

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON JUNE 4, 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 Tom Tripp, Mike Johnson, Paul Rupp, Todd Castagno and Brent Marshall.

**Appointed Officers and Employees Present:** Attorney Ronald Elton, Recorder Jeremy Walker, and Records Administrator Rachel Wright.

**Citizens and Guests Present:** Carol Addy, Randy Addy, Joan Paulich, Elaine Stangler, Linda Sloan, Randy Sloan, Colleen Brunson, Dawn Eccles, Gary Pinkham, Kerry Pinkham, Brandon Bell, Teresa Reed, Bret Hamatake, Christian Collier, Guy Stewart, Dolores Kyle, Carma Jackson, Greg Jefferies, Brandon Johnson, Kristina Johnson, Josh Henwood, Pat Hearty, Jake Frankei, and Sam Drown.

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

**PUBLIC HEARINGS:**

**A. Proposed rezone of 16.4 acres at approximately 600 North Cooley Street, from an A-10 zone to a split RR-2.5 and RR-5 zoning designation (Patrick Hearty application).**

Mayor Anderson opened the public hearing at 7:00 p.m. to receive comments on the proposed rezone for Patrick Hearty. No comments were offered and the Mayor closed the public hearing at 7:01 p.m.

**B. Proposed amendment to the General Plan Future Land Use Map for approximately 129 acres located between North Hale and North Cooley Streets, from its current Industrial and Rural Residential-2 categories, to a Rural Residential-1 Land Use Category which allows residential densities of 1 unit per 1 acre to 1 unit per 10 acres. Ravage Corporation, Josh Henwood, Barry and Verlynn Gordon, Michael Moody, Craig Ratcliff, Terry Larsen, Lloyd and Jeannine Hendricks, Lynn Ellison and Daniel Stewart Applications.**

Mayor Anderson opened the public hearing at 7:01 p.m. to receive comments on the proposed amendment to the General Plan.

Teresa Reed spoke against the proposed amendment. She stated that the proposed amendment would disrupt the quality of life for residents in the area. She was concerned with the width of the road and stated the street would not be able to support additional vehicle usage. She stated that it is time for the Council to recognize the interests of everyone, not just those with money and land. She stated it is time that all of the voices are heard and represented. She stated she is tired of all of the developments and that there are 248 properties currently for sale in Grantsville. She stated that Grantsville City is our home and that the quality and way of life has to be preserved. She stated it is time to preserve the rural and agriculture aspect of Grantsville City. Ms. Reed stated that there is not a need to ravage the property because the developments are taking away the tradition of farming. She stated that farming and agriculture has always been a strength of the community. She stated that the same issue has come forth to the Council numerous times. She stated that enough is enough and the residents do not want any development in the area. She stated the area should remain a Rural Residential-2 category.

Colleen Brunson spoke against the proposed amendment. She stated that nothing has changed since the last request had been denied. She stated that she strongly feels that a two year waiting period needs to be put into place so a developer cannot keep requesting the same thing over and over. She stated it is a waste of the Council and the residents time to keep meeting on the same issue.

Daniel Stewart spoke in favor of the proposed amendment. He stated that he bought 10 acres with Lynn Ellison in order to relocate to a rural area. He stated that he is from Salt Lake and he bought the property to relocate. He stated he is asking for the general plan amendment not for profit, but to move to Grantsville. He stated that he feels the smaller lots would help the area because it would get needed things done to the area. He stated that people seem to be assuming that the request for a general plan amendment is for profit, but in actuality it is because of the desire to move to Grantsville. He stated that he and Lynn Ellison would like to build homes as soon as possible.

Carma Jackson spoke in favor of the proposed amendment. She stated that her mother owns approximately 40 acres in the area. She stated that her family is not looking to ravage the area. She stated that her mother has land that she would like to divide to give it to her grandchildren. She stated that many other properties in the area are only on one acre and that if one acre is good

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for some property owners then it needs to be the same for all. She stated that her family is being treated as a developer because of one subdivision they developed. She stated those asking for the general plan amendment are just requesting the same treatment as others have been given. She also stated she does not feel the Council should pass a two year restriction of general plan or rezone applications for the same property.

Mayor Anderson asked for further comments. No other comments were offered and the Mayor closed the public hearing at 7:15 p.m.

Boy Scout Troop 3 was present and was welcomed by the Mayor.

