

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD DECEMBER 5, 2007 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UT 84029. THE MEETING BEGAN AT 7:02 P.M.**

**Mayor and City Council Members Present:** Mayor C. Byron Anderson; Council Members, Brent Marshall, Wayne Butler, Todd Castagno, and Paul Rupp. Council member Robin Baird was absent.

**Appointed Official and City Employees Present:** Recorder Jeremy Walker, Attorney Ron Elton, and Records Administrator Rachel Wright.

**Citizens and Guests Present:** Colleen Brunson, Lauralyn Barson, Tanner Scadden, Betty Lou Williams, Sam Drown, Kelley Hansen, Laurie Linton, Angela Linton, Aimee Linton, Ashlie Barton, Mark Cox, Cheri Gunderson, Christina G., Alexis Soltes, Emily Cox, Christina Cox, Amanda Soltes, Jessica Gunderson, Josh Adams, Janice Marriato, Arnie Hunt, Travis Taylor, Tom Tripp, and Jesse Butler.

**PUBLIC HEARINGS:**

**a. Proposed Minor Subdivision to create four lots at approximately 800 South Quirk Street. Betty Lou Williams application:**

Mayor Anderson opened the public hearing at 7:02 p.m. to receive comments on the proposed minor subdivision for Betty Lou Williams. No comments were offered and the Mayor closed the public hearing at 7:03 p.m.

**b. Proposed Concept Plan for a residential planned unit development of 90.84 acres at approximately 600 South Mormon Trail Road (Wells Crossing). Fieldstone Homes Utah, L.L.C. application:**

Mayor Anderson opened the public hearing at 7:03 p.m. to receive comments on the proposed Concept Plan.

Wayne Butler spoke in opposition to the Concept Plan proposed by Fieldstone Homes. Mr. Butler stated his family owns property adjacent to the development. Mr. Butler stated he has had discussions with other property owners located near the proposed development. Mr. Butler stated that the consensus opinion of these property owners is that they strongly oppose the Concept Plan mainly because of the proposed density. He stated that not too long ago the zoning changed from A-10 to a ½ acre rural zone to accommodate the development and it appears the Concept Plan is proposing ¼ acre lots or smaller. Mr. Butler listed the reasons that he is against the proposal as follows: (1) The plan is not consistent with the planned developments in the area. Directly east of the property the Miller Corporation presented a proposal to change the zoning from ½ acres to 1/3 acre lot developments and the City Council rejected that proposal. Mr. Butler stated that Craig and Natalie Hunt's property adjacent to the east of the proposed development has ½ acre lots. (2) Mr. Butler stated that the plan does not comply with the General Plan of the City in promoting a rural type of development in this area. Mr. Butler stated from a personal stand point it is going to be hard to see a development in that area because it will change the area which has been open and used for agriculture for many years. Mr. Butler stated he understands change is inevitable and that there will be some development in the area but does not feel that the proposed level of density is appropriate in that area. Mr. Butler asked Sam Drown (agent for the developer) several questions regarding the development: Mr. Butler asked if the developer has an easement for the sewer line.

Sam Drown stated Fieldstone Homes, LLC is working on gaining an easement for the development. Drown said they have several different options for the sewer system. One is to acquire an easement from Allen Patch. He said there is a tentative agreement, which needs to be reviewed and signed. Mr. Drown stated it will be done in the near future.

Mr. Butler indicated his opinion that Fieldstone Homes should work with the developers of Northstar Ranch to complete improvements to West Street from Main Street to the entrance to their development as recommended by the Planning Commission.

Mr. Butler stated that the Concept Plan includes only one area for open space and that he believes that it should be bigger.

