

APPROVED

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD JANUARY 16, 2008 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UT 84029. THE MEETING BEGAN AT 7:00 P.M.

Mayor and Council Members Present: Mayor C. Byron Anderson; Council Members, Brent Marshall, Tom Tripp, Mike Johnson, Todd Castagno, and Paul Rupp arrived at 7:05 p.m.

Appointed Official and Employees Present: Attorney Ron Elton, Recorder Jeremy Walker, Treasurer Susan Gustin, and Records Administrator Rachel Wright.

Citizens and Guests Present: Thomas Wassman, Sunny Wassman, Mark Cox, Mike Alvarado, Mitch Fedoruk, Nadine Hunt, Craig Hunt, Alan Patch, Ed Burrola, Elaine Bunola, Dorothy Johnson, Loraine Boulden, Colleen Brunson, Brent Lovell, Tanner Scadden, Sam Drown, Kelley Hanson, and Lois Lovell.

The meeting was officially called to order at 7:00 p.m. by Mayor Anderson

AGENDA:

1. FIRE DEPARTMENT OFFICERS AND NEW MEMBERS APPROVAL:

Fire Chief Richard Broadbent reported that the Fire Department had elected new officers which included Richard Broadbent as Fire Chief, Ryan Marshall as First Assistant, Brett Anderson as Second Assistant, Neil Bell as Secretary, and Kent Liddiard to remain as the Fire Marshall.

Chief Broadbent also presented the following individuals as new members of the Fire Department: Chad Anderberg, Corey Kiddle, Rosalie Kiddle, Jesse Ellis, Bryce Hammond, Cody Cannon, and Vince Sooaemalelagi.

Motion: Councilman Johnson moved to approve the new officers and members of the Grantsville Fire Department as presented by Chief Broadbent. Councilman Marshall seconded the motion, all voted in favor and the motion carried.

Councilman Tripp asked how many members are currently in the Fire Department. Chief Broadbent stated they have 46 members and still have 4 open positions. Mayor Anderson asked if a rule limits the amount of members. Attorney Elton stated City Ordinances and bylaws state that the Fire Department can have 45 members and 5 officers for a total of 50 members.

2. APPOINTMENT OF PUBLIC OFFICERS AND JUSTICE COURT JUDGE:

Mayor Anderson nominated Jeremy Walker as the Grantsville City Recorder and Sue Gustin as the Grantsville City Treasurer for two year terms, and Mary Saxon as the City's Justice Court Judge for a four year term.

Motion: Councilman Castagno moved to approve the nominations as presented by Mayor Anderson. Councilman Rupp seconded the motion, all voted in favor and the motion carried.

3. APPROVAL OF MINUTES:

Councilman Marshall made a motion to amend the Minutes of the January 2, 2008 Grantsville City Minutes to state that Councilman Marshall instead of Councilman Butler invited the Mayor and Council to attend a dinner and Quarterly Meeting of the Utah State Firemen's Association and that "Councilman Marshall suggested that space be made available at the Clark Farm for storage of the City's Christmas materials and other seasonal items" rather than Councilman Butler.

Motion: Councilman Castagno made a motion to approve the minutes of the January 2, 2008 City Council meeting, as amended. Councilman Johnson seconded the motion, all voted in favor and the motion carried.

4. CONSIDERATION OF NEW BUSINESS LICENSES:

Eight Business License applications were presented to the Council for consideration, "Klassy Korner Floral", "Exclusive Appliance Installations, Inc.", "No Creek Transport", "Bart

Anderson”, “Lawrence Brothers Inc.”, “Searle Brothers Express, LLC”, “American Firearms Manufacturing”, and “ANR Distribution”.

