESS MEETING OF THE GRANTSVILLE CITY COUNCIL HELD FEBRUARY 7, 2007 AT THE GRANTSVILLE CITY HALL.**

**Mayor and Council Present:** Mayor Byron Anderson; Council Members, Wayne Butler, Todd Castagno, Brent Marshall, and Paul Rupp.

**Appointed Official and Employees Present:** City Recorder Wendy Palmer, Attorney Ronald Elton, and Zoning Administrator Shauna Kertamus, Police Reserve Officer Jon Shields, Ordinance Officer Mike Warner, Planning Commission Member Gary Fawson,

**Citizens and guests present:** Karen Scott (press), Dan Paschal, Don Lilyquist, Brent Thatcher, Heidi Hammond, John Palo, Charles Hansen, Travis Taylor, Stan Rowlan, Steve Bronchlay, Doug Cannon, Welles Cannon, Rollin Sattler, Tony Gonzalez, Joan Johnson, Faye Hall, Michelle Warner, JoAnna Sidwell, Dade Rose, Douglas Gibson, Michael Drake, Jane Hiatt, Wayne Morris, Adam Geldmacher, James Christensen, Steve & Sherry Walker, Jodie and Gary Barner, Wade Bitner, Cheryl Penney, Merodean, Paul Didericksen, Larose, Jeff Daughterly, Carreen & Matt Swenson, Kary Yates, Darsi Fouillard, Nicole Cloward, Debbie Durben, Nate Shippman.

**PUBLIC HEARINGS:**

- a. **Orchard Park Final Plat for 65 Condo Units.** Mayor announced that this item he would allow only 15 minutes of comment.

Wayne Morris – Vice President of the Country Haven Condo’s Homeowner Association read a prepared statement expressing their concerns with the Orchard Park Condo Project. “ On January 11, 2007 the Planning Commission approved a final plat for Orchard Park Condominiums which is the second phase of Country Haven Condos PUD. Pursuant to Grantsville City Code, Chapter 12, Section 12.4(5), we hereby appeal the Planning Commission’s decision based on the fact that the approval was in violation of Section 12.5, adjustments to development plan.

The applicant made the following major adjustments as defined in Section 12.5 to the approved Country Haven Condos PUD:

1. The number of units has been increased from the 63 approved in the PUD to 65.
2. The approved 2-car garages have been changed to 1-car garages
3. The approved size of each unit has been decreased.
4. The street design has been changed.

These changes are not minor adjustments as defined in Section 12.5(1)(a) through (d) and therefore, pursuant to Section 12.5 (1) the Planning Commission cannot approve a final plat as submitted with these major adjustments. Mr. Morris stated that the concern of the current residents of the Country Haven Condos is that they purchased their condo’s with the knowledge that all of the property has been master planned and felt that their investment would be protected due to the overall approval. (Additional literature was presented to the Mayor and Council and this information is attached.)

John Palo- 280 E. Orchard Lane. Mr. Palo addressed the Council stating that the approval of Orchard Park final plat was not a proper approval by the Planning Commission. This development is making major changes to their development based on the City’s own zoning code definition. Mr. Palo stated that the major changes to the Orchard Park final plat requires that all adjoining property owners must be notified. This notification has not been sent out. Mr. Palo was very concerned about a traffic study being done to determine the impact of the condo traffic on Orchard Lane. I ask the Council to deny the final plat for Orchard Park Condo Project.

Dade Rose- Attorney for the Pacific West Communities that is developing the Orchard Park Condo project. Mr. Rose stated that they have spoken at length to the Planning Commission about this project and it is clearly a condo project. This condo project is to be individually owned and look forward to selling those units. I would like to submit to the Council that Chapter 12-4 it speaks specifically about final development plans. This section of the Zoning Codes states that the

final plat shall include a notation of any changes or modifications, alteration or waivers of the zoning district. And shall list any special conditions. I would like to bring to the Council's attention, Mr. Rose stated, that in order to really understand what was approved for the Country Haven Condo's you must go to the recorded plat for the requirements. The notes on that plat is boundary descriptions and the deeded property corners not set. And the minimum set back for buildings. 7 1/2 foot utility easement that exists around the boundary of the development. The Country Haven Condominiums is subject to the declarations of the covenant, conditions and restrictions. So I would like the Council to take this under advisement when they hear about what was originally approved, we are doing what was originally requested. There has also been comments about the number of units originally approved. Mr. Rose submitted a letter from Shauna Kertamus the Zoning Administrator dated December 12, 2005. 80 units were originally approved and phase 1 approved 15 units and 65 units for phase 2. Phase 2 is asking for only 64 living units and a community gathering structure. Copy of public notice of the agenda was discussed in reference to the prior comments that no property owners were notified of the project. The public notice includes a public hearing and for consideration both stating 65 units. Notice has been given and the residents have had an opportunity to comment. Finally in speaking to the issue of whether this was properly approved or not. We believe that that we are talking about a minor adjustment. Based on the notes on the plat, you can see that minor changes are all that is happening with this proposal. Even if it was not minor changes the code does provide for major adjustments to the PUD Ordinance. If you go back through the transcripts of January 11, 2007, it talks about the standard for approving a major adjustment. That requirement is that it must be in substantial conformity with the original plan. This term was used throughout the Planning Commission meeting and ultimately agreed that this project substantially conforms to the PUD approval. Doug Gibson architect for the project was present as well.