Mr. Drown representing Fieldstone Homes Utah, LLC stated the Concept Plan was drafted based on the interpretation of the City's Planned Unit Development regulations (P.U.D.) He stated the developer, never intended a ½ acre lot subdivision. Mr. Drown stated on average the lots are more than a 1/3 acre and his opinion is that this does not make the proposal a high density subdivision. Mr. Drown stated that he had reviewed the P.U.D ordinance and looked at all the things the City is looking for in a Planned Unit Development. Mr. Drown indicated that the plan meets 7 criteria of the 12 items listed to create a P.U.D. Mr. Drown stated they understand that it is a process for them to come to the Council with a project and to receive feedback. Mr. Drown stated Fieldstone is open to suggestions. He stated the Concept Plan provides a park, a church site, a landscape buffer between the project and Mormon Trail and there is also a trail corridor that runs north to south through the project. They are also attempting to preserve the washes and drainage ways that traverse the property. Mr. Drown stated Fieldstone Homes is trying to meet the goals of the City with the P.U.D and they understand the City may want to provide other input for the design of the project. Mr. Drown stated that one of the reasons Fieldstone Homes would like to do a 1/3 acre lot project is for practical purposes. He said a subdivision with ½ acre lots are expensive to maintain. Fieldstone Homes would like to develop lots of a more reasonable size where most people could landscape and maintain them. In addition the development would be more affordable with the smaller lots. Fieldstone Homes is trying to have homes priced around the mid \$200,000.00 to \$300,000.00 range. Mr. Drown stated the City already has a good supply of ½ acre lots in the City. Mr. Drown stated that one of the other issues that they are considering is to plan for and accommodate possible flood water that could come across their property. He stated that other developments have interfered with the washes to the North of the development with Irrigation ditches and Fieldstone would like to correct those problems and eliminate flooding like what happened in the Little Reno area. Fieldstone Homes would like to resolve the water drainage problem.

Kelley Hansen representing Fieldstone Homes, LLC also spoke. He stated that he met Wayne Butler's father and Mr. Butler had plead with him to work with him to provide access to his property that was land locked. Mr. Hansen stated that they agreed to stub in a road to the Butler property as a result of the request. Mr. Hansen stated they want their project to be a great neighborhood for families. They also want to use the natural features of the land and provide a park and open spaces to take care of some of the drainage problems. He also stated that they wanted feedback from the Council. Mr. Hansen stated having big lots does not make great neighborhoods and that having lots that flow together will create warm neighborhoods that interconnect with horse and walking trails.

Mayor Anderson stated the City is well aware of the runoff issues. Mr. Hansen stated that they are working with the Soil Conservation District to plan for the detention of runoff above the project in order to slow down the water and only have a trickle released through the washes as they currently exist.

Betty Lou Williams stated that her property was changed from an A-10 zone for a minor subdivision. She stated she was told that she must apply for at least one acre zoning. She stated that Fieldstone Homes should not be allowed to have a greater density.

Jesse Butler addressed the Council. He stated that he also owns property that adjoins the Fieldstone Home property. He asked if they had submitted a concept plan different from the one that was presented to the Planning Commission. Councilman Castagno stated that the Planning Commission had received the same plan and had suggested several changes including lesser densities, but they wanted the City Council to also provide input prior to the developer amending the plan. Jesse Butler asked if the revised plan would be considered at another public hearing after the City had suggested changes. Mayor Anderson stated there wouldn't be another public hearing, but the matter would be on the agendas of both the Planning Commission and City Council and the revised plan would be available for review by the public at the City Offices.

Kirt Butler stated that he lives north of the proposed property. He stated he came to meetings for over a year to build a home on his father's property. He stated the process

wasn't easy. He stated that he feels the general opinion of the residents of Grantsville would be to maintain the City as a rural community. He doesn't think that the developer should be able to obtain increased densities through a P.U.D. and he doesn't think the lot sizes should be smaller than the current zone allows.

Mayor Anderson asked for further comment. No other comments were offered and the Mayor closed the public hearing at 7:25 p.m.

**c. Proposed amendment to the Sign Ordinance as follows:**

1. To clarify Section 20.5(2) to specify that certain prohibited signs may be allowed under other provisions of the ordinance, such as temporary signs:
2. To specify that most signs requiring City approval to be reviewed and approved by the Planning Commission:

Mayor Anderson opened the public hearing at 7:25 p.m. to receive comments on the proposed amendments to the sign ordinance. No comments were offered and the Mayor closed the public hearing at 7:28 p.m.

