

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON MARCH 19, 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 Todd Castagno. Council Member Paul Rupp was excused.

Appointed Officers and Employees Present: Attorney Ron Elton, Recorder Jeremy Walker, Records Administrator Rachel Wright, and City Engineer Craig Neeley

Citizens and Guests Present: Preston Miller, Shelly Whear, Colleen Brunson, Mike Colson, Elaine Hone, Craig Moore, Mike Warr, Jeff Fisher, Scott Putnam, Bryan Miller, Steve Miller, Greg Miner, Angela Grant, and Janet Paulich.

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

AGENDA:

1. Summary Action Items: Mayor Anderson asked if any of the Council Members would like to pull any specific item for separate consideration. Council Members requested that the “Utah Express, LLC” and the “J&S Transportation” business license applications be pulled from the Summary Action Items.

Motion: Councilman Marshall made a motion to approve the consent calendar with the exception of the “Utah Express, LLC” and “J&S Transportation” business license applications. Councilman Castagno seconded the motion, all others voted in favor and the motion carried. The items approved under the summary action agenda item are as follows:

- a. Approval of Minutes of the City Council held March 5, 2008
- b. Approval of Business Licenses for “Tooele County Showcase of Homes”, “Big Stick Welding”, “Craig’s Crates”, “T&C Window Cleaning, Inc.”, and “Silver Reef Electric, Inc”.
- c. Approval of Bills dated March 19, 2008 in the sum of \$81,661.80.00.

Councilman Marshall requested information from the applicant for the business license “Utah Express, LLC”. Councilman Marshall asked what would be stored in the trailers being used for the business. Shelly Whear (applicant) stated that the trailers will be empty unless they parked on a short term basis with a load in transit. Ms. Whear stated they will not be storing any hazardous materials, bulk fuel, or oil. Ms. Whear stated that majority of the products being transported are refrigerated items.

Motion: Councilman Marshall made a motion to approve the business license for “Utah Express, LLC”. Councilman Castagno seconded the motion, all others voted in favor and the motion carried.

Councilman Marshall requested information from the applicant for the business license “J&S Transportation”. Councilman Castagno stated that one of the applicants is a truck driver that was asking permission to park his truck overnight and on the weekends at his property. Councilman Marshall stated he is concerned whether flammable or hazardous materials will be stored.

Motion: Councilman Marshall made a motion to table the business license request for “J&S Transportation” in order to receive further information. Councilman Tripp seconded the motion, all voted in favor and the motion carried.

2. Consideration of minor subdivision for Linda Christensen & Sharon Bottleberghe to divide one lot into two at 315 East Main Street:

Councilman Castagno stated that applicants for the minor subdivision for Linda Christensen and Sharon Bottleberghe met all of the City Engineer’s and City Planner’s concerns. He stated the Planning Commission was in favor of this minor subdivision.

Motion: Councilman Johnson made a motion to approve the minor subdivision for Linda Christensen and Sharon Bottleberghe. Councilman Castagno seconded the motion, all voted in favor and the motion carried.

3. Report from City Engineer:

Craig Neeley, the City Engineer addressed the Mayor and Council regarding the recovery right ordinance and pending requests for recovery rights. He stated he was asked to give his professional opinion about the recovery rights ordinance, whether or not the current ordinance needs to be changed or meets the current needs of the City based on some of the changes that have occurred both as a

result of the impact fee structure and the way the City treats development. Mr. Neeley presented a handout outlining what some other Cities around the State are doing. He stated that many cities do not have a recovery rights ordinance because they are very difficult to administer. He stated recovery rights are difficult to track and there are other options to take care of upgrades with the existing impact fee structure that is in place. Salt Lake City has a policy that if a developer needs to install or upgrade a line through a project, the City will make an agreement for 10 to 15 years for the contractor to recover any funds for future developments using main line or upgraded improvements. However, if developer needs to install a line per state or city minimum sizing for the development, the city will not extend any option for expense recovery. Mr. Neeley indicated this is a common theme among cities. There is a minimum standard by the Division of Drinking Water requirement for a water main of 8 inches. Mr. Neeley stated that pioneering developers should bear the cost of water mains with 8 inch diameter lines, because it was required by State drinking water standards. He stated the same issue applies when the Division of Water Quality requires 8 inch sewer mains as a minimum and if a developer is required to extend an 8 inch sewer main there should not be any avenue of recovery for installation of the minimum standard pipe. He stated he would also like to propose that the same rationale extend to the new roads that would comply with the minimum standard for 24 feet of asphalt which is the minimum required for public safety access and safe ingress and egress. If a developer needs to extend a road up to a development then the City should require 24 feet minimum pavement. If a road is extended to the property and road is improved adjacent to the property as required, then the developer should not have any avenue for recovery rights to install the minimum standard. As developers came along and started developing along the 24' wide road they would go in and fill in the additional curb, gutter, sidewalk and improvements necessary to meet the city standard. He stated he thinks this approach would eliminate the need to allow recovery rights since it should be the responsibility of the pioneering developer.