Councilman Marshall asked Mitch Fedoruk of American Firearms Manufacturing what kind of weaponry they were going to manufacture. Mitch Fedoruk stated they are going to manufacture AR15, 1911 pistols and possibly shotguns in the future. He also stated they build custom bolt action rifles and that they do a lot of custom weaponry. Mr. Fedoruk stated they provide service for many law enforcement and military organizations. Councilman Marshall asked if they would have any explosive materials at their location. Mr. Fedoruk stated they do all of their testing at another location and that they would only keep minimal amounts of ammunition at their business site. He stated they only test fire ten rounds. Another business requesting a license that would be working with American Firearms Manufacturing was ANR Distribution. Michael Alvarado spoke stating that most of the things being done are c and c machinery. He stated he will be the distributor for American Firearm Manufacturing Co. Councilman Johnson asked to abstain from voting on these two items, since he has an interest in the building that is being leased to these applicants.

Motion: Councilman Castagno made a motion to approve the business license for “American Firearms Company,” and “ANR Distribution”. Councilman Marshall seconded the motion, Councilman Johnson abstained from the vote all others voted in favor and the motion carried.

Motion: Councilman Marshall moved to approve the business licenses for “Klassy Korner Floral”, “Exclusive Appliance Installations, Inc.”, “No Creek Transport”, “Bart Anderson”, “Lawrence Brothers Inc.”, and “Searle Brothers Express, LLC”. Councilman Rupp seconded the motion, all voted in favor and the motion carried.

5. CONSIDERATION OF ORDINANCES:

A. Proposed amendment to the Sign Ordinance as follows:

- a. **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:**
Attorney Elton stated that Planning and Zoning recommended an amendment to the existing ordinance by adding “except as otherwise permitted” to allow some signs such as temporary signs and to clarify an inconsistency in the regulations.

Motion: Councilman Castagno moved to approve ordinance number 2008-1, an ordinance amending Section 20.5(2) of the sign ordinance. Councilman Johnson seconded the motion, all voted in favor and the motion carried.

- b. **To specify that all signs requiring City approval be reviewed and approved by the Planning Commission:**
Attorney Elton stated that the Zoning Administrator under the current sign ordinance was able to approve some signs and other signs were to approved through the Planning Commission. Attorney Elton stated the Zoning Administrator could see that consistency was important, and she recommended that the Planning Commission should review all of the regulated signs to provide a uniform standard. Shauna Kertamus recommended that every section of the sign ordinance require the Planning Commission to approve all regulated signs. Mayor Anderson asked how much that would increase the workload of the Planning Commission. Attorney Elton stated until the Planning Commission formulates a uniform standard, it may take some time, but once they come to a consensus it will become less time consuming. Councilman Castagno stated the Planning Commission would like to see more monument signs to keep them on the ground and stay away from pole signs.

Motion: Councilman Johnson moved to approve Ordinance Number 2008-2 to specify that all signs requiring City approval, be reviewed and approved by the Planning Commission. Councilman Rupp seconded the motion, all voted in favor and the motion carried.

B. Proposed General Plan Amendment to re-designate the land use categories of 8.42 acres located at approximately 597 West Clark Street from its current multiple

designation 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:

Attorney Elton stated that the Council had conducted a public hearing in December 2007 on this item. Councilman Castagno stated the applicant’s property has three separate general plan designations. Councilman Castagno stated that Aces Development is asking to extend the “Commercial/Higher Density Residential” to cover all of the property they own. Councilman Marshall stated Aces Development is looking into developing patio homes and multi-residential units. Councilman Castagno stated that the request is to change the General Plan and to later ask for a zone change. Attorney Elton stated that the Planning Commission did not recommend approval of the requested change. Attorney Elton stated there is low density residential areas adjacent to the subject property and the adjoining property owners would like to maintain their low density residential neighborhood. Councilman Marshall stated he has received numerous comments from residents in the area that are not opposed to home construction, but they do not want high density housing in the area. They feel they have an interest in maintaining their neighborhood as a low density residential area. Councilman Marshall stated that he agreed with the neighbors and that there is a fair share of high density residential areas in the vicinity. Councilman Johnson stated that this area is also along the entrance to Grantsville and he does not want to see another high density residential development in this area.

Motion: Councilman Marshall made a motion to deny the request to amend the General Plan (Proposed Ordinance 2008-3) to re-designate the land use categories of 8.42 acres located at approximately 597 West Clark Street to a “Commercial/Higher Density Residential” designation. Councilman Rupp seconded the motion, all voted in favor and the motion carried.

