

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON NOVEMBER 5, 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, Todd Castagno, Mike Johnson, and Paul Rupp.

Appointed Officers and Employees Present: Attorney Ron Elton and City Recorder Rachel Wright.

Citizens and Guests Present: Deann Christiansen, Carole Bush, Jim Wrathall, Colleen Brunson, John White, Dwain Farr, Lloyd Farr, Chris Williams, and Karen Johnson.

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

AGENDA:

1. Summary Action Items

- a. Approval of Minutes of the October 15, 2008 City Council Meeting.
- b. Approval of Business License for N.T. Welding, Inc.
- c. Approval of Bills dated November 5, 2008 in the sum of \$88,290.85.
- d. Personnel Matters (none).

Councilman Marshall requested that on page 3 of 4 of the minutes that it be amended to reflect that he had asked the City Attorney, Ron Elton to write a letter to Tooele County expressing the City's concerns regarding the North Fire District being dispatched to Grantsville without the Grantville Fire Department receiving notification. Councilman Tripp asked about the business license for N.T. Welding. He questioned whether the neighbors were aware of the proposed business. Recorder Wright stated that his Conditional Use Permit application indicated that the applicant would be conducting majority of his business offsite and that his hours of operation were to be from 7:00 a.m. to 6:00 p.m.

Motion: Councilman Castagno made a motion to approve the Summary Action Items with the requested amendment to the minutes. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

2. Consideration of approval of a three lot subdivision at 248 West Clark Street. (Lloyd Farr Application).

Councilman Johnson stated he would like to see protection for the adjoining landowners' animals. Attorney Elton stated the application is in compliance with the current City ordinances. He stated that the Planning Commission has proposed several amendments to City ordinances which would offer protection for landowners who have animals. He stated the proposed amendments will be on the next City Council agenda for public hearings. He stated the Fire Department has approved the subdivision layout. Councilman Tripp stated he is not in favor of flag lots. He stated he would like to see an ordinance drafted to prevent them. Councilman Marshall stated that flag lots also create safety issues. Attorney Elton stated under another proposed ordinance, owners and developers of minor subdivisions located behind lots fronting City streets would be required to place a street sign at the entrance to the private street. Councilman Rupp stated there are many deep lots in the City that could potentially be subdivided and which could result in infill, which the City encourages. He stated that drafting an ordinance preventing flag lots would limit these landowners to fully developing their land and could curtail infill development. Councilman Marshall stated his major concern with these types of developments is to protect adjoining property owners who have animals. Attorney Elton suggested the Council review the proposed amendments that will be on the next City Council agenda.

Motion: Councilman Johnson made a motion to approve a three lot subdivision for Lloyd Farr. Councilman Rupp seconded the motion. Council Members Johnson, Rupp, Castagno, and Tripp voted in favor of the motion. Councilman Marshall voted against the motion. The motion carried.

3. Consideration of preliminary and final plats for the Elk Horn Subdivision (a two lot major subdivision) located at 269 South Park Street. (Jim Black application).

Motion: Councilman Castagno made a motion to approve the preliminary and final plats for the Elk Horn Subdivision. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

4. Request for waiver of city fees for the Grantsville High School building project (Chris Williams).

Chris Williams representing the Grantsville High School construction class was present and requested that the City waive all of its fees with respect to a new dwelling that the school will be constructing in Grantsville. He stated that the City Council last year waived all of the building fees associated with the previous high school building project. He stated that the money does not go to the school district, but back to the class to be used for tools and for needed supplies. Councilman Marshall asked if the project could reimburse the City when the home is sold. Mr. Williams stated that the profit made from the project all goes back to the school district and is used for future projects. Mr. Williams stated that he has an agreement with the school district that all of the money from the waiver of fees will go to his class. He stated that if the school district tries to take the money he will stop asking the Council to waive the fees. He stated the money is a big help to the construction class. Councilman Marshall stated that Mr. Williams' construction class is a valuable asset to the community and supports the City's affordable housing program. He stated the class teaches students skills and gives them confidence to tackle other projects. He stated that it takes a community to raise our children. Mr. Williams stated that all of the schools housing projects have sold quickly to young families.

Motion: Councilman Marshall made a motion to waive all of the City's fees associated with the building permit including plan check, building permit and impact fees because of the general benefits this project lends to the community and in support of the City's affordable housing plan. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

5. Appointment of Justice Court Judge.

Mayor Anderson stated that Judge Saxon has submitted her resignation as Grantsville's Justice Court Judge and that he is nominating Darold (Dar) Butcher to fill the position of the Justice Court Judge beginning December 31, 2008 at 11:59 p.m. Councilman Tripp stated that he feels Dar Butcher is a good choice. He stated that Mr. Butcher has good judgment and restraint as well. Councilman Marshall stated that Dar Butcher is a respectful individual, that he will have compassion and will honor the law. He stated he was a former City Council Member and he understands how laws are created and feels Dar would be an excellent choice. Councilman Castagno stated that Dar Butcher has the experience and judgment to fill this position. He stated that Mr. Butcher knows when to use toughness or mercy. Councilman Johnson stated that Dar has good common sense.