Mr. Neeley stated he would also like to propose a road impact fee that would recover targeted fees for collector roads that would give the City a mechanism to fully complete sections of needed roads. A developer would take care of their required share, (24 feet) and the City could take care of the additional road upgrades and recover the costs with a road impact fee.

Mr. Neeley indicated if the City did not repeal the recovery rights ordinance he thinks the City should at least require minimum standards to be identified in the development code, which would eliminate a number of small claims or requests for recovery rights that are not warranted.

Mayor Anderson asked how the City would need to adjust the current impact fees and how long would it take for a road impact fee to be adopted. Mr. Neeley stated the individual he would like to use has to conduct an accessibility study, which would create a traffic count and capacity analysis for collector roads and any other roads the Council would like to include. Once this study was conducted, a capital facilities plan would then need to be adopted, which would formulate the basis for impact fees.

The Council members all indicated that they would like to consider repealing the current recovery right ordinance and have it placed on an agenda as soon as possible.

Councilman Castagno stated he would like Mr. Neeley to work on a request for proposals and scope of work for a traffic study to start the process of adopting road impact fees. Mr. Neeley stated he will start working on the process to eventually adopt a road impact fee.

4. Discussion of amendment to Clark Farm Lease Agreement with Karma's Kiddie Korner:

Attorney Elton stated that Councilman Rupp had requested this item to be placed on the agenda. He stated that the current agreement terminates in June 2008 and will continue on a month to month basis thereafter unless terminated. He stated that Councilman Rupp was going to propose a renewal of the contract with Karma's Kiddie Korner for their preschool. Councilman Marshall stated the owners of Karma's Kiddie Korner have done a lot of work on the building. He stated they maintain the building in the summertime and he likes the idea of having someone using and maintaining the building. Mayor Anderson suggested tabling this item until the Council can receive further information from Councilman Paul Rupp.

5. Consideration of Ordinance No. 2008-13 amending the General Plan for Patrick Hearty to redesignate 16.5 acres at approximately 600 North Cooley Street from a "Rural Residential-2" to a "Rural Residential-1" designation:

Patrick Hearty was present. Councilman Castagno asked Mr. Hearty how long the property belonged to his family. Mr. Hearty stated since 1938. He stated he would like to keep the property intact as long as possible because it has been in his family since 1938. Attorney Elton stated the Planning Commission recommended the General Plan change with a deed restriction which would prohibit any other divisions other than one, one acre lot. Mr. Hearty stated there would be two lots. One lot would

be one acre and the other would be the remaining parcel. Attorney Elton stated a deed restriction is a document that is recorded and runs with the land and future owners. He stated the City can lift the deed restriction if that option were included in the deed. Councilman Marshall stated that a neighboring property owner had requested 2.5 acre lots for her four children and she was turned down on the basis that the zoning designation was 5 acres. He stated that adjoining landowners had indicated that their property is 5 acres and 2.5 acres and that is what they would prefer to see 2.5 acre lots as a minimum. Attorney Elton stated that even if the decision is to allow 2.5 acre lots the General Plan would still need to be amended. Mr. Hearty stated the proposed one acre lot is for a friend. He stated he would like to talk to his friend and also look at what it would do to the land if he was required to create only 2.5 acre lots. Mr. Hearty asked the Council to table the agenda item until he could do some research.

Motion: Councilman Marshall made a motion to table the proposed General Plan Amendment for Patrick Hearty. Councilman Johnson seconded the motion, all others voted in favor and the motion carried.

6. Consideration of Ordinance No. 2008-14 amending the General Plan for Preston Miller (M-5 Development) to redesignate 126 acres at approximately 650 South Quirk Street from a “Rural Residential – 1” to a “Low Density Residential” designation:

Preston Miller was present representing the M-5 Development Group. He stated that he had met with Craig Neeley, the City Engineer and with Nicole Cline, the City Planner to see what the City is typically looking for in a development. He stated he took their comments and came up with a design idea. He stated he would like to develop a .5 acre lot subdivision. He stated he would like to have two entrances, with one being off of Quirk Street and one off of Hale Street. He stated that the subdivision would have an equestrian path along each boundary. He stated the subdivision would have trees placed every 30 feet. He would also like to put in meandering roads to make the subdivision more pleasing. He stated they are planning on having pocket parks behind the lots. Mr. Miller stated that all homeowners would border onto a park. He indicated that runoff would be detained in the pocket parks. He stated that on the northeast corner of the property the plan is for a four acre park that would also serve as a detention pond. He stated the M-5 Group would also like to put in an exercise path in the center of the corridor of the property. He stated that no property would back up to another lot. Mayor Anderson asked Mr. Miller who would maintain the parks. Mr. Miller stated the Home Owners Association (HOA) would maintain the parks.

