

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON JANUARY 21, 2009 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 Mike Johnson, Paul Rupp, Tom Tripp Todd Castagno and Brent Marshall.

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

**Citizens and Guests Present:** Ted Epley, Brent Lovell, Colleen Brunson, Joel Lasalle, Dean Cox, Jake Andregg, Brian Wilson, David Lynn Peterson, Kristina Johnson, Brandon Johnson, Tanner Scadden, Mari Riches and Sheldon Riches.

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

**PUBLIC HEARINGS:**

**a. Proposed 2008-2009 budget adjustments.**

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

**AGENDA:**

**1. Summary Action Items**

- a. Approval of Minutes of the January 7, 2009 City Council meeting.
- b. Approval of Business Licenses Epley's Construction and Excavation and Infoline, LLC.
- c. Approval of Bills dated January 21, 2009 in the sum of \$77,148.55.
- d. Personnel Matters: Approval of salary step increases for Grantsville City Employees Dave Aagard from Grade 13 Step 10 to Grade 13 Step 11 and Jeremy Kirschman from Grade 10 Step 4 to Grade 10 Step 5.

Councilman Marshall stated that the Fire Department received a grant for radios and the bill for Forty Niner Communications is for the radios that the grant covered. Councilman Marshall asked that the reference to Alberta be removed from the minutes.

**Motion:** Councilman Marshall made a motion to approve the summary action items with the changes he had requested to the minutes. Councilman Johnson seconded the motion. All voted in favor and 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).**

Joel Lasalle representing Oquirrh Estates was present and stated the City had already approved a concept plan and that they were proposing an improved plan. He said they were willing to enter into a development agreement to ensure orderly phasing and to ensure that the commercial area would be a high priority in the development plan. He stated they are fine with the development agreement assuring that the commercial area will remain zoned and used for commercial purposes. He stated the subdivision will be a financial benefit for the City. He stated that majority of the citizens taxes on sales are going to Tooele City and they would like to see these tax dollars stay in Grantsville. He

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stated they are looking for a larger anchor store that will entice other commercial endeavors to locate in the commercial area. He stated they have letters of intent from businesses to locate in the commercial area. He stated they have the funding necessary to start the development as soon as possible. He stated the construction will create excitement and will assist the area to combat the downturn in the economy and help to turn things around.

Councilman Marshall asked about the phasing. Attorney Elton stated that should be discussed and decided as a part of the development agreement and with the approvals of each of the final plats.

Councilman Tripp stated that he sees the parkway as a negative issue he would prefer the parkway not go through. He stated he is also concerned with the noise caused by the Miller Motor Park. He suggested looking at some type of barrier to protect the residents from noise. He also stated that he spoke to the neighbors and they were all okay with the development but asked for a barrier to cordon off the commercial area.

**Motion:** Councilman Marshall made a motion to approve the amended concept plan contingent upon a development agreement being presented and approved by the City to include terms regarding appropriate phasing and to address the other concerns of the City Council and Planning Commission that have been previously discussed. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

**3. Consideration of Ordinance No. 2009-01, amending the General Plan Map 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 uses and commercial uses. (Tanner Scadden Application).**

Attorney Elton stated that the draft ordinance provides that the general plan amendment is contingent upon the property being developed according to the preliminary plan that was submitted as part of the general plan amendment application and that if another plan was presented the general plan would revert to the previous land use category. Tanner Scadden was present. He stated that he had come before the Council once before and his previous plan had been denied. He stated that he had consulted with City staff to see what kind of development the City was looking for. Councilman Johnson asked what kind of housing is being proposed for the residential section. Mr. Scadden stated that it will be a single family patio home development. He stated the Planning Commission recommended approval. Mayor Anderson asked about the kind of commercial activities he was looking at. Mr. Scadden stated he is looking at storage units and possibly a quick lube. He stated that the City Planner Nicole Cline expressed an idea that the area might be on the verge of industrial activity. Attorney Elton stated light manufacturing would be more appropriate than industrial. Councilman Rupp stated he doesn't mind the commercial along the curb but does not see the property appropriate for industrial uses. He stated he would like to see offices or stores not industrial types of businesses.

