

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON FEBRUARY 6, 2008 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. 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 and Paul Rupp.

Appointed Officers and Employees Present: Attorney Ron Elton, Recorder Jeremy Walker, Records Administrator Rachel Wright, and Public Works Director Joel Kertamus

Citizens and Guests Present: Doug Radunich, Tony Gonzalez, Troy Johansen, Michelle Johansen, Bernice Castagno, Rebecca Price, Pat Price, Dominique Goodsell, Jeff Goodsell, Nathan Wood, Breck Russell, Kim Russell, Julian Manzanares, Karen Manzanares, Colleen Brunson, Welles Cannon, Ron Richards, Carol Haddock, Vern Loveless, Troy Peterson, Jeff Nell, Trudy Wilson,

Mayor Anderson called the meeting to order at 7:00 p.m.

PUBLIC HEARINGS:

A. Proposal to close off the north end of 800 East Street at its intersection with State Road 112.

Vern Loveless stated that he owns two parcels of property that could be significantly affected by the proposed closure of 800 East Street. Mr. Loveless stated the proposed closure has no demonstrated practical need. He stated that accident surveys do not indicate that the intersection presents any significant safety hazard. He said the current observed hazards such as speeding, poor visibility and high traffic count can be addressed by other means. He stated that since there is not a detailed plan showing how the road would be closed, he is unable to make appropriate comment. He said that a plan needs to be prepared showing how the road would actually be terminated and showing property lines and the rights of way for both Highway 112 and for 800 East. Only when such a plan was prepared could he address how it would affect his frontage and access. He stated the closure plan should be designed to the same standards that the City asks of developers. He stated the City should have a plan that preserves property rights. Mr. Loveless said that any closure plan should end in a cul de sac with the appropriate radius for emergency vehicles. He stated the design should be reviewed and approved by UDOT. Mr. Loveless indicated that he had prepared a map of the adjoining properties and he does not see any practical solution without affecting the frontage and access to at least five developed parcels. Mr. Loveless presented his map to the council. He stated that if the closure is done improperly there is a potential of land locking two of the parcels. He stated the real challenge comes in the wedge shaped parcel at the north end of 800 East. Mr. Loveless stated that if the City closes 800 East Street with a cul de sac, that the City could take everything north of the cul de sac. He stated that if the City's plan is to just throw up some jersey barriers, he is firmly opposed to any closure.

Troy Peterson a traffic engineer with UDOT, presented UDOT's position. He stated that UDOT is in support of the closure of 800 East if it is properly designed. He indicated that the angle of the current intersection makes it unsafe. He also indicated that reconstructing the intersection to a 90 degree angle would be problematic. He stated that it was too close to the Durfee Street/ State Road 112 intersection. Mr. Peterson said that UDOT would be in support of a cul de sac at the north end of 800 East. Mr. Peterson also indicated that a northbound closure of traffic from 800 East Street onto State Road 112 could be possible and only allow south bound traffic to exit off of State Road 112 onto 800 East Street. He stated that UDOT would prefer a total closure of the north end of 800 East.

Troy Johansen, a resident who lives on Durfee Street near 800 East, addressed the council. He stated that he has lived there for 13 years. He believed that the north end of 800 East was not a dangerous intersection. He stated that he was only aware of two accidents at that intersection and the intersection design was not the cause of the accidents. He said the UDOT comprehensive safety plan identifies areas where crash trends are significant and this intersection has not been identified as a dangerous

intersection like Durfee Street was. He said 800 East Street serves as an emergency access if Durfee Street is closed at its intersection with State Road 112. He also stated that three school buses use 800 East every day, since they do not like to make the sharp right hand turn onto Durfee Street from State Road 112.

Jeff Nell a resident on Durfee Street just off of 800 East, spoke against the closure. He said he uses the road regularly and would like the road to be kept open.

Breck Russell stated that he has lived on 800 East since 1982. He was concerned about the excessive speed of motorists who exit off of State Road 112 onto 800 East. He stated that he wanted to commend UDOT and Tooele County on their work in cooperating with property owners in the County. Mr. Russell indicated that he was in favor of the road closure.

Pat Price a resident on 800 East Street spoke in favor of the proposed closure. He indicated that the intersection is dangerous. He is also concerned about the high rates of speed of motorists using this street.

Nathan Wood addressed the council. He stated that he resides on Durfee Street between 800 East and Highway 112. He was in favor of keeping 800 East open. He said if this street was closed that it would put more traffic on the other City streets. He stated that he had contacted the Grantsville Police Department concerning the number of reported accidents at the north end of 800 East. He was informed that there was one property damage accident in 2000 and during 2007 there was one personal injury accident. He stated that he contacted UDOT and was advised that there was only one accident reported in 2003 and one in 2004 and both were property damage only accidents.