Mr. Miller stated that the General Plan discusses quality of life issues and he believes the subdivision would enhance quality of life. He stated that each lot would have a different shape, that no two lots would be the same. He stated the M-5 Group will design a subdivision that will enhance the quality of life for those living in the subdivision as well as enhance the city by having a quality constructed subdivision.

Mr. Miller stated the M-5 group is asking for a general plan amendment to ask for a .5 acre minimum lot size zoning designation. Mr. Miller stated that he is asking for this size of lots to provide affordability. He stated that it is difficult for younger people to afford to buy a home on property. He stated that with the prices of land an individual has to build a smaller home because the affordability index for property has decreased.

Councilman Castagno stated that Nygreen Street is proposed as a collector road on the Street Master Plan and it would fall on the north boundary of the subdivision. He stated that Nygreen Street would cut into the subdivision.

Councilman Johnson asked Mr. Miller how he planned on phasing the development. Mr. Miller stated that he was not completely sure how the phasing would end up, but he stated that the M-5 Group is not working on a shoe string and they have the funding needed to make a great development. He stated that they are planning on having the amenities constructed in the early phases.

Councilman Johnson asked if M-5 was looking at doing a Planned Unit Development (PUD). Mr. Miller stated that in the beginning they were not, since they planned on all of the lots being .5 acre in size. He stated they may need to do a PUD because it would allow them to do a different ditch/drainage configuration. Councilman Johnson stated he liked the M-5 Groups design and ideas.

Councilman Tripp stated he thinks that the M-5 Group had a good idea but he would like to also consider the interests of the current residents. He stated he felt Ms. William’s statement that she was prevented from creating .5 acre lots in the area had an impact on him. He stated that she will have to live next to the property and the M-5 Group will develop the subdivision and leave the current residents to live with the development.

Councilman Marshall stated he feels that all landowners should be treated fairly. He stated the property currently has a 1 acre zoning designation. He stated he believes that the people that own property around the M-5 Group's property have an investment in the community as well as the M-5 Group and they deserve the right to keep the zoning designation at 1 acre per lot.

Motion: Councilman Castagno made a motion to approve Ordinance No. 2008-14, an ordinance amending the Grantsville City Comprehensive General Plan and Future Land Use Map to designate property located along the west side of south Quirk Street from a "Rural Residential-1" land use category to a "Low Density Residential" category. Councilman Johnson seconded the motion. Councilman Castagno and Johnson voted in favor of the motion. Councilman Tripp and Councilman Marshall voted against the motion. Mayor Anderson was required to break the tie and voted in favor of the motion, therefore the motion carried.

7. Amendments to the Land Use Code:

- a. Consideration of Ordinance No. 2008-15 to require a subdivider or subsequent owner of a minor subdivision lot to install curb, gutter and sidewalks, when required by the City, by including a notation on the final plat before recordation as specified in Section 21.3.1(6):**

Councilman Castagno stated that the requirements of the proposed ordinance were included in the land use regulations prior to a recent revision. He stated that the regulation should not have been omitted and that Ordinance No. 2008-15 reinstates the prior regulation.

Motion: Councilman Tripp made motion to approve Ordinance No. 2008-15, an ordinance amending the minor subdivision regulations of the Grantsville City Land Use Management and Development Code by requiring a subdivider or subsequent owner of a minor subdivision lot to install curb, gutter and sidewalks, when required by the City, if the improvements are not completed at the time the subdivision is approved. Councilman Johnson seconded the motion, all voted in favor and the motion carried.

- b. Consideration of Ordinance No. 2008-16 to increase the time for a developer to record a final subdivision plat, from three months to six months and to permit an additional six month extension to record the final plat for good cause as specified in Section 21.4.2(1)(d):**

Attorney Elton stated the ordinance was requested by Planning and Zoning Administrator. He stated that the current ordinance does not allow for an extension.

Motion: Councilman Johnson made a motion to approve Ordinance No. 2008-16, an ordinance amending the subdivision approval process of the Grantsville City Land Use Management and Development Code by extending the time that a developer may record the final plat and providing a process by which additional time may be granted to record a final plat. Councilman Castagno seconded the motion, all others voted in favor and the motion carried.