6. PROPOSED MINOR SUBDIVISION TO CREATE FOUR LOTS AT APPROXIMATELY 597 WEST CLARK STREET. TANNER SCADDEN APPLICATION:

Attorney Elton stated the Planning Commission recommended approval of this application. Councilman Castagno stated the size of the lots meet the current zone.

Motion: Councilman Castagno made a motion to approve the minor subdivision for Tanner Scadden to create four lots at approximately 597 West Clark Street. Councilman Tripp seconded the motion, all voted in favor and the motion carried.

7. 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:

Attorney Elton stated the Planning Commission requested that the City Council provide input on the proposed concept plan before they gave final approval.

Sam Drown representing Fieldstone Homes Utah, L.L.C. spoke to the Council regarding the proposed concept plan. He stated the property is located along the Mormon Trail Road. He stated that the property is approximately 91 acres and has an R-1-21 zoning designation. He indicated because of some of the geographic restrictions and their desire to create a more affordable community, Fieldstone Homes has submitted an application under the City’s Planned Unit Development (PUD) regulations. Mr. Drown stated that the PUD regulations specifies 12 different reasons that a PUD could be considered and that Fieldstone Homes had met at least 6 or 7 of those criteria. Mr. Drown stated there are three main drainage washes coming into the property from the south. Fieldstone Homes would plan to handle a 100 year flood event, which would accommodate 36 cubic feet per second of water coming towards their property. They would retain the water on Soil Conservation property just south of their subdivision and slow it down to 5 cubic feet per second before it comes on to their property. Fieldstone would maintain the washes on their property as open space. Fieldstone Homes also does not want to create a grid type subdivision and they have designed their subdivision with curved streets. They also want to create a park and they want to put a landscape buffer along Mormon Trail road. They are proposing a 30 feet buffer along Mormon Trail road, which does not include the existing right of

away. Mr. Drown stated that they learned about the future Nygreen Street from the Planning Commission and that they will be dedicating one half of that road along the south side of their property which will include between 35 to 39 feet. He said they would also like to construct a trail system through the project including trails along the washes. Mr. Drown stated they would also provide a church site and will maintain the site until a church purchases the property. Councilman Marshall asked if a church does not purchase the property how would they feel about making a larger park. Mr. Drown stated that definitely would be a possibility and that if the site is not purchased by a church, Fieldstone Homes would come back to the Council for a recommendation on the use of that property. Mr. Drown stated that the lots will average more than one-third acre in size, with only approximately 15 lots that are in the one-fourth acre range. The plan would be to preserve the washes as open space and then provide a park with a connecting trail system. He stated that the lots sizes are large enough to still maintain a rural community with larger than average lots. Mr. Drown indicated that the average home would be around the 2,300 finished square feet range, costing in the mid \$200,000.00 and that the one-third acre lots will provide nice size lots, which are still affordable. The underlying zoning designation does not allow for the density requested and that to obtain the requested densities it will require a waiver under the PUD regulations. Mr. Drown cited the City Planner, Nicole Cline's staff report that the Fieldstone Homes Development's overall density is one single family dwelling per half acre.

Councilman Johnson asked if Fieldstone was going to install walking paths on the top of the washes. Mr. Drown stated they would work with the City on the design and location of the actual trails.

Councilman Castagno stated that in Nicole Cline's report she suggested extending street H and F to Nygreen Street. Mr. Drown stated they were amenable to locating stub streets to tie into Nygreen Street.

Councilman Johnson stated the proposed retention pond is on soil conservation property. Mr. Drown stated they are working with the Soil Conservation District to purchase an easement that will accommodate the retention pond. Councilman Castagno asked what they are looking at doing for the onsite water retention. Mr. Drown stated they will either take place on the lots or some many go into the washes and a retention basin.

Councilman Johnson asked who would maintain the retention ponds. Mr. Drown stated they would have a home owners association (HOA) that would maintain them. Mr. Drown stated that it is a benefit for Fieldstone to ensure maintenance of the retention ponds, because it will benefit everyone else downstream.