Joel Kertamus stated that the City had an informal agreement with UDOT to close 800 East Street when the Durfee intersection was completed. He stated that the intersection is dangerous because of the geometry. He said that anyone who has driven this road and has attempted to go north onto State Road 112 recognizes the poor visibility that the intersection affords. He gave his opinion, that as traffic increases that accidents will also increase at this intersection as a result of its poor design. He stated that it only takes an additional ten seconds to travel to the south entrance of 800 East using State Road 112 and Durfee Street as compared to going south on 800 East. He stated that in a worst case scenario coming around Durfee Street up to 800 East to Ed Lemmon's property takes only an additional minute to travel. Mr. Kertamus indicated that placing speed bumps along 800 East to slow down traffic is a problem. He stated that speed bumps increases traffic noise and the drivers of emergency vehicles do not like to traverse speed bumps. He stated that making 800 East a one way street only going south is a possible solution, but that it would not address the speeding problem.

Kim Russell a resident on 800 East voiced her opinion that 800 East should be closed as proposed. She was concerned with the speed of motorists coming onto 800 East from State Road 112. She said there are children in the area and his is concerned for their safety. She indicated that the Council should give more weight to those that live on 800 East than others who merely use it as a shortcut.

Trudy Wilson spoke in favor of closing 800 East. She said the council should accept the comments of the experts who say the intersection is not safe. She stated that just because there has not been a lot of accidents at this intersection does not mean that it is safe. She indicated that it does not take very long to take other routes to access Durfee Street. She said her biggest concern is the speed of vehicles including big trucks that exit off of State Road 112 onto 800 East. She said that none of the busses that use 800 East pick up students on 800 East. She stated that she believes that there is only one person who lives on 800 East that is against the closure and that the other seven families would like to see it closed.

Mayor Anderson stated that he would like to see a detailed plan for the closure of 800 East Street that would be prepared by the City in cooperation with UDOT.

Joel Kertamus stated that he did not want to do the design work until the Council had received public input and expressed their desires.

This hearing was closed at 7:50 p.m.

- B. Proposed amendments to the General Plan to adopt land use designations for all newly annexed properties including: Worthington Ranch Annexation of 187 acres to be designated as a Rural Residential – 1 category; Johnson Cattle Company Annexation of 145.64 acres to designated as Commercial/Higher Density Residential and Rural Residential – 2 category, and DBC Enterprises, LLC Annexation (Anderson Ranch) of 14.948 acres to be designated as a Low Density Residential category.**

Mayor Anderson opened the public hearing at 7:51 p.m. to receive comments on the proposed General Plan amendments. No comments were offered and the Mayor closed the public hearing at 7:52 p.m.

- C. Proposed amendment to Chapter 15 to allow property to be rezoned to RM-7 and R-1-8 zoning designations as specified in Sections 15.3 and 15.4 of the Land Use Code.**

Mayor Anderson opened the public hearing at 7:53 p.m. to receive comments on the proposed amendment to Chapter 15. No comments were offered and the Mayor closed the public hearing at 7:54 p.m.

- D. Proposed amendment to Chapter 12 (Planned Unit Development Regulations) to limit the total number of residential units or lots, to what is allowed by the underlying zoning district in which a PUD development is proposed.**

Mayor Anderson opened the public hearing at 7:55 p.m. to receive comments on the proposed amendment to Chapter 12. No comments were offered and the Mayor closed the public hearing at 7:55 p.m.

- E. Proposed zoning map amendment for Ron Richards at 401 South Worthington Street to reclassify approximately 9 acres from an A-10 zone to a R-1-21 zone.**

Mayor Anderson opened the public hearing at 7:56 p.m. to receive comments on the proposed rezone for Ron Richards. No comments were offered and the Mayor closed the public hearing at 7:56 p.m.

- F. Proposed rezone for L&S Builders and Developers on the north side of Old Lincoln Highway to reclassify 165 acres from an A-10 zone to a RR-2.5 zone.**

Mayor Anderson opened the public hearing at 7:57 p.m. to receive comments on the proposed rezone for L&S Builders and Developers to reclassify 165 acres from an A-10 zone to a RR-2.5 zone. No comments were offered and the Mayor closed the public hearing at 7:57 p.m.

- G. Proposed subdivision concept plan for L&S Builders and Developers along Old Lincoln Highway to create a 43 lot subdivision (Worthington Ranch).**

Mayor Anderson opened the public hearing at 7:57 p.m. to receive comments on the proposed concept plan for L&S Builders and Developers. No comments were offered and the Mayor closed the public hearing at 7:58 p.m.