**d. Proposed General Plan Amendment to re-designate the land use categories of 8.42 acres located at approximately 597 West Clark Street from the current multiple designation as of "Medium Density Residential," "Low Density Residential" and "Commercial/Higher Density Residential, all to a "Commercial/Higher Density Residential land use category. Aces Development application:**

Mayor Anderson opened the public hearing at 7:28 pm to receive comments on the proposed General Plan Amendment.

Attorney Elton stated Aces Development came before the City Council for a public hearing for a zone change and the Planning Commission had recommended that the proposal be denied on the basis that it did not comply with the General Plan. Aces Development then applied for an amendment to the General Plan.

Tanner Scadden representing Aces Development spoke in favor of a General Plan Amendment. He stated that currently part of the land is zoned Commercial/Higher Density Residential and Aces Development is asking for their entire 8.42 acres to be redesignated to the Commercial/Higher Density Residential land use category. He stated that Aces Development would like to do a town home project on part of the property and that the other part of the property located near Little Reno subdivision be developed for a patio home retirement community. Mr. Scadden stated they would not sell the property after receiving the General Plan Amendment and the Zone change.

Councilman Castagno stated that the property is currently zoned R-1-21. Councilman Castagno stated the general plan lines are fuzzy. Councilman Butler stated that an apartment complex was approved near this property and that he would like the Council to consider this fact when making a decision. Councilman Rupp asked how many units Aces Development is planning on developing on the 8.42 acres. Mr. Scadden stated there would be approximately 18 to 20 patio units that would take up half of the land and on the other part they are looking at 2 to 3 units on an acre which would be about 8 to 10 units total.

Mayor Anderson asked for further comment. No other comments were offered and the Mayor closed the public hearing at 7:40 p.m.

**e. Proposed Minor Subdivision to create four lots at approximately 597 West Clark Street. Tanner Scadden application:**

Tanner Scadden spoke to the Council regarding the proposed Minor Subdivision. He stated he is requesting three buildable lots and the fourth lot is the remainder of the property. Councilman Castagno suggested the developer contact UDOT if they are planning on accessing Highway 138. Mr. Scadden stated he is planning on accessing the development from Main Street.

APPROVED

Mayor Anderson asked for further comment. No other comments were offered and the Mayor closed the public hearing at 7:43 p.m.

Mayor Anderson stated the Girl Scouts were present and would like to address the Council. One of the Girl Scouts spoke stating that for one of their badges called Law and Order they had to learn about the City. She stated they would like to thank the Council for the new intersection at SR 112 and Durfee Street. They think the intersection is great and that it made the area safer and would reduce car accidents. Mayor Anderson, thanked the Girl Scouts for attending and for complimenting the City on the new intersection.

Regular Meeting officially opened at 7: 45 p.m. by Mayor Anderson

**AGENDA:**

**APPROVAL OF MINUTES:**

Councilman Castagno made a motion to approve the minutes of the regular meeting of the Grantsville City Council held November 7, 2007 and November 19, 2007 as presented. Councilman Butler seconded the motion. All voted in favor and the motion carried.

**CONSIDERATION OF NEW BUSINESS LICENSES:**

Councilman Castagno stated Canton City is asking for an on premise consumption beer sales license. Attorney Elton stated the beer sales are also regulated by the State, but the business has to receive approval from the City first.

Councilman Marshall asked if BP Tactical, LLC was present . He was concerned at what type of shooting equipment was going to be fabricated. Councilman Marshall also wanted to know if the owner needed a Federal Fireman’s License. Councilman Marshall stated he would like to receive more information on this business before a license is approved. Councilman Castagno made a motion to table the business license for BP Tactical, LLC until the Council received further information. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

Councilman Marshall made a motion to approve business licenses for Rustic Falls, LLC, Never to Late Fitness, Anytime fitness and Canton City’s On Premises Beer Sales License. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

**CONSIDERATION OF RESOLUTIONS:**

**a. A resolution designating certain City positions as being eligible for exclusion from the Utah Public Employees Noncontributory Retirement System:**

Attorney Elton commented that State Law allows certain city officers and employees to opt out of the State retirement system, with approval of the City Council.

