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MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON JANUARY 7, 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, Todd Castagno, Brent Marshall, Paul Rupp and Mike Johnson.

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

Citizens and Guests Present: Brian Wilson, Tanner Scadden, Charles Hansen, Richard Painter, John Palo, Colleen Brunson, Jennifer Kelley, Bryan Miller, Preston Miller, and Wayne Morris.

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

PUBLIC HEARINGS:

- a. Proposed four lot minor subdivision of 7.79 acres in the MD zoning district at approximately 598 West Clark Street. (Mike Johnson and Reuben Quarnberg Application).**

Mayor Anderson opened the public hearing at 7:00 p.m. to receive comments on the proposed minor subdivision for Mike Johnson and Reuben Quarnberg. No comments were offered and the Mayor closed the public hearing at 7:01 p.m.

- b. Proposed General Plan amendment for 8.6 acres at approximately 600 West Clark Street, from a Medium Density Residential land use category (up to 3 dwellings per acre) to a Commercial/Higher Density Residential land use category, in order to develop higher density residential and commercial uses. (Tanner Scadden Application).**

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

Brain Wilson representing the Little Reno subdivision spoke in opposition to the proposed General Plan amendment. He stated that he realizes that the area will be developed at some point in time, but did not want to see a zone change for this property. He stated that he does not want to see higher density housing in the area. He stated he worries about having a gas station or a bowling alley located in the area. He stated if he wanted an area that had these amenities he would have moved to an area that had them. He asked the Council to consider the residents that will be living near the property. He stated that they live here and the developers do not. He stated the owner will develop the property and move on, but the residents of Grantsville City will have to live with the development.

Mayor Anderson indicated that the letter from Richard Tretheway supporting the proposed general plan amendment will be entered into record.

Tanner Scadden spoke stating that the property currently borders commercial property and he is just asking to extend the commercial zone. He stated that he has made changes to the plan after talking to City staff members and that he has tried to address majority of the landowners' issues that were brought up with the first application.

Mayor Anderson asked to receive any further comments, no other comments were offered. The Mayor closed the public hearing at 7:06 p.m.

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- c. **Proposed commercial Planned Unit Development (P.U.D.) at 124 East Main Street in the CS Zone, to include a retail strip mall and recreation center. (Gordon Fields Application).**

Mayor Anderson opened the public hearing at 7:06 p.m. to receive comments on the proposed commercial Planned Unit Development for Gordon Fields. No comments were offered and the Mayor closed the public hearing at 7:07 p.m.

AGENDA:

1. Summary Action Items

- a. Approval of Minutes of the City Council Meeting held December 17, 2008.
- b. Approval of business licenses for JD's Grill.
- c. Approval of Bills dated January 07, 2009 in the sum of \$150,158.09.
- d. Personnel Matters (none).

Motion: Councilman Marshall made a motion to approve the summary action items. Councilman Johnson seconded the motion. All voted in favor with the exception of Councilman Rupp who voted in favor of all of the items with the exception of the minutes, which he asked to abstain from voting on. The Motion Carried.

2. **Consideration of an amended concept plan for Oquirrh Estates Subdivision/Commercial Development located at approximately 400 South State Road 112, covering 91 acres, including 288 multi-family units, 99 single family lots and a proposed 32.7 acre commercial site (Jacob Anderegg and Hewn Development LLC).**

Mayor Anderson indicated that he was going to table this item for consideration at a later date.

3. **Consideration of a concept plan for 226 lot Planned Unit Development Subdivision (Country Village P.U.D.) covering 166.48 acres located between 600 and 800 South Quirk and Hale Streets. (M5 Development LLC application).**

Preston Miller was present representing M-5 Development, LLC. He stated that they did not want to have a grid pattern subdivision. He stated they designed the subdivision with meandering roads. He stated that the properties would back up to open space pocket parks. He stated that the concept plan has more open green space than was originally presented. He stated they split the proposed dedication for Nygreen Street so that more of it would be on their property on the west side to accommodate the street alignment there and that the ad joiners farther east would have more of the dedication on their property there to equally share the street. He stated they made a bend in the road so it wouldn't go through a neighboring residence. He stated that not one lot in the subdivision is the same. He stated that when you combine the lots with the pocket parks they are larger than one acre. He stated the entrances work well and stated there is not one single road that carries the traffic load and the traffic is divided into 3 or 4 traffic patterns so it isn't a burden on corner lots.

Mr. Miller stated he met with the Public Works Director Joel Kertamus and the City Planner Nicole Cline and they both liked the development plan presented. He stated there will be a detention basin in the corner that will be engineered in the final plat. He stated the sidewalks are designed to have them on one side of the street and to place a five foot asphalt sidewalk behind the homes in the open space to connect the neighbors through the backyards. He stated it is safer for the children to use the back

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sidewalk and be away from the streets. He stated the children can play and be completely away from the streets.

