

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON JUNE 3, 2009 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.**

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

**Appointed Officers and Employees Present:** Ron Elton, Joel Kertamus, Kristy Clark and City Recorder Rachel Wright.

**Citizens and Guests Present:** Missy Thompson, Ed Lemmon, Colleen Brunson, Nathan Wood, Breck Russell, Kim Russell, Trudie Wilson, and Troy Johansen.

**Motion:** Councilman Castagno made a motion for Councilman Marshall to act as Mayor Pro Tempore in the absence of Mayor Anderson. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

**PUBLIC HEARINGS:**

- a. **Proposal to close or block off the north end of 800 East Street at its intersection with State Road 112.**

Grantsville City Public Works Director Joel Kertamus stated that a few years ago when UDOT and the City did the realignment of Durfee Street and SR 112 it was requested by UDOT that Grantsville City close off the north end of 800 East Street because it did not intersect with SR 112 at a right angle and because of its close proximity to Durfee Street. UDOT indicated that the intersection of 800 East and SR112 was not safe. What has brought this issue up again is that a business is trying to locate east across from the intersection of 800 East and it has requested access to SR 112. UDOT has indicated that it would only allow a right turn in to access the property and a right turn out onto SR 112 to access the property as long as 800 East is still open. He stated that UDOT would also limit access to SR 112 from 800 East to right turns in and out. Mr. Kertamus indicated that if 800 East was closed at the north end, the City should construct a 50 foot radius turn around at the north end of 800 east.

Edward Lemmon spoke. He stated he is not necessarily opposed to the closure. He stated that it will be quieter if the street is closed. He stated it will also be more of a hassle for him to go to work. He stated that he is used to the road as it is and he doesn't like change.

Teresa Wood at 840 East Durfee Street spoke in opposition to the proposed closure. She stated that it will directly affect the traffic that runs in front of her house. She stated that the closure would cause more traffic on Durfee Street in front of her home. She stated that Durfee Street is zoned residential with no safety measures in place, with no curb or gutter and the speed limit is 35 mph. She stated the increased traffic will cause the street to be even more unsafe than it currently is. She stated the street is very dangerous for the school children that wait for the school bus on Durfee and the south end of 800 East. She asked for the closure of 800 East to be denied until the safety issues with Durfee Street are addressed. She stated she would also like to see a formal plan for the closure of 800 East as well.

Troy Johansen at 791 East Durfee Street spoke in opposition to the proposed closure. He stated that no access should be vacated. He asked what the real reason is for closing 800 East. He stated that it was advertised that the closure is for safety reasons. He stated that data does not support

that 800 East is unsafe. He stated that employees of Grantsville City stated that a mortuary is looking at locating on SR 112 and was denied access to SR 112. He stated that Utah State Code provides ingress and egress to property adjoining a public highway. He stated that he heard that the closure is because Grantsville City and UDOT had an agreement. He stated he does not feel that is a binding agreement nor does it have any legal standing. He stated that simplicity is the only reason that he feels has merit. He stated that the road was there before houses. He stated that we live in a republic so that many cannot oppress the few and the few cannot put undue burdens on the many. He stated that the decision should be on the effect to the community. He stated please do not send the City down a dead end road.

Nathan Wood spoke in opposition to the proposed closure. He stated that he is an educated engineer and is bothered by the lack of planning and engineering of the proposal. He stated that he does not see any changes from the previous public hearing. He stated that at the previous City Council meeting the Mayor requested a detail plan but no plan has been done. He stated that there is no written plan, no options or alternatives that have been detailed. He stated that the Public Works Director stated that he did not want to have professional plans drawn up until he received further instructions from the Council and no plan has been created even after the Mayor directed it. He stated he is in agreement with Vern Loveless that a plan needs to be prepared and it should be designed with the same criteria expected of developers. He stated that failing to plan is planning to fail. He stated the plan must be prepared by an engineer, include traffic data and crash statistics, detail impact to Durfee Street, detail all the options available, detail the mitigation actions that will be implemented to guarantee the same level and even higher standard of protection to the children and residents that live on Durfee Street and the children that wait for the school bus on Durfee Street and 800 East, detail the cost involved and where the funding would come from. He stated that failing to plan would open up the City to litigation. He stated that any proposed modifications to the intersection should follow the RSI, roadway safety improvement program. The strategic goal of the program is to reduce the number of traffic fatalities and serious injuries, reduce the number of crashes, decrease the potential of crashes