John Palo reads a portion of the minutes of City Council meeting Oct 15, 1997, City Council reduced the authorized Country Haven Condo's from 80 to 78. May 5, 1998 approved final plat for 15 units for phase 1 and remainder of 63 units for phase 2.

Charles Hansen – 71 S. Orchard Lane- Mr. Hansen asked if the Mayor and Council had an opportunity to review the information presented in writing from Orchard Lane Subdivision. (attached) Mr. Hansen asked if there are any discrepancies that are noted by the Council. The residents would like an explanation based on how the ordinances are written. The way he reads the ordinance and how Mr. Rose explained his interpretation are in conflict. Any lay person reading the ordinances does not understand how Mr. Rose is interpreting them. What is a significant change? The proposed changes from two car garages to one car garages, basements to no basements, size of the condos. That is significant to the quality of the development and the values. The safety concerns for Orchard Lane and the traffic is very heavy. We have 50 children 12 years and younger. No further comment being offered, the public hearing was closed at 7:15 p.m.

**b. Cherry Grove Phases 3 & 4 preliminary plat for Brandon and John Bell.**

Mayor Anderson opened the public hearing to receive comment on Cherry Grove preliminary plat for phases 3 & 4. No comment being offered the Mayor closed the public hearing at 7:16 p.m.

**c. Anderson Ranch Phase 3 preliminary plat for Welles Cannon – 68 lots.**

Mayor Anderson opened the public hearing to receive comment on Anderson Ranch preliminary plat for phase 3. Welles Cannon representing the Anderson Ranch Phase 3. Mr. Cannon informed the Council that the 68 lots will be changed to 67 lots due to a miscalculation of the boundary. We are waiting for the final approval from the engineers. No further comment being offered the Mayor closed the public hearing at 7:17 p.m.

**d. Mountain View Manor concept for Wild West Ventures – 33 lots 685 E.**

**Durfee St.:** Jeff Daughterly, 2960 W. Country Classic Drive. Mr. Daughterly addressed the Mayor and Council in reference to his subdivision and the extension of Cherry Street through his subdivision and connect to the adjoining subdivision to the east, Ranch Road. Mr. Daughterly stated that he has talked with many

- members of the city to try and waive this street extension. Mayor Anderson informed Mr. Daughterly that he has met with the Public Works Director and Planning Commission Chairman and they are planning on making a change to the transportation plan. Wayne asked if the change to the plan would come to the Council. Mayor stated that it would come forward as a recommendation. No further comment being offered the Mayor closed the public hearing at 7:19 p.m.
- e. **Zone Change from A-10 and RM-7 to split zones CS and RM-15 at 827 E. Main St.:** Mayor opened the public hearing to receive comment on the proposed zone change. No comment being offered the Mayor closed the public hearing at 7: 20 p.m.
  - f. **Blake Mountain Phase 3 Concept plan for Tony Gonzales for 42 lots, south of 500 South Quirk:** Mayor Anderson opened the public hearing on the proposed concept plan. No comment being offered, Mayor closed the public hearing at 7:20 p.m.
  - g. **North Star Development- Concept plan for 699 lots on the West Side of West Street and South of Durfee Street.** Mayor opened the public hearing on the proposed concept plan. No comment being offered the Mayor closed the public hearing at 7:21 p.m.
  - h. **Consideration of zone change from A-10 and RM-7 to R1-21 from Clay Street and East Side of Race Street to the Northern boundary of Park Meadows Subdivision consisting of approximately 66 acres with 6 different Land owners.** Mayor opened the public hearing concerning the proposed zone change. Gary Fawson requested that his property be excluded from the zone change. No further comment being offered, Mayor closed the public hearing at 7:22 p.m.

**APPROVAL OF MINUTES:** Brent made the motion to approve the minutes of January 17, 2007. Paul seconded the motion. All voted in favor, motion carried.