Councilman Butler made a motion to approve the proposed resolution designating certain City positions as being eligible for exclusion from the Utah Public Employees Noncontributory Retirement System. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

**CONSIDERATION OF ORDINANCES :**

**a. An ordinance amending the Affordable Housing Plan, which is part of the Comprehensive General Plan, by updating the Affordable Housing Needs Analysis:**

Attorney Elton stated the Affordable Housing Plan needs to be updated on a regular basis. The proposed amendment is an updated Affordable Housing Needs Analysis, which if approved would be included within the City’s Affordable Housing Plan.

Councilman Marshall made a motion to amend the Affordable Housing Plan Ordinance to include the updated Affordable Housing Needs Analysis. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

**b. An Ordinance Amending Chapter 8 (Elections) of the Grantsville City Code:**

Attorney Elton stated that during the election process questions were brought forward about the current City ordinances. The ordinances were based on Utah law and have not been updated for about 10 years. Attorney Elton stated that the proposed amendment to Chapter 8 will bring the City Code into compliance with current State law.

Councilman Castagno made a motion to approve the ordinance amending Chapter 8 (Elections). Councilman Butler seconded the motion. All voted in favor and the motion carried.

**c. An Ordinance Amending the Comprehensive General Plan by revising Chapter III of the Street Master Plan to reclassify Koester Street from a collector road status to a local street classification:**

Councilman Marshall made a motion to approve the ordinance amending the Comprehensive General Plan by revising Chapter III of the Street Master Plan to reclassify Koester Street and its extension to the east from a collector road status to a local road classification. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

**CONSIDERATION OF AMENDMENT TO THE NORTHSTAR RANCH PUD DEVELOPMENT AGREEMENT AND PHASE 1 PLAT:**

Mayor Anderson stated Craig Neeley, the City Engineer, had presented a recommendation to the Council to allow the developer to split phase one into two phases and require the developer to bond for the West Street rebuild as a part of the second phase of the previously approved first phase.

Travis Taylor representing Northstar Ranch spoke to the Council requesting an amendment to the Northstar Ranch P.U.D Agreement.

Councilman Castagno stated that if a bond were posted to improve West Street and the developer didn't complete the project, the City would be able to collect the bond and improve West Street with the proceeds. Travis Taylor stated that the bond would be \$100,000.00 and would be available to improve West Street if the developer didn't complete it.

Councilman Marshall stated that the City had negotiated in good faith to come up with the current development agreement and he has told numerous citizens that West Street would be completed during the summer of 2008. He stated the requested change to the development agreement was solely for the developer's benefit and that the City could be losing the benefits that it obtained in the development agreement.

Councilman Castagno stated that the City had already budgeted for construction work on West Street from Main Street to Cherry Street and next year from Cherry Street to Durfee Street and that the City would gain by the proposal in receiving the benefit of the construction drawings prepared by the developer.

Councilman Rupp stated what bothers him is that each party to the development agreement assumed some risks and that proposed amendment shifts more risk to the City. Councilman Rupp suggested that the developer go back to its investors to keep the project going as was originally planned.

Attorney Elton suggested that the developer work with the developers of Wells Crossing to come up with a joint plan to develop West Street.

Councilman Marshall made a motion to deny the requested division of phase one and to deny the request to amend the development agreement for Northstar Ranch. Councilman Butler seconded the motion. Councilman Castagno stated if the proposal is denied the City will only make minor repairs to West Street from Main Street to Cherry Street and the road needs to be completely rebuilt.

Councilmen Marshall, Butler and Rupp voted in favor of the motion. Councilman Castagno voted against the motion. The Motion carried.

**Consideration of purchase of real property located at 225 West Apple Street:**

Councilman Castagno made a motion to table the consideration of the purchase of property located at 225 West Apple Street. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

**Consideration of approval of concept plan for South Mountain Estates, which is a 45 lot subdivision located at 560 West Hale Street (Craig Hunt Application):**

Councilman Butler made a motion to table this item until a representative of the developer was present to answer the Council's questions. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

**Consideration of waiver of impact fees for the Grantsville High School's low income housing construction project:**

Chris Williams representing the school construction class was present and asked the City to waive the same fees that it had in the past. He stated the City has waived in the past all of the impact fees, but not the plan check and inspection fees, since this work was contracted out. Councilman Butler moved to waive all of the impact fees and plan check and inspection fees for the Grantsville High School low income housing project. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

**Consideration of salary step increases:**

Councilman Marshall made a motion to approve the proposed raises for Marcus Seat, Larry Bolinder, Randy Johnson, Brad Pace and Robin Hensley. Councilman Castagno seconded the motion and all voted in favor and the motion carried.