Motion: Councilman Castagno made a motion to approve the appointment of Darold (Dar) Butcher to the position of Grantsville City Justice Court Judge effective December 31, 2008 at 11:59 p.m. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

6. Consideration of employment agreement with the Justice Court Judge Appointee.

Attorney Elton stated that the new appointed judge will not be able to take the bench until he is trained and qualified. He indicated that the proposed agreement provides Dar Butcher with the status of a Grantsville City employee as of December 31, 2008 at 11:59 p.m. in order to allow him to receive training from the State as well as work in the Justice Court receiving training from the senior judge until February 26, 2009.

Motion: Councilman Marshall made a motion to approve the employment agreement with the Justice Court Judge Appointee Dar Butcher as presented. Councilman Johnson seconded the motion. All vote in favor and the motion carried.

7. Consideration of employment agreement with Mary L. Saxon to serve as Senior Judge.

Attorney Elton stated Mayor Anderson has asked Judge Mary L. Saxon to step down before her mandatory retirement date on February 25, 2009, so the City would have time to select and train the new Judge before that date. He stated that Judge Saxon has agreed to accommodate the City and to act as a Senior Judge from December 31, 2008 until February 25, 2009 at which time Dar Butcher should be fully qualified to take the bench. He stated that Judge Saxon has applied for Senior Judge status and under the proposed agreement she would be paid her full compensation through February 25, 2009.

Councilman Tripp asked if she could continue as a temporary judge to fill in, if needed after February 25, 2009. Attorney Elton stated she could as long as she maintained her senior judge status.

Motion: Councilman Johnson made a motion to approve the employment agreement with Mary L. Saxon to serve as Senior Judge. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

8. Consideration of Ordinance No. 2008-39 revising the City Cemetery regulations.

Councilman Marshall stated that he had a question regarding Section 6-1-23 which prevents individuals from reselling cemetery lots. He stated that he believed the current City practice was that if a person owned a burial lot but chose not to use it, they could contact the City and be placed on a list where the City would offer the lot to other individuals for purchase. Attorney Elton stated that the proposed regulation would not allow this and that most Cities don't allow individuals to sell their lots to third persons, which results in better management of the ownership of lots.

Motion: Councilman Tripp made a motion to approve Ordinance No. 2008-39 revising the City Cemetery regulations. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

9. Consideration of Resolution No. 2008-10 amending the City Cemetery fees.

Attorney Elton stated that the proposed fees are the same as they have been, with the exception that fees for infant burials could be waived under the Mayor's discretion. Councilman Marshall stated he likes this addition to the fees because the loss of an infant to a young family can be a financial hardship.

Motion: Councilman Marshall made a motion to approve Resolution No. 2008-10 amending the City Cemetery fees. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

10. Approval of specifications for new furnace, duct work, and thermostats for City Hall.

Councilman Johnson stated he would like to see the City's bills for heating and cooling of the City Hall building. The City Council also requested that staff obtain a professional evaluation of the heating and cooling system and justification for the proposal.

Motion: Councilman Marshall made a motion to table this item until the Council receives the requested information. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

11. Council Information and Updates

Mayor Anderson stated that a proposed commercial project for the area identified as “Cannonball” is still viable. He stated the company is a competitor of Proctor and Gamble. He stated the company is sending out representatives to look at the sewer, water, employment and other factors. He stated that Chris Robinson would be supplying the land and water for this project.

Councilman Marshall stated that Santa Claus has been booked for the Santa Parade. He stated that in the evening the Fire Department is planning a lighting ceremony at the City Park. He stated the park will be decorated and a light show will be coordinated with a radio broadcast. Councilman Marshall stated the Fire Department will also be shooting off fireworks at the lighting ceremony.

Councilman Tripp stated he attended a meeting on asphalt. He stated there is a shortage of asphalt and suggested that the City consider the increased costs of asphalt in the next budget year.

Councilman Johnson stated the City needs to keep an eye on cash flow and on the budget. He stated he does not remember a time when new construction has been as slow as it currently is in Grantsville.

Attorney Elton stated he included in the packet the next Chapter that he is proposing be included in the revised City Code. He stated that the next section is entitled “Constitutional Takings”. He stated its provisions are the same in the current ordinance, but that he is renumbering it and including it in the Administration Title of the new City Code.

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 officially adjourned at 8:10 p.m.

Rachel Wright
City Recorder

C. Byron Anderson
Mayor