**REPORT FROM JANE HIATT-ATTENDEE TO 4-H CONGRESS:** Miss Hiatt informed the Mayor and Council of her activities while in Atlanta, Georgia as part of the National 4-H Congress. Miss Hiatt thanked the Mayor and Council for helping send her Washington D.C. It was a great experience. She presented the Mayor with a thank you card and 4-H bear that she earned at Congress.

**CONSIDERATION OF PROPOSED ANNEXATION FOR JOHNSON GRANTSVILLE CATTLE COMPANY ET AL.:**

- a. **Review of status:** Recorder Palmer reported that no objections were received on this proposed annexation.
- b. **Set final public hearing on Annexation proposal:** Brent made the motion to set the final public hearing for February 21, 2007. Wayne seconded the motion. All voted in favor, motion carried.

**INITIAL CONSIDERATION OF ANNEXATION PETITION FOR WELLES CANNON – 15.241 ACRES LOCATED DIRECTLY EAST OF ANDERSON RANCH SUBDIVISION AND GRANTSVILLE CITY LIMITS:** Todd made the motion to authorize the City Recorder to proceed with the discussion with the County Officials and noticing requirements for potential annexation. Paul seconded the motion. All voted in favor, motion carried.

**CHERRY GROVE PHASES 3 & 4 PRELIMINARY PLAT:** Kary Yates addressed the Mayor and Council requesting approval the preliminary plat for phases 3 & 4. Attorney Elton brought up the issues of the Park for phase 1. The only correction that the Engineers from Aqua stated were left is to change is the note on the plat about the 8-inch water line should be a 10-inch water line on phase 4. Planning Commission requests that in the last culd-e-sac all of the driveways not enter on Cherry Street. Todd asked about phase one amendment for Apple Street road and the park. Cary stated that he has one year to plant the park from January 2007. Attorney Elton stated that Mr. Yates was directed to apply for the amendment to phase one plat to accommodate the change in the park and the installation of Apple Street. Mr. Yates stated that he would like to have phase 3 & 4 be approved and not tie this approval to the amendment to Phase 1 for the park and Apple Street. Kary stated that he plans to plant the park the way it was originally approved. Once Steve Walker is ready to install Apple Street then the plat amendment would be presented for Phase 1. Attorney Elton felt that the Amendment to

Phase 1 should be filed immediately so it can be done along with final plat for phases 3 & 4. The size of the park is 2/3 of an acre. The park is separate from the detention basin. Todd was concerned about the park-tot lot- on the corner of 2 streets. Todd questioned if that was something the city wanted to encourage. Kary addressed the Council concerning another option for the park. The park is small and it is a dangerous spot. The Bells and he could develop the park area into lots for homes and forward the proceeds to the city to go towards a larger central park. Attorney Elton stated that the Council would like to have the right of way for Apple Street solved. Wayne made the motion to approve Cherry Grove Subdivision phase 3 & 4 as presented Wayne amended the motion to include that the Apple Street right of way be resolved prior to final plat. Todd seconded the motion. All voted in favor, motion carried.

Ronda Menlove State Representative arrived.

**MAIN STREET BEAUTIFICATION PRESENTATION:** Darsi Fouillade President of the Grantsville Beautification and Tree Committee. The committee was introduced who included Nicole Cloward, Wade Bitner, Joan Sidwell, Cheryl Penney, Merodean Larose, Joan Johnson, Michelle Warner, and Debbie Durban. Gary Fawson discussed the Gateway project. Nicole Cloward presented the Main Street Beautification ideas to bring beauty all year around. Modeling after Vernal, Taylorsville, Logan, and Cedar City. Nicole stated that the largest project is to have the power poles removed and power run underground. Nicole asked if Councilman Butler would be willing to undertake this project. Wayne stated that this project carries a price tag of 2-5 million dollars. This idea is great but needs further consideration. Nicole stated that some of the other ideas is to have planters, hanging flower baskets, and banners. Eventually more permanent pieces like trees, benches, decorative lighting on 37 poles from Center Street to Soelberg's. Darsi presented a slide show of the look that the committee wants to achieve in Grantsville. Todd asked how the plants were watered. Darsi stated that Vernal City provides a truck with a water tank with two employees that water from 4 p.m. to 4 a.m. 7 days a week. The cost of the brackets cost \$4440.00 the basket cost \$740.00 dirt, seeds and fertilizer \$400, banners \$2590 Watering equipment \$400. The overall cost estimate by the Committee is \$10,000. Water must be done once a day and fertilizer applied once a week. Committee is asking the city to provide labor and truck at no cost to the committee. Darsi stated that the FFA has a Building our Better Communities program and they are willing to grow the plants for the Main Street Beautification. Darsi informed the Council that she did a temperature, wind comparison to the other comparable cities. Darsi felt that this project should work well for Grantsville.