Mr. Miller indicated that they would construct a park that could be utilized by the community. He stated they would locate a public parking lot in the corner for the use of the park. He stated they would also put in a baseball field, a soccer field and a swimming pool.

Councilman Castagno asked Mr. Miller to explain City Planner Nicole Clines's comments at the Planning Commission meeting about the public use of the open space. Mr. Miller stated he wants to be able to have a homeowners association that has the authority to police the property and be able if necessary to exclude trespassers. He stated they will allow the public to use the big fields, but does not want the public to have unrestricted access to the open space or the swimming pool. He stated he wants the homeowners to be able to control the subdivision. Councilman Castagno stated he would like the owners to retain the right to limit the public use of the nonpark common areas. Mr. Miller stated he feels it is important for the residents of the subdivision to have their own policing ability to tell someone to leave if they do not belong in the area. He stated he wants the community to have the right to manage itself. Councilman Marshall asked about the trail system along Nygreen Street. Mr. Miller stated it would also be open to the public. He stated the intent is not to fence the individual lots in or be a gated community but would like to give the homeowners the ability to police the area so if there is anyone or group causing problems they can ask them to leave. He stated that if Todd rode his bike along the trail and didn't cause a problem then nothing would be done, but if Todd started causing problems the homeowners would have the ability to ask him to leave.

Councilman Johnson asked about the road widths. He stated that the typical easement is 60 feet whereas their easement widths are only 43 feet. Mr. Miller stated that he met with the Engineer Craig Neeley and Joel Kertamus and they were fine with the widths. Joel Kertamus was present and stated he prefers the 60 foot easement, but he could work with a 43 feet wide easement. He stated the bottom line is that they can fit their utilities into the area if there is a need.

Councilman Marshall questioned the size of the lots. He stated that they have gone from a half acre lot size as first proposed to one quarter or less in size in the concept plan that was presented. Mr. Miller stated that if you considered the adjoining open space into the lots that the area would be well over the one third to one half acre size. He stated the usability of the lots are actually higher than the actual square feet. Councilman Castagno explained that it is like living on a golf course where you may only own a quarter acre lot, but you get to actually utilize more land. He stated the views would also be clear and uncluttered. Councilman Johnson stated that is the reason the City allows planned unit developments so that the developer can have flexibility to provide more open space and give something back to the community. Councilman Marshall read the minutes of the May 21, 2008 City Council Meeting. He stated the zone change was contingent on the plan staying the same as was originally presented. He stated that if the plan was not pursued that was originally proposed that the zone would revert back to the previous designation. He stated that in his mind the plan has changed. He stated that when they first came in they were asking for one half acre lots and the concept plan now includes lots averaging only one fourth acre. Mr. Miller stated that with the zone change allowing one half acre lots and the amenities allowed by a P.U.D. allows the developer to only get the same number of buildable lots, but can provide parks and open space as a tradeoff. He stated that if you have 100 acres you can get 200 lots in a half acre zone. He stated they have 126 acres of land and are only asking for 226 lots. He stated the lots sizes are smaller, but they are giving up 30 acres of open space. He stated that if you want 30 acres of parks then you will need more rooftops to be able to pay for them. He stated the parks are wonderful and sizable.

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Councilman Rupp also expressed his concern with the lot sizes. He stated he did not like the small lot sizes. He stated the subdivision reminded him of Daybreak. He stated it made him feel claustrophobic. He stated the open area is not owned by the individual property owners and they will be told how they can use or not use the open areas. He stated we are supposed to be in a rural community. He stated that if they are allowed the smaller lots other developers will be asking for the same treatment.

Councilman Tripp stated his concern is about the road easement width. He stated he did not like how narrow the easements are. Mr. Miller stated that the paved portion of the road meets the current specifications and that they could widen the easement by reducing the size of the parks and open areas. Councilman Tripp also stated that he did not like the sidewalk configuration with only one side of a street having sidewalks and that the other sidewalk would be behind the homes. Mr. Miller stated that having a sidewalk on the back side is a lot safer than having it by the street. Councilman Marshall stated he was also concerned about the small lots because after a while people start collecting recreational toys and there is no where to put them on the property.

Motion: Councilman Castagno made a motion to approve the Country Village P.U.D. concept plan for the M-5 Group with the stipulation that all of the items discussed would be incorporated into a development agreement and that the development agreement would be tied to the property, irrespective of who the owner is. Councilman Johnson seconded the motion. Councilmen Castagno and Johnson voted in favor of the motion. Councilmen Marshall, Tripp and Rupp voted against the motion. The motion was denied and the Concept Plan was not approved.

4. Consideration of a four lot minor subdivision of 7.79 acres in the MD zoning district at approximately 598 West Clark Street. (Mike and Reuben Quarnberg Application).