Councilman Castagno stated that from past experience the HOAs have maintained the washes in the past, but he feels the City needs to manage the washes and retention pond to make sure they are being maintained. Mr. Drown stated they would not have any individual owners responsible to maintain the retention basins and washes and he believes the HOA could do a good job.

Councilman Marshall stated that West Street, from the Northstar Ranch entrance going south is in need of improvement. He stated that with the use of heavy equipment with the development of the subdivision will cause more destruction of the road. Mayor Anderson and Attorney Elton stated engineering decisions regarding the impacts to the roads will be made in a later date and that Fieldstone will be asked to assist in upgrading the road, including the possibility of pay reimbursement fees to Northstar Ranch. Attorney Elton suggested that Fieldstone Homes contact the developers of Northstar Ranch about working with them on upgrading West Street. Councilman Johnson asked about the proposed walking path along Mormon Trail Road and West Street, and if Fieldstone Homes would be willing to participate in its construction. Mr. Drown stated they would be willing to participate.

Councilman Marshall stated that Fieldstone Homes needs to supply culinary and secondary water for their project. Mr. Drown stated they have adequate water rights to support the first phase and will be able to acquire additional rights for the remainder of the phases. Mr. Drown stated they have had discussions with the Irrigation Company to acquire additional water rights.

Councilman Marshall asked if the developer was aware of the limitations in the City's sewer capacity. Mr. Drown stated they are aware of the sewer situation.

Councilman Rupp stated he would like to see one-half acre lots in the development consistent with the underlying zone and not any one-fourth acre lots. Mr. Drown stated that is why they are asking for a PUD and lot size waivers. They are asking for the smaller lots because of economics and the open space and parks being offered. They would like to offer affordable housing with decent sized lots.

Councilman Marshall stated he is concerned for other property owners adjacent to the north being landlocked. He stated that the Planning Commission stated they were also concerned with property owners not being able to access their property. Councilman Marshall asked if the developer would consider locating a road along the north side of the subdivision to allow access to the Farrell Butler, Floyd Butler and Jesse Butler properties. Mr. Drown stated that it does not work from an engineering standpoint. Mr. Drown stated that if a road was stubbed to Jesse Butler's property it would not serve him because it would run down the middle of his property and he would not be able to put lots on both sides of the road. Councilman Marshall stated he understood that, but it would allow access to the Butlers' properties. Councilman Marshall suggested stubbing a road on the corner of Floyd Butler's and Jesse Butler's property. Councilman Marshall also suggested moving the stubbed road into Farrell Butler's property to the west, and it would give access to both of the Butlers' properties. Mr. Drown stated that if Fieldstone stubbed a road into Jesse Butler's property, that the Butlers would still need to build a road for access and he didn't think that it would be feasible for the Butlers. Councilman Marshall stated that Jesse Butler should still be given access into his property. Mr. Drown stated that it didn't make a difference if they stubbed a road at the location they currently have on the concept plan or move it to accommodate both Farrell Butler's and Jesse Butler's property. Councilman Marshall stated that they need both roads so they are not land locking anyone.

Councilman Castagno stated that looking at Nicole Cline's Staff Report that if someday Farrell Butler's property develops it would make sense to put the one stub street in to align with Nygreen Street. Councilman Castagno asked if the Hunt's (South Mountain Estates Subdivision) were aware of the Fieldstone stub street adjoining their property. Councilman Castagno stated that the Planning Commission deleted the stub street from the South Mountain Estates Subdivision to the Fieldstone subdivision. Craig Hunt stated that they could give up the stub for their property and put it in to Jesse Butler's property.

Attorney Elton stated that the big issue is the proposed density for the Fieldstone subdivision. The request for a PUD seeks a waiver of the densities and lot sizes allowed by the underlying zoning district. Attorney Elton stated that a PUD does allow the City to give exceptions to the zoning requirements for good cause. Attorney Elton stated that if the concept plan were approved, the next step would be for the developer to work on the details of the subdivision and it should include a development agreement with the City.

