

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON FEBRUARY 18, 2009 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.

Roll Call - Mayor and Council Members: Mayor Anderson, Council Members Brent Marshall, Tom Tripp, Paul Rupp, Todd Castagno and Mike Johnson were present.

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

Citizens and Guests Present: David Burton, Renae Williams, Charles Williams, Teresa Reed, Dave Reed, Sam Drown, Colleen Brunson, Jennifer Kelley, Mike Colson, and Richard Gosling.

Mayor Anderson officially called the meeting to order at 7:00 p.m. Mayor Anderson welcomed three Scout Troops that were attending the meeting.

AGENDA:

1. Summary Action Items

- a. Approval of Minutes of the February 04, 2009 City Council Meeting.
- b. Approval of Business Licenses for Gosling PC.
- c. Approval of Bills dated February 18, 2009 in the sum of \$107,975.53.
- d. Personnel Matters (none).

Mayor Anderson stated there was another legal bill which he wanted the Council to consider. He stated the law firm has now gone over the City's budget on the appeal. Councilman Tripp asked when the appeal should be heard. Attorney Elton stated sometime this summer.

Motion: Councilman Castagno made a motion to approve the summary action items and to include the bill for Van Cott, Bagley, Cornwall and McCarthy in the amount of \$11,824.50. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

2. Consideration of Ordinance 2009-04 amending the General Plan for 11.4 acres at the southwest corner of Durfee and Worthington Streets, from a "Low Density Residential" land use category to a "Commercial/Higher Density Residential" category. (Dolorosa Estancia, LLC – Josh Henwood Application).

Attorney Elton stated that the City Planner indicated that the request is not consistent with the current General Plan and was not recommended. He stated the Planning Commission's position was that this proposal for commercial use was not appropriate in the area requested. He stated the Planning Commission was not opposed to the fitness center, but did not like the additional commercial property being asked for.

Motion: Councilman Marshall made a motion to deny the requested general plan amendment outlined in Ordinance 2009-04, an ordinance amending the Grantsville City Comprehensive General Plan and Future Land Use Map to designate property located along Durfee and Worthington Streets from a Low Density Residential land use category to a Commercial – Higher Density Residential land use category. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

3. Consideration of extension to record final plat for Wells Crossing Subdivision. (Fieldstone Homes).

Attorney Elton stated the developer is requesting a 180 day extension to record the final plat for the approved Wells Crossing Subdivision due to the current economic conditions. Sam Drown, representing the developer indicated that they would like to be allowed to ask for even more time if necessary, but due to terms of the current ordinance they are only allowed a onetime 180 day extension. Councilman Marshall stated the Council has denied other subdivision extension requests. He stated he would like to remain fair and consistent. Attorney Elton stated that only one subdivision was denied an extension and that extension would have violated the terms of a development agreement. Mayor Anderson stated the City Planner Cline stated that these requests should in no event exceed two years. Attorney Elton stated the Planning Commission is going to consider recommending the ordinance be amended to allow for some additional extensions for good cause.

Motion: Councilman Johnson made a motion to approve a 180 day extension to record the final plat for the first phase of the Wells Crossing Subdivision. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

4. Consideration of agreement with Rocky Mountain Power to upgrade electrical service to sewer plant.

Attorney Elton stated that this item is the consideration of a contract from Rocky Mountain Power to upgrade the electrical service for the sewer plant upgrade. He stated the City Engineer Craig Neeley and the Public Works Director Joel Kertamus have approved the terms of the contract. He stated the contract does provide for a credit for additional power use. Councilman Marshall asked if Rocky Mountain Power would consider a discount if the City would pay upfront the entire amount rather than paying for the upgrade over the term of the contract. He stated it may be worth approaching Rocky Mountain Power to see what the savings would be if the City paid the entire amount upfront.

Motion: Councilman Marshall made a motion to table consideration of the agreement with Rocky Mountain Power in order to determine what savings may result from paying the total amount upfront rather than over the term of the contract. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

5. Consideration of Ordinance No. 2009-05 amending the Planned Unit Development regulations, by revising the approval process, standards for approval and other general revisions.