**DISCUSSION WITH REPRESENTATIVE RONDA MENLOVE:** Ronda updated the Council on the Legislature issue. Ronda stated that money is being proposed to study the Tooele Mid-Valley Highway. Mayor Asked about the ¼ cent sales tax for corridor purchase. The Tax Commission agreed to fund the full amount if it passes for a corridor tax. Brent asked about the agricultural bill? Ronda felt that it would be one of the successful bills. Ronda stated that she is on the agricultural committee. Ronda asked the Mayor and Council if they wanted he to protect the local allocation of sales tax. Ronda asked if the Mayor and Council felt that the Soccer Stadium should be funded by Salt Lake County transit tax. Paul stated that he was opposed to using tax dollars for private enterprises.

**CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

- a. **Consideration of zone change from A-10 and Rm-7 to R1-21 from Clay Street and East side of Race Street to the northern boundary of Park Meadows Subdivision consisting of approximately 66 acres with 6 different land owners:** Gary Fawson who is one of the landowners within this zone requested that his property be excluded from the zone change. Brent made the motion to approve the zone change from A-10 and RM7 to R1-21 with the removal of Gary Fawson's property of 16.92 acres as requested. The properties involved in the zone change will be Arla Fiddler, Kirk & Rebecca Williamson, Fern Williams, Robert Williams Estate, Chleo Boyer Estate. Todd seconded the motion all voted in favor, motion carried.
- b. **Zone Change from A-10 and RM-7 to split zones CS and RM-15 at 827 E. Main.** Brent stated that he is concerned about the RM-15 zone and the safety issues for that high of density in the busy traffic area. Todd a questioned if they were going to allow SR 112 to continue north through this property. Mr. Thatcher stated they are working with UDOT to allow SR112 to continue north through their project.

Although it will be a city street and not a State Highway. UDOT is planning to have a 4-way traffic light for the SR112. Wayne asked about the plan for the RM-15. Mr. Thatcher who is the developer of this property stated that the zone choices came directly from the Grantsville City General plan. Attorney Elton stated that the General plan calls for higher density along the Main Street corridor. Mr. Thatcher stated that they have not contacted anyone to put in apartment complexes. Todd explained that the General Plan calls for higher density along the whole Main Street corridor. Mayor stated that high density is in the best interest of the city because of the economics of the infrastructure and lower water use. Nate Shippman with Development Associates, stated that they understand that there is concern about the high density and they understand that there is a long public process and they will address aesthetic concerns, traffic, and safety. They want to be sensitive to all of the city issues. Todd made the motion to approve the zone change as presented for 827 E. Main. Paul seconded the motion. In favor, Paul and Todd. Opposed: Brent and Wayne. Mayor broke the tie vote by voting in favor in compliance with the general plan.

- c. **Amend chapter 15-Section 3 by adding the wording “unlicensed motor vehicle”:** Brent made the motion to approve the ordinance amendment for Chapter 15-section 3. Wayne seconded the motion. All voted in favor, motion carried.
- d. **Resolution amend the annexation fees:** Wayne made the motion to approve the resolution amending the annexation fees to \$500.00 per annexation. This fee change is to be retroactive 6 months. Todd seconded the motion. All voted in favor, motion carried.

**CONSIDERATION OF NEW BUSINESS LICENSES:** Brent made the motion to approve the business licenses for Vinyl swings and Things and Compu-Pro, and RN Finance and mortgage. Todd seconded the motion. All voted in favor, motion carried.

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

**COUNCIL INFORMATION AND UPDATES:**

Mayor informed the Council that Mike Haycock of Grantsville was hired as the new full time building inspector for Grantsville City. He will start February 8<sup>th</sup>, 2007.

Brent updated the Mayor and Council on the progress of the fire station. Brent stated that there is a meeting tomorrow at 4:30 if anyone would like to attend.

Wayne discussed some of the issues with the Quirk Street Trail and will continue to work with all parties to solve the issues.

Paul thanked Recorder Palmer for the breakdown of expenses for the farm. Paul will be applying for more funding from the transient room tax.

Todd informed the Council that the Tooele County Chamber that Chamber is going to host one Easter egg hunt at the Deseret Peak Complex, rather than one in Tooele and one in Grantsville. It was the consensus of the Council that they wanted to sponsor Grantsville City Easter Egg Hunt. Todd suggested that the Business Alliance could take charge and Brent suggested that the Fire Department would help.

**ADJOURN:** Brent made the motion to adjourn this Council meeting at 9:30 p.m. Wayne seconded the motion. All voted in favor, motion carried.

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Wendy Palmer, City Recorder

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Byron Anderson, Mayor