- H. Proposed concept plan for James Black at 269 South Park Street to create a 2 lot subdivision (Elk Horn).**

Mayor Anderson opened the public hearing at 7:58 p.m. to receive comments on the proposed concept plan for James Black. No comments were offered and the Mayor closed the public hearing at 7:59 p.m.

The regular meeting was officially called to order at 7:59 p.m. by Mayor Anderson

AGENDA:

1. **Summary Action Items:** Mayor Anderson asked if any of the Council members wanted to pull any specific item for separate consideration. Council members requested that the bills and the business license for Premier Excavating and Construction be pulled from the Summary Action Items.

Motion: Councilman Tripp made a motion to approve the consent calendar with the exception of the bills and the business license for Premier Excavating and Construction. Councilman Johnson seconded the motion, all voted in favor and the motion carried. The items approved under the summary action item are as follows:

- a. Approval of the minutes of the City Council Meeting held on January 16, 2008;
- b. Approval of business licenses for Executive Lawn Care, Dan Dansie DDS, PC, BaCD Sales and Aurochs Machine.
- c. Approval of salary step increases for Grantsville City Employees Jeremy Kirschman to go from a Grade 10 Step 3 to a Grade 10 Step 4 and Dan Chamberlain to receive a longevity increase of 3%.

Councilman Tripp asked to receive more information about the business license for “Premier Excavating and Construction, LLC” as it related to its construction equipment being stored in a residential area and how noise issues had been addressed.

Motion: Councilman Tripp made a motion to table the business license application for “Premier Excavations and Construction, LLC” in order to receive additional information. Councilman Rupp seconded the motion, all voted in favor and the motion carried.

Councilman Marshall asked to view the bill from Noland and Sons. Recorder Walker stated the bill was for the Burmester Sewer Line extension. He stated that the funding was coming out of the Sewer Capital Improvement fund. Councilman Marshall asked if the payment of this bill would complete the project. Recorder Walker stated that the project had been completed. Councilman Johnson asked what the bill to Tooele County regarding the elections entailed. Recorder Walker stated that Tooele County handles all of the elections so the bill was payment for their services. Councilman Tripp noticed a bill to Office Depot for filing cabinets. He suggested that City staff consider Office Essentials as a source for the inexpensive office furniture. Councilman Tripp asked about the bill from SKM. Recorder Walker stated it was for computers for the sewer system.

Motion: Councilman Marshall made a motion to approve the payment of the bills dated February 5, 2008 in the sum of \$319,159.82. Councilman Rupp seconded the motion, all voted in favor and the motion carried.

2. **Consideration of change of name of streets in Blake Mountain View Estates Subdivision.**

Tony Gonzalez representing L& S Builders, spoke to the Council regarding a proposed name change for three streets in the Blake Mountain View Estates, Phase 3 Subdivision. Mr. Gonzalez stated he would like to change the names for marketing reasons. Mr. Gonzalez stated he did not change Katresha Street because someone already lives on that street and they did not want it to be changed. Attorney Elton stated that Mr. Gonzalez will need to bring an amended plat to City Hall to receive the needed signatures to have the plat amended if the request is approved by the City Council.

Motion: Councilman Johnson made a motion to accept the requested street name changes to the Blake Mountain View Estates, Phase 3 subdivision plat with the following changes; Alandia Street to become Honey Tree Lane, Janeece Street to become High Pasture Way, and Jarrell Street to become Mountain Meadow Drive. Councilman Tripp seconded the motion, all voted in favor and the motion carried.

3. Request for extension to record the a subdivision plat for the Mountain View Manor Subdivision.

Attorney Elton stated that the Wild West Ventures, LLC has requested an extension to record the subdivision plat for the Mountain View Manor Subdivision that had been previously approved by the City. The developer cited plat issues that had been raised by the County Surveyor and Recorder that needed to be resolved prior to recording. Attorney Elton stated that Section 21.4.2 of the Land Use Code requires a plat to be recorded within ninety days of approval. Attorney Elton stated the request is for a six month extension to record the final plat for the Mountain View Manor Subdivision.

Motion: Councilman Rupp made a motion to grant the developers of Mountain View Subdivision a six month extension to record their subdivision plat. Councilman Johnson seconded the motion, Councilman Tripp abstained from the vote all others voted in favor and the motion carried.

4. Review of proposed revisions to Grantsville City Code (Title-1 General Provisions, Title 2- Administration and Personnel and Title 3- City Records Access and Management).

Attorney Elton stated that he is revising the Grantsville City Code to bring it up to date and to be in compliance with Utah law. He stated that the proposed Titles 1 and Title 2 include a complete rewrite and that Title 3 includes the existing Chapter on City Records, but is renumbered. Attorney Elton asked for comment on the proposed Titles before they were put on an agenda for final consideration. Councilman Marshall stated that he has reviewed the ordinances and did not see any problems with the revisions. Attorney Elton asked that these items be placed on a future agenda for adoption.