**AGENDA:**

**1. Summary Action Items**

- a. Approval of Minutes of the City Council Meeting held May 14, 2008, May 21, 2008 and May 28, 2008.
- b. Approval of Business Licenses for “Utah State Construction Services” and “More Irons in the Fire, LLC”.
- c. Approval of Bills dated June 4, 2008 in the sum of \$42,172.85.
- d. Personnel Matters

A clarification of the Franklin business license was requested. The applicant was present and indicated that she would be doing field and occupational inspections and that her home would only be used for an office.

**Motion:** Councilman Rupp made a motion to approve the Summary Action Items. Councilman Johnson seconded the motion. Councilman Marshall asked that the personnel matters be pulled from the summary action items and possibly be considered after discussion in a closed session. Councilman Castagno seconded the motion, all others voted in favor and the motion carried

**2. Review of proposed ordinance prohibiting smoking in City Parks and Recreational Areas.**

Attorney Elton stated that he had at the council’s request, drafted a proposed ordinance for review. He stated that he was requesting input, comments, or suggestions the Council may have prior to formal consideration. Mayor Anderson asked if the ordinance would require parks to be posted for non-smoking and would smoking areas be allowed. Attorney Elton stated that the parks would need to be posted with signs in conspicuous areas. Public Works Director Joel Kertamus stated that 18 by 24 inch signs run \$35.00 each and the anchor pole would be another \$40.00. Councilman Castagno indicated his preference to exclude exterior sidewalks from the ordinance’s prohibition.

Councilman Rupp stated that he has a problem with the entire concept. Councilman Rupp stated in the open air second hand smoke does not really make much of a difference as far as harming anyone. He stated that smokers pay taxes like everyone else and just because some don’t agree with smoking that it doesn’t make it right to ban smoking in public areas. He stated there has never been any evidence proven that second hand smoke causes cancer. Councilman Rupp thought the proposal would take away individual’s personal rights

The council all agreed to place this proposal on the next agenda for consideration.

**3. Consideration of Ordinance No. 2008-25 vacating the south 30 feet of Apple Street between Cooley and West Streets.**

Public Works Director Joel Kertamus stated that he was opposed to any street vacations and that he would like to conduct an alignment survey of the street to see how it would affect the entire street including improvement offsets. He stated he would like to keep the intersections straight. Mayor Anderson stated that the City Engineer Craig Neeley suggested that if the City vacates the property that the landowners would be responsible for storm runoff and drainage.

Councilman Marshall asked why the property owners would like the City to vacate the area. Martha Favor spoke to the Council and indicated that people consistently turn their vehicles around in front of her house and they are not able to maintain the area. She stated that ATVs also travel along the easement. She stated she would like to put grass in and a fence so that this all will stop.

**Motion:** Councilman Castagno made a motion to table this item to allow the Public Works Director time to survey the street for measurements and center lines. Councilman Marshall seconded the motion. Council Members Castagno, Marshall, Rupp and Johnson all voted for the motion. Council Member Tripp voted against the motion. The motion carried.

**4. Consideration of Ordinance No. 2008-20 for Gordon Fields at 124 East Main Street to reclassify 1.54 acres from a R-1-8 zone to a CS zone.**

A letter was presented to the Council from the residents of Deseret Circle which is attached to these minutes.

Mayor Anderson stated that the General Plan designates this property for commercial/high density residential uses. Councilman Marshall stated the best solution is to approve the proposed amendment and the City could then review and approve any developments under a planned unit development process that could include conditions regarding landscaping, parking, lighting and other buffers so the neighborhood could maintain some privacy. Councilman Castagno stated that with the parking ordinance there will also be limitations on the size of any commercial uses proposed for this property.

**Motion:** Councilman Marshall made a motion to approve Ordinance 2008-20 reclassifying 1.54 acres at 124 East Main Street from a R-1-8 zone to a CS zone. Councilman Rupp seconded the motion, all voted in favor and the motion carried.

**5. Carol Worthington Recovery Right request.**

**Motion:** Councilman Rupp made a motion to process Carol Worthington's request for recovery rights and submit the matter to the City Engineer to consider qualifying costs, designate an area that can benefit from the improvement and calculate the actual recovery rights that will be administered by the City. Councilman Johnson seconded the motion, all voted in favor and the motion carried.