Reuben Quarnberg and Mike Johnson were present. Mr. Quarnberg stated they had met with the City Engineer and the County Surveyor. Attorney Elton stated the City Engineer had made recommendations that the Planning Commission included as a part of their approval. The Public Works Director asked that the plat state that the current and future property owners would dedicate one half of the appropriate land for a standard street cross section at such time the City determined it necessary to upgrade the adjoining streets.

Motion: Councilman Marshall made a motion to approve the minor subdivision for Mike Johnson and Reuben Quarnberg with a condition that a statement be placed upon the plat that the current or future landowners would dedicate such property as would be necessary to provide one half of the standard street cross section from their property at such time the City wanted to upgrade the adjoining City streets. Councilman Rupp seconded the motion. All voted in favor with the exception of Councilman Johnson who abstained from voting. The motion carried.

5. Resolution No. 2009-01 amending the City's personnel policies by adopting new regulations concerning the personal use of city property and adopting a new cellular phone use and reimbursement policy.

Attorney Elton stated that Tooele County was recently audited by the IRS and changes to the City's policies and practices regarding the personal use of City property by employees was necessary to come into compliance with IRS regulations. He stated the proposed resolution would bring the city into compliance. He stated that laptops, cell phones and pickup trucks are listed property and are defined as property that can be easily used for personal purposes by employees. He stated the City is required to audit laptop computers to make sure they are not being used for personal use. He stated if they are then the employee could be subject to disciplinary action and have wages imputed to them

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for the personal use. He stated that City cellular phones are also required to be audited for personal use if they are maintained. He stated there are two options for cellular phones. He stated that the City could go through each bill and require the employee to pay for their usage or receive imputed income and be taxed on the same, or the City could require the employees to obtain their own phone and give them a taxable allowance for the City's use of the same. He stated that police vehicles and fire department vehicles can be allowed to be used for personal use such as commuting in the City limits without any tax consequences. He stated pickup trucks used for personal use or commuting would be a taxable event and that the employees would have \$3.00 of imputed income per day, which would need to be taxed.

Councilman Tripp asked if desktop computers are under the same provisions as laptops. Attorney Elton stated they are not. He stated there can be limited personal use of desktop computers. Councilman Marshall stated that if there is an emergency the allowance may not be sufficient to cover the cost of the usage. He asked if the amount could be amended. Attorney Elton stated that Section 8 allows that the City Council can amend the amounts without amending the resolution. Councilman Tripp asked about increasing the pay \$1.00 then be allowed to take vehicles home. Public Works Director Kertamus stated they have an individual on call at all times which should be sufficient for majority of emergencies.

Motion: Councilman Tripp made a motion to approve Resolution No. 2009-1, a resolution amending the personnel policies and procedures manual for Grantsville City by adopting new provisions regulating the personal use of City property which includes a new cellular phone use and reimbursement policy. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

6. Consideration of retaining water rights lawyer (Deseret Peak Complex Agreement).

Mayor Anderson stated that our current water attorney has a conflict of interest as it relates to negotiating a new agreement with Tooele County regarding the Deseret Peak Complex Agreement. Attorney Elton recommended Chris Bramhall of Kirton and McKonkie be selected to represent the City in these negotiations.

Motion: Councilman Marshall made a motion to retain Chris Bramhall to represent the City in regards to the Deseret Peak Complex Agreement. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

7. Pacific West Communities vs. Grantsville City.

Motion: Councilman Rupp made a motion to go into closed session and include representatives from Orchard Lane and Country Haven Condominiums. Councilman Johnson seconded the motion. All voted in favor and the motion carried. The council went into a closed session at 8:30 p.m.

Motion: Councilman Marshall made a motion to go back to an open session. Councilman Rupp seconded the motion. All voted in favor and the motion carried. The Council continued with the open session at 9:13 p.m.

Motion: Councilman Tripp made a motion to notify Pacific West Communities that the City is not interested in their three proposed alternatives to develop their property and that the City proceed with its litigation to resolve this matter and also authorize the City Attorney to explore other avenues to resolve the lawsuits. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

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8. Council Information Updates.

Mayor Anderson stated that Project Cannonball is still viable. He stated they have narrowed it down to two sites with Grantsville being one of those sites. He stated that the limited electricity available for the project in the Burmester area is a major concern. He stated we should have a decision by mid January.

Attorney Elton stated the RFP period for the purchase of water rights by the City is up. He stated the City received two proposals without prices. He stated that if we proceed the City will probably need to obtain an appraisal. Councilman Marshall suggested waiting several months and readdress this matter. All council members agreed to delay any action on the purchase of water rights.

9. Adjourn.

Motion: Councilman Marshall made a motion to adjourn. Councilman Rupp seconded the motion. All voted in favor and the meeting officially adjourned at 9:17 p.m.