Councilman Marshall stated that the Concept Plan is showing 184 lots and the most the zone would allow is 140 lots. Mr. Drown stated that is correct if the proposal wasn't a PUD. Councilman Rupp agreed that the Chapter 12 of the Land Use Management and Development Code Chapter for a PUD does not limit the amount of density that may be requested by a developer, but it doesn't say the City has to allow the densities requested.

Councilman Johnson stated that he doesn't mind the proposed lot sizes as long as there is the open space.

Councilman Castagno stated he appreciated the changes Fieldstone Homes made after the Planning Commission meeting. Councilman Castagno indicated that he would like the developer to look into connecting their subdivision directly to the proposed Nygreen Street, because Nygreen is designated as a future collector road. Councilman Castagno also stated that he would also like to see the proposed stub street on the northeast side of the property be moved to give Jesse Butler an access into his property. Councilman Castagno also asked if Fieldstone Homes was in agreement with complying with Nicole Cline's eight recommendations for the subdivision. Mr. Drown stated they were in agreement with Cline's staff report

recommendations, with the exception of the recommendation that Fieldstone not be required to participate in the construction of a trail along West Street. Mr. Drown indicated that Fieldstone does agree to participate in the construction of a trail along Mormon Trail Road and West Street as suggested by Councilman Johnson.

Motion: Councilman Castagno made a motion to approve the proposed Concept Plan for the Wells Crossing Planned Unit Development with the following conditions and changes:

1. That new roads are stubbed from this subdivision onto the future Nygreen Street at lots 76 and 56.
2. To delete the proposed east road stub to the Hunt property and to install a new stub road to go north to the Jesse and Floyd Butler properties.
3. That the developer comply with Nicole Cline's staff report recommendations with the exception that the developer will participate in the construction of a trail along Mormon Trail Road and West Street.

Councilman Marshall seconded the motion.

Councilman Tripp stated he would like to allow the engineers to have some leeway in locating the stub streets onto Nygreen Street to meet the conditions on the ground. Councilman Tripp moved to amend the motion to add the word "approximately" to the lot locations for the stub streets that will front onto Nygreen Street. Councilman Castagno seconded the amended motion and all voted in favor of amending the motion.

The Mayor then called for a vote on the motion as amended and Councilman Castagno, Councilman Marshall, Councilman Johnson, and Councilman Tripp voted in favor of the motion and Councilman Rupp voted against the motion. The motion carried.

8. 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):

Alan Patch and Craig Hunt representing South Mountain Estates were present. Councilman Castagno asked if Nygreen Street is adjacent to the south boundary of their property. Mr. Hunt stated that Nygreen Street does not adjoin this proposed subdivision and would be directly south of the Justin Linares property, which is also south of this subdivision.

Mayor Anderson asked if the subdivision would be phased. Mr. Hunt stated there is only one phase.

Councilman Castagno stated that the Planning Commission recommended approval of this Concept Plan. Councilman Castagno asked about the sewer easement. Mr. Hunt stated that they are placing the sewer easement between Lots 4 and 5 to align with Fieldstone Homes Lot 45 and 46. Mr. Hunt also stated that they will install a walking path between this subdivision and the Wells Crossing PUD. Mr. Hunt stated they will have a retention pond across from the north entrance, which will be landscaped.

Councilman Johnson asked if the developer was willing to assist in the improvement of Hale Street. Councilman Tripp stated that the homeowners of this subdivision will be using Hale Street and will be placing a significant impact on Hale Street, which was not constructed to handle the capacity that this and other developments will be placing on it. Attorney Elton suggested receiving input from the Public Works Director and the City Engineer to verify the impacts and to determine what contributions for a street upgrade should be assessed to this developer. Attorney Elton suggested that if the Council approved the concept plan they should require the developer to contribute to the impacts that this subdivision will have on Hale Street as determined by the City Engineer. Mr. Patch stated that they wouldn't have a problem with participating in the upgrade of Hale Street by the City's exaction of some type of impact fee per lot for use on Hale Street.