**6. Consideration of lease of library space to State of Utah.**

Attorney Elton stated that the State of Utah is asking for a five year lease with a five year renewal option for their library bookmobile repository at the City Hall, which the City also uses for a library. Councilman Marshall suggested amending the contract to a one year lease with the option of renewing. Councilman Tripp stated that the library is a great benefit to the City and he does not want to see the City lose the library. Recorder Walker stated that if the City built a new City Hall the City would still be required to provide library space for the State.

**Motion:** Councilman Marshall made a motion to amend the lease agreement to provide a one year term with the option to renew annually and with the ability to terminate the agreement upon appropriate notice during the option periods. Councilman Castagno seconded the motion, all others voted in favor and the motion carried.

**7. Requests for extensions on pending developments/subdivisions**  
**a. Cherry Village Subdivision**

Attorney Elton stated that the Cherry Village Subdivision is requesting an extension to record its final subdivision plat. John Bell representing the Cherry Village Subdivision stated that with the downturn of the market his organization is experiencing delays in processing the bonding and they are therefore asking for an extension.

**Motion:** Councilman Castagno made a motion to approve the extension for the Cherry Village Subdivision consistent with the provisions of the Development Code. Councilman Rupp seconded the motion, all others voted in favor and the motion carried.

**8. Initial Consideration of Annexation Petition filed by Nadine and Randy Hunt.**

Attorney Elton stated Nadine and Randy Hunt made an annexation application earlier, but there was a question raised by the County on an adjoining road and the application was suspended pending a resolution. He stated the issue has now been resolved as a result of the County's approval of a subdivision and County road which adjoins this property on the north. He stated that the County road is not included in the new annexation petition.

**Motion:** Councilman Marshall made a motion that the City give further consideration to the annexation petition filed by Nadine and Randy Hunt. Councilman Castagno seconded the motion, all others voted in favor and the motion carried.

**9. Reappointment of Planning Commissioner (Jeff Didricksen)**

**Motion:** Councilman Johnson made a motion to reappoint Jeff Didricksen to the Planning Commission for the standard term of three years from the expiration date of his first term. Councilman Marshall seconded the motion, all others voted in favor and the motion carried.

#### **10. Consideration of amendment to the Computer Services Contract with Tooele County.**

Recorder Walker stated that Tooele County had requested that the compensation for the current computer services contract be increased to \$2,000.00 per month based upon the time and level of services that the County had provided during the previous twelve months. They also have requested additional compensation after providing 25 hours per month. Recorder Walker stated that the Tooele County IT Department spent the last year working on a bad computer situation that the City had. He stated that if we do not agree to the amended contract the City will need to acquire another provider. He stated the County IT Department has been professional and he feels the requested fee is appropriate. Recorder Walker stated the City uses the Caselle software program for most City services and that we will need to upgrade this software in the near future. He stated that the County also uses Caselle software and they are in the process of upgrading their software so they will have the experience to help us in the future. Recorder Walker stated the contract can be canceled within 30 days notice. Councilman Tripp stated another option would be to hire a full-time employee that could be contracted out. Councilman Castagno stated that the cost sounds high and he would like to see how many service hours the County provides Grantsville each month. Councilman Tripp suggested having the recorder report back periodically on the amount of hours and services that are being provided.

**Motion:** Councilman Tripp made a motion to amend the computer services contract with Tooele County as requested and have the Recorder monitor the contract. Councilman Marshall seconded the motion, all voted in favor and the motion carried.

#### **11. Consideration of Wells Crossing Development Agreement.**

Attorney Elton stated that he, the city engineer and the public works director had met with the developer (Fieldstone Homes Utah LLC) and had crafted a draft development agreement. He indicated that several terms could only be decided upon by the Council. The proposed agreement includes a road impact fee for the improvement of West Street, which might be affected by the termination of the Northstar development. Northstar was to have improved West Street from Main Street to their entrance area which is just north of the Wells Crossing Subdivision entrance. The Wells Crossing agreement proposes an \$800.00 per lot road impact fee, which would be paid for each lot in a phase at the time the phase was approved. Councilman Tripp asked if the proposal included the development of Nygreen Street. Sam Drown representing Fieldstone indicated that they had agreed to dedicate the right of way for Nygreen Street, but had not planned on developing it since it would not connect to any other existing street to the east. Mr. Drowning also indicated that Fieldstone had purchased property for the upstream detention basin and would be conveying it to the City. Mr. Drown stated the first phase is 43 lots with the improvement of West Street from the entrance to their property north along their frontage, which would be about 250 feet in the first phase. Mr. Drown stated that they would like to break ground for phase one this winter with lots being available for sale during the spring of 2009 and Phase 2 in 2010. The phasing is based on water pressure of the existing and proposed system improvements.