5. Consideration of option to renew Clark Farm Ground Lease.

Attorney Elton stated the current ground lease is for one year with options to renew at the discretion of the City Council. If the Council approved the option to renew it could also request an increase in the rental amount which is currently \$500.00. Councilman Marshall stated that he thought the original lease was for five years in order to allow the Lessee to maximize his investment to grow hay. Attorney Elton stated the lease is for one year with the option to renew for three subsequent years. Councilman Tripp stated he feels the farm should be put to productive use until such time as the City needs the land for other purposes.

Motion: Councilman Johnson made a motion to offer to renew the Clark Farm Lease Agreement with Ryan Marshall for one additional year and with the same rent as the first year. Councilman Tripp seconded the motion, Councilman Marshall abstained from the vote and the other members voted in favor of the motion and it carried.

6. Approval of a new job description for a Clerk 1 position.

Recorder Walker stated he would like to change the job description of the Clerk 1 position from a full-time to two part-time permanent positions, with no benefits. He stated the change would be made in order that each part time employee could cover for the other when leave was taken and other staff members would not need to be used cover for this position.

Motion: Councilman Marshall made a motion to approve the new job description for the Clerk 1 part time permanent position, with no benefits and to authorize the Mayor to hire two new employees to fill these positions. Councilman Johnson seconded the motion, all voted in favor and the motion carried.

7. Approval of an Employee Fitness Program.

Records Administrator Wright asked the council to consider approving the proposed employee fitness program by paying for the full annual membership for city employees and one-half of the cost for an employee workout companion at the new Anytime Fitness facility in Grantsville. She stated that she was a member of the City's fitness committee

and they had been looking into possible solutions for the city fitness program. The proposal would avoid the liabilities of maintaining the workout area at the old City Hall as well as having a new facility that the City would not need to maintain. She stated that she had 22 employees interested in participating as well as 15 workout companions. She stated the fitness committee recommended that employees and the workout companion be required to use the facility 52 times a year and pay for their key card. If the employee or companion failed to comply with this standard, then they would not be allowed to participate in the program the following year.

Motion: Councilman Rupp made a motion to approve the fitness plan as proposed and to cap the total expenditure to \$10,000.00 this budget year, which was the amount budgeted for new fitness equipment for this fiscal year. Councilman Marshall seconded the motion, all voted in favor and the motion carried.

8. Approval of Public Defender Contract

Mayor Anderson stated that Joe Cartwright, Jacob Linares, and Gary Buhler had submitted proposals for the City's Public Defender Contract. Mayor Anderson stated that Mr. Linares' bid for \$500.00 per month was less than half the bids of the other two attorneys. Mayor Anderson stated that he wanted to propose Jacob Linares for the City's public defender contract. Attorney Elton stated he would also propose that the Mayor be authorized to hire a separate attorney when Mr. Linares had a conflict of interest and could not represent an indigent defendant. Scott Broadhead and Doug Hogan have previously served as conflicts attorneys for Grantsville, but they are now prosecutors and cannot represent defendants.

Motion: Councilman Marshall made a motion to approve Jacob Linares as the City's Public Defender, to authorize the Mayor to enter a contract with Mr. Linares for the monthly sum of \$500.00 and to authorize the Mayor to contract on a case by case basis for a conflicts of interest public defender when the need arises. Councilman Johnson seconded the motion, all voted in favor and the motion carried.

9. Council information updates

Mayor Anderson gave the Council an update on the a proposed regional sewer plant. He stated it appears there is some interest in the project with governments in Tooele Valley including Tooele City and Lakepoint. He stated that when he receives more information he will bring it to the Council.

Councilman Tripp stated he would like to explore City impact fees for streets. Attorney Elton suggested a meeting with the Craig Neeley the City's Engineer to review the issues associated with street impact fees. Mayor Anderson stated he would look into setting up a meeting with Craig Neeley to speak to the Council about street impact fees. Councilman Tripp suggested making an impact fee on targeted areas to meet the transportation issues associated with those areas.

Attorney Elton stated that the Third District Court had scheduled oral argument for the Pacific West Communities vs. Grantsville City lawsuit on February 22, 2008 at 10:00 a.m. in Tooele. He invited the Mayor and Council to attend. Mr. Elton indicated that this lawsuit was concerning the City's refusal to allow Pacific West Communities to finish the Country Haven Condominium Project under a new development plan that was different from the plan that was originally approved. Both sides have filed Motions for Summary Judgment and the hearing could resolve this case.

APPROVED

10. Adjourn:

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

Jeremy A. Walker
Recorder

C. Byron Anderson
Mayor