Attorney Elton stated the proposed ordinance was recommended by the Planning Commission to streamline the Planned Unit Development (PUD) regulations. He stated the ordinance makes the standards and appeal procedures more clear. He indicated that the new ordinance will make the process easier to understand. He stated that the Ordinance allows the Planning Commission to approve one lot PUDs without going to the City Council. Councilman Marshall asked if there should be a limitation placed in the ordinance to limit change requests. Attorney Elton stated that the Council does not have to grant a change if requested and the request would be beneficial that it may be in the City's best interest to consider changes. Councilman Tripp stated he is not in favor of PUDs. He asked if a

developer meets the criteria set forth in the PUD ordinance do they have a right to have it approved. Attorney Elton stated that a PUD is always within the City's discretion to approve or deny. Councilman Tripp asked if a neighbor has a right to appeal the decision made by the City. Attorney Elton stated the City has usually allowed an adjoining property owner to file an appeal. Councilman Tripp asked if thirty days is an appropriate amount of time within which to file an appeal. Attorney Elton stated that 30 days is the standard time frame for most appeals under City and State law.

Motion: Councilman Castagno made a motion to approve Ordinance No. 2009-05, an ordinance amending Chapter Twelve (Planned Unit Development Regulations) of the Grantsville City Land Use Development and Management Cod by revising the approval process, standards for approval and by making other general revisions to Chapter Twelve. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

6. Consideration of Ordinance No. 2009-06 amending the development code to require that essential utilities and infrastructure be completed prior to the issuance of building permits in subdivisions and certain developments.

Councilman Marshall stated that he proposed the ordinance to assist emergency services to be able to respond more quickly. He stated that newer subdivisions often do not have any street signs up or they put them up and they get blown down. He stated that after storms many signs are not visible and it is hard to find locations. He stated he would like to see asphalt and signs installed before the issuance of a building permit. Councilman Johnson stated he is concerned that asphalt cannot be laid in cold weather. Councilman Castagno stated that if a developer misses the fall paving deadline they will have to wait until spring to complete the street. Councilman Marshall stated his major concern is having permanent street signs installed. Councilman Tripp stated it would be nice for the ordinance to allow some flexibility on the completion of the streets.

Motion: Councilman Castagno made a motion to table the ordinance in order to add some flexibility regarding the asphaltting of streets based upon weather conditions. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

7. Consideration of scheduling special meeting – water rights.

Mayor Anderson stated that a meeting needs to be set up with the City's water rights attorneys to review their water rights analysis and consider their recommendations.

Motion: Councilman Tripp made a motion to hold a special meeting to discuss water rights on Thursday February 26, 2009 at 6:00 p.m. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

8. Council Information Updates.

Councilman Tripp stated a representative from the Old Folks Sociable is asking for a donation. Mayor Anderson stated the City often supplies stamps and envelopes. Recorder Wright stated the City has already supplied some stamps and envelopes for the sociable. Councilman Tripp made a motion to donate \$500.00 to the Old Folks Sociable. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

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Mayor Anderson stated that Judge Mary Saxon's retirement party will be held on Thursday, February 26, 2009 at 12:00 p.m. at city hall and the Council and City employees are invited to attend.

Mayor Anderson stated that businesses are still looking at locating to Utah. Councilman Rupp stated that commercial development has not slowed down. Councilman Castagno stated the Mayor of Logan stated they have the lowest unemployment rate in the country.

Councilman Marshall stated the truck for emergency response will be licensed in about a month. He also stated that he was contacted by a church group that is looking for some service projects for the 11th of June. Mayor Anderson advised him to have the church group talk to the Public Works Director.

Councilman Tripp stated that he recently drove through a City development that had put in curb and gutter, but that it did not align with other existing curb and gutter on the same street. He suggested looking at the engineering and planning on new curb and gutter to align with existing facilities if possible.

Attorney Elton stated Tooele County has invited the City to meet with them to discuss amending the Deseret Peak Complex Water Agreement. He stated the City will be holding a pre-meeting at 12:30 p.m. and the meeting will be at 1 p.m. on the February 25, 2009 at the County Offices.

Attorney Elton stated he has received several calls regarding South Willow Ranches Phase 2 irrigation water. He stated Alan Johnson was required to dedicate irrigation water to the HOA. Johnson as the president of the HOA apparently used these irrigation shares for collateral on a loan. He stated that Alan Johnson has defaulted on the loan and the bank is attempting to sell the shares separately from the lots. He stated the Grantsville Irrigation is contesting the sale and wants the shares to stay with the lots. He also stated that the improvements for Phase 1 were not completed and the City has given notice to forfeit the bond, which request has not yet been honored by the financial institution.

9. Adjourn.

Motion: Councilman Marshall made a motion to adjourn. Councilman Rupp seconded the motion. All voted in favor and the motion carried. The meeting was officially adjourned at 7:53 p.m.