Councilman Johnson asked about the size of the lots. Mr. Hunt stated the lots are all one-half acre or larger. Mr. Hunt stated that Nicole Cline noticed a few of the lots were a little smaller than one-half acre that is required by the zoning district. Mr. Hunt stated they will adjust the size of the lots during the preliminary plat phase to make sure all of the lots are one-half acre or larger.

Councilman Castagno stated his opinion that this subdivision is well laid out. Councilman Castagno asked if the developer will install drainage swales or curb. Mr. Hunt stated they are planning on drainage swales.

Councilman Rupp stated he liked the size of the roads. Councilman Marshall questioned whether or not the streets corners as designed would meet a radius requirement of at least 90 feet for fire trucks. He requested that the City Engineer review the design to see if it meets the City's street and fire code requirements.

Motion: Councilman Johnson made a motion to approve the Concept Plan for the South Mountain Estates Subdivision, with a requirement that the developer participate in the upgrade of Hale Street as determined appropriate by the City Engineer, that the trails comply with City standards or as deemed appropriate by City Staff and that the streets meet City standards. Councilman Castagno seconded the motion, all voted in favor and the motion carried.

9. CONSIDERATION OF SALARY STEP INCREASES:

No salary step increases were presented.

10. APPROVAL OF BILLS:

Councilman Tripp suggested that staff print an invoice register on the Friday before Council Meeting so the Council has a chance to review the bills in more detail with a separate list of the added bills to be presented later.

Motion: Councilman Marshall made a motion to approve the payment of the bills dated January 16, 2008 in the sum of \$360,658.99. Councilman Rupp seconded the motion, all voted in favor and the motion carried.

11. COUNCIL INFORMATION UPDATES:

Attorney Elton stated that the Council could consolidate routine agenda items to save time at the meetings. Attorney Elton stated that if the Council had a question about a certain item on the summary action agenda item, that it could be pulled and discussed individually.

Mayor Anderson stated he will try to have the City Council Agenda finalized by the Wednesday before the meeting and have the information packets available by the Friday before the meeting. Mayor Anderson stated that he anticipates that urgent items may come up and he will need to add them to the agenda as necessary, but that he would like to keep City Council meetings to be around two hours in duration because after two hours mistakes start to happen.

Councilman Rupp stated his only concern with consolidating the agenda is that the Council should be sure to review and understand each agenda item and not to get sloppy. Mayor Anderson stated that he would like the Council to try a summary action calendar to see how it would work. The members of the Council agreed to try consolidating routine agenda items to allow more time for deliberation on other important issues.

Councilman Castagno asked what type of items manual checks are being issued for. Recorder Walker stated that the use of manual checks is very limited and are only written for payroll related items and other emergency bills.

Councilman Marshall suggested having the City Planner and the City Engineer attend the City Council meetings.

Councilman Rupp stated he is doing research on Walnut trees and he is looking into selling the Walnut trees at the Clark Farm.

Councilman Castagno stated that next Wednesday, January 24, 2008 the Grantsville Business Alliance will be having an open forum to discuss ideas from local businesses to promote economic development activities in the City. Councilman Castagno asked about the progress of the new proposed sewer. Mayor Anderson stated the City Engineer is finalizing the preliminary plans and he will ask the engineer about the current status of these plans. Councilman Castagno asked about the status of the annexation study that the City had contracted for. Mayor Anderson

APPROVED

stated the consultant is still working on it and he will ask the consultant to give the Council an update. Councilman Castagno also inquired about the Willow Street sidewalk project. Recorder Walker stated that the City will not receive the grant money until the City incurs an expenditure. Mr. Walker stated he will get with the City Engineer Craig Neeley to make sure the project is taken care of.

12. ADJOURN:

Motion: Councilman Rupp made a motion to adjourn the meeting. The motion was seconded by Councilman Marshall, all voted in favor and the motion carried. The meeting was adjourned by Mayor Anderson at 9:15 p.m.

Jeremy A. Walker
Recorder

C. Byron Anderson
Mayor