- c. Consideration of Ordinance No. 2008-17 to permit freestanding signs on less than seven acres, if the property is being occupied by four or more separate businesses as specified in Section 20.6(4):**

Attorney Elton stated the Ordinance was requested by developers because currently they can not have freestanding signs only monument signs. He stated the ordinance would allow one freestanding sign on a lot if there were 4 or more businesses located on the property.

Motion: Councilman Marshall made a motion to approve Ordinance No. 2008-17, an ordinance amending Section 20.6(4) of the Grantsville City Sign Ordinance by allowing freestanding signs on less than seven acres under certain circumstances. Councilman Castagno seconded the motion, all others voted in favor and the motion carried.

8. Initial Consideration of Annexation Petition filed by Grantsville LLC and AFC Inc. (Northwest of current City Limits):

Attorney Elton stated that Grantsville, LLC and AFC, Inc are requesting to annex property along the north west city limits. He stated the Council needed to either approve the petition for further consideration or deny the request at this time.

Approved

Motion: Councilman Marshall made a motion to authorize the annexation process to proceed for Grantsville, LLC and AFC, Inc. Councilman Johnson seconded the motion, all others voted in favor and the motion carried.

9. Termination of Zoning Enforcement Contract and assignment of duties to building official:

Attorney Elton stated that Mike Warner currently is the Ordinance Enforcement Officer but he will be leaving for a church mission and needs to terminate his contract effective March 31, 2008. Mayor Anderson stated he has had some discussions with the City building official to take on the additional duties of ordinance enforcement as a part of his job description. Mayor Anderson stated that economically it is a savings to have someone in house do both jobs. Councilman Castagno asked if the building official would accept these new duties. Recorder Walker stated that the building official would accept this additional duty. Councilman Castagno stated the goal of getting an enforcement officer was to enforce all City ordinances. Councilman Marshall stated if building inspections increase, the City may need to think about hiring someone else to do the ordinance enforcement. Councilman Johnson stated that having the building official conduct the ordinance enforcement is a substantial savings to the city.

Motion: Councilman Castagno made a motion to terminate the Ordinance Enforcement Contract with Mike Warner effective March 31, 2008 and to approve a new job description for the building official to make this job a salaried position, add ordinance enforcement duties, and increase the compensation by \$308.00 a month, for a total of \$5458.71.00 a month, with a six month review. Councilman Marshall seconded the motion, all voted in favor and the motion carried.

10. Appointment of Planning Commissioners:

Mayor Anderson proposed the reappointment of the following Planning Commissioners with terms as indicated: Angela Grant to a three year term ending June 30, 2009; Gary Fawson to a three year term ending June 30, 2010 and Gary Pinkham to a three year term ending June 30, 2009. He stated these individuals understand planning and zoning issues and are an asset to the City. He stated they have put a lot of time and effort into understanding their duties and they are true citizen volunteers. Councilman Marshall stated they do a lot of work and make the Council's job duties easier. He stated they do not get thanked properly. He also stated that the Council appreciates the dedication and work they do. Mayor Anderson stated that Garry Bolinder has resigned his position on the Planning Commission and stated he will be looking for a replacement.

Motion: Councilman Castagno made a motion to approve the planning commission appointments for Angela Grant, Gary Fawson, and Gary Pinkham with the terms indicated. Councilman Johnson seconded the motion, all voted in favor and the motion carried.

11. Council Information Updates:

Mayor Anderson stated he has reviewed the proposed janitorial contract and thought it had too much detail. He stated that a contract is much easier to administer than hiring a new employee. He asked the Council if they would be willing to look into an RFP with less detail. All the council members agreed.

Mayor Anderson stated that Nicole Cloward called and has asked the City to match funding to purchase new banners. He stated the existing banners have faded. He asked the Council if they agreed to purchase new banners if the purchase price was reasonable with matching funds. All the council members agreed.

Mayor Anderson stated that flooding from Baker Canyon south is being addressed. He stated that County Commissioner Jerry Hurst is trying to decide what to do about the flooding. Mayor Anderson stated he is going to look into engineering on the washes.

Councilman Marshall stated he would like to see the City recognize the service Mike Warner and Garry Bolinder have provided to the Planning Commission.

Councilman Castagno stated the Business Alliance is conducting the annual Easter Egg Hunt this year at the City Park on Saturday March 11th.

Councilman Tripp stated that as a member of the Tooele Mosquito Abatement District, he would like to address the problem with knats. He stated he is researching a solution for the problem.

Approved

12. Adjourn:

Motion: Councilman Marshall made a motion to adjourn. Councilman Johnson seconded the motion, all voted in favor and the motion carried. The meeting was adjourned at 9:40 p.m.

Jeremy A. Walker
Recorder

C. Byron Anderson
Mayor