Mr. Scadden stated he is willing to enter into a development agreement as well. He stated he is willing to do whatever the City asks. He stated that he is primarily interested in developing the commercial property. He stated the town has ample residential properties, but sees Grantsville in need of commercial development. Councilman Tripp stated that the residents adjoining to the west moved into the area with an understanding that one half acre lots would be surrounding them. Councilman Castagno asked if Mr. Scadden would be willing to look at developing one half acre lots adjoining the Little Reno subdivision. Mr. Scadden stated that he believes there are smaller lots than one half acre lots in the adjoining area. Mr. Scadden stated he would be willing to make his residential lots similar in size to those in the Little Reno Subdivision. Councilman Marshall suggested that Mr. Scadden only

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have one row of half acre lots along the Little Reno Subdivision and reconfigure the balance of the property for commercial use. Councilman Johnson stated he would like to table the matter to see a new plan with the residential lots being consistent with those in the Little Reno Subdivision.

Councilman Tripp and Marshall received a letter from David and Brenda Peterson as well as a petition and asked for the letter and petition to be entered into record. Mayor Anderson stated that the letter and petition would become a part of the minutes.

**Motion:** Councilman Johnson made a motion to table the General Plan amendment for Tanner Scadden in order to receive another preliminary plan consistent with residential lots being the same size as in the adjoining Little Reno Subdivision. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

**4. Consideration of a commercial P.U.D. at 124 East Main Street in the CS zone, to include a retail strip mall and a recreation center. (Gordon Fields Application).**

Attorney Elton stated that the Planning Commission normally approves planned unit developments, but if the project has a value of over \$200,000.00 the City Council is also required to review and approve the development. Councilman Marshall stated that the Planning Commission recommended down facing lights and a privacy fence. Councilman Marshall stated that Brandon Johnson had presented a letter and asked that it be entered into the record. Councilman Marshall stated he is concerned with the noise the commercial development may bring. Councilman Rupp stated that is why the City has a nuisance and noise ordinance. Mr. Fields had several concerns with the letter that Mr. Johnson had presented including the fact that the sidewalk had to be handicap accessible.

**Motion:** Councilman Tripp made a motion to approve the commercial P.U.D. at 124 East Main Street for Gordon Fields in accordance with the conditions set by the Planning Commission. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

**5. Appointment of Planning Commissioner.**

Mayor Anderson nominated Lynn Taylor to fill a vacancy on the Planning Commission.

**Motion:** Councilman Johnson made a motion to approve the appointment of Lynn Taylor to serve as a Planning Commissioner to fill the unexpired term of Jeff Didericksen. Mr. Didericksen had previously submitted his resignation from this position. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

**6. Consideration of Ordinance No. 2009-02, amending the definition of Private Street in Chapter 2 of the Land Use Management and Development Code to require private streets to be identified with street signs together with specifications for the signs.**

**Motion:** Councilman Tripp made a motion to adopt Ordinance No. 2009-02 as proposed. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

**7. Consideration of Ordinance No. 2009-03, amending the impact fee ordinance to provide that if a developer installs a larger water meter than is required, that the fees associated with the selected meter shall be paid and that no refunds, credits, challenges, appeals or mediation will**

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**be allowed to reduce the meter size or pay reduced impact fees after the oversized meter has been installed.**

Councilman Johnson stated that he does not feel a homeowner should be penalized for installing an oversized water service and meter. He stated he feels they should be allowed the option to change the service and meter size if the impact fee had not already been paid. Councilman Johnson stated he would like to table this matter and ask that the City Attorney revise the ordinance to allow the meter and service to be changed, provided the impact fee had not already been paid to the City.

**Motion:** Councilman Tripp made a motion to table consideration of Ordinance No. 2009-03 in order to revise the language as discussed. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

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

Mayor Anderson stated that the Boys and Girl Club had discontinued their operation in Grantsville City. He reported that Project Cannonball is still viable.

Councilman Marshall stated the Fire Department needs to obtain bids for the City fireworks. The Mayor gave Councilman Marshall the go ahead to solicit bids. He stated the Fire Department is working on becoming First Responders. He stated they are waiting certification. He stated the hospital did not want to be the supplier of the medial items so they are looking at other suppliers.

Councilman Johnson stated the concession stand is coming along. He stated that Cargill has done a lot in helping with the concession stand and he stated his appreciation for this company.

Councilman Marshall stated he would like to continue to wait on the purchase of water rights. The council all agreed.

## **9. Adjourn.**

Motion: Councilman Marshall made a motion to adjourn. Councilman Rupp seconded the motion. All voted in favor and the meeting was officially adjourned at 8:45 p.m.