One of the issues to be addressed is the inspection and engineering fees. The developer under the PUD application is asking for a waiver to the standard 5% because of the size of the project. Mr. Drown indicated that 5% may not be supportable by the city and requested 2.5% for the entire project. Attorney Elton stated the city cannot charge more than its actual costs. The proposal to charge actual costs was discussed. Joel Kertamus indicated that tracking actual costs would be very time consuming and cumbersome and that 3.5% for the entire project would cover the City's costs. Mr. Drown indicated that the developer would agree with the 3.5% for the entire project.

Attorney Elton indicated that the developer was also asking for a PUD waiver of the 25 lot maximum for each phase of their development. The City had approved 50 lots in each phase for the Northstar development and had allowed the developer to process subsequent phases even though 70% of the lots in the previous phase had not been sold, with the final plat being recorded only after the 70% figure had been reached. Councilman Castagno stated that there is an advantage with larger phases in that there would be less connections and more asphalt laid without seams. Mr. Drown stated they would like to have 43 lots in their first phase, 38 in their second phase, 55 in their third phase and 48 in their final phase. The council indicated that it would consider allowing these numbers and allow the developer to process subsequent phases even though 70% of the lots in a previous phase had not been sold, but that the plat could not be recorded until the 70% figure had been reached.

Landscaping for the upstream retention basin was discussed. Mr. Drown indicated that the developer would agree to plant native grasses in the basin prior to the property being conveyed to the City. Joel Kertamus indicated his agreement with this proposal.

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Councilman Marshall asked whether the proposed home setback requirements were in compliance with the city regulations or would they need a waiver. Joel Kertamus stated that the proposed setbacks would need a waiver. Mr. Drown stated that with their proposed bigger road right away that there would still be a huge setback and a large front yard even with a waiver. This was requested in part to have larger back yards and retention areas also in the back yards.

Councilman Castagno stated that he is concerned with the ability of the City to maintain storm water retention areas in back yards. Mr. Drown stated the developer is very sensitive about this issue and the CC&Rs and the homeowners association would have a responsibility to ensure compliance. Attorney Elton requested that the responsibility for these areas be placed in the development agreement.

The Council asked that the final development agreement with the changes discussed be prepared including all of the exhibits and attachments and that the agreement be placed on a future agenda for final consideration.

#### **Council Information Updates.**

Mayor Anderson stated that the City has been using the same audit firm for several years and he requested the council's approval to put out a request for proposals for bids.

**Motion:** Councilman Tripp made a motion to authorize the Mayor to request proposals for the City's independent audit. Councilman Marshall seconded the motion, all voted in favor and the motion carried.

Councilman Marshall stated he met with the water board to see what the engineers could do to alleviate the water problems in Tooele Valley. Councilman Marshall presented a letter to the Council and asked that it be incorporated in the minutes.

Councilman Tripp stated that last week there had been a special budget meeting. He stated that he would like another special meeting to discuss the final budget.

**Motion:** Councilman Tripp made a motion to hold a special meeting on June 11, 2008 at 6:00 p.m. to review the 2008-2009 City Budget. Councilman Marshall seconded the motion, all voted in favor and the motion carried.

Councilman Marshall stated the fireworks have been bought for the Fourth of July celebration.

Councilman Castagno asked for a progress report on the South Willow Park. Attorney Elton stated that the attorney who was the escrow agent had not been able to find the deed, but that as soon as he did he would mail it to the City.

#### **Summary Action Item (Personnel Matters ).**

**Motion:** Councilman Marshall made a motion to approve summary action item d (Personnel Matters), Councilman Castagno seconded the motion, all others voted in favor and the motion carried. This item included the approval of a full time clerk for the Justice Court and a step increase for Glen Millward.

## **12. Adjourn**

**Motion:** Councilman Johnson made a motion to adjourn the City Council Meeting. Councilman Marshall seconded the motion, all voted in favor and the motion carried. The meeting was adjourned at 9:52 p.m.

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Jeremy A. Walker  
Recorder

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C. Byron Anderson  
Mayor