**Approval of bills:**

Councilman Castagno moved to approve the bills that were presented. Councilman Rupp seconded the motion and all voted in favor and the motion carried.

**COUNCIL INFORMATION UPDATES:**

Mayor Anderson stated that Mike Colson had given the City an estimate of \$100,000.00 to remodel the old clinic for a library and another \$34,000.00 to remodel the existing library space for the City to use. He indicated that the City could possibly build a new library for less. Mayor Anderson stated the School District is going to look into building a library for the City as a part of their construction class. Attorney Elton stated the project would probably need to be bid out to comply with City and State procurement laws. Attorney Elton stated the plans would also need to be prepared by an architect. Councilman Marshall stated that another option was to use the clinic for the City Police Department. Councilman Castagno stated that there may be legitimate security concerns to not have the police department near the City Justice Court and City offices. Attorney Elton indicated that he would research the issue of the City being required to bid out the construction of a library.

Mayor Anderson stated that the City is still working with MHTN architects on the space requirements for new City offices. He stated the projected floor space is in line with other City Offices with about the same population. Recorder Walker is working with the City Departments to cut if possible, projected office space. Once a final plan has been achieved, it will be brought to the City Council for review possibly in January 2008.

Mayor Anderson reported that he had attended meetings to consider a regional sewer plant that would serve Tooele County and Grantsville City among other areas. The feasibility of such a project is just being considered and he will report back as other information is generated.

Mayor Anderson stated that Mike Haycock (City Building Inspector) is proposing a contest for school children to design a new logo for the City. Councilman Rupp stated that he was in favor of the contest as long as the City had the right not to use the winning logo. The Council stated they would like to see the schools participate in the project.

Mayor Anderson indicated that the City's private attorney's wanted to meet with the Council in a closed meeting to discuss the Grantsville vs. Tooele lawsuit (Depot Closure litigation) and proposed a special meeting at 6:00 pm on December 19, 2008. Councilman Marshall voted to hold a special meeting on December 19, 2008 at 6:00 p.m. to discuss pending litigation. Castagno seconded the motion, all voted in favor and the motion carried.

APPROVED

Councilman Marshall stated his opinion that some of the City's Christmas decorations need to be replaced. He requested information on the Christmas budget and how much money would be available to purchase new decorations.

Councilman Marshall stated that the hydrants are still covered along the Quirk Street construction project. He also invited the City Council to attend the Fire Department Christmas party.

Councilman Butler stated Quirk Street is in the process of being accomplished. The signs and the marking of the road will be completed next spring. He also stated that the new sewer line extension has been completed and that business owners at the industrial park have asked the City for assistance to extend a city water line to the area.

Councilman Rupp stated that the maintenance department is prepared to install more piers and start framing at the Clark Farm in the next few weeks. He stated the City is looking for trusses, which will be installed next spring.

Councilman Castagno stated that the City sponsored Santa Parade was a success. The Firestation worked out well. He said it was nice to have all of the children in a warm building with no need to rush the children through the line. Councilman Castagno stated the Grantsville Business Alliance has sponsored a parade of trees. He stated that 8 or 9 businesses are donating trees and anyone can bid on the trees and that the proceeds will be donated to the Boys and Girls Club in Grantsville.

Attorney Elton stated that the City had received reimbursement from UDOT for the property that was used to reconstruct the Durfee Street and State Road 112 intersection.

Councilman Castagno stated with Quirk Street being paved the City should look into UDOT doing another traffic study for Main Street.

**ADJOURN:**

Councilman Marshall made a motion to adjourn the meeting. Councilman Rupp seconded the motion; all voted in favor and the meeting was adjourned at 9:00 p.m.

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Jeremy A. Walker  
Recorder

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C. Byron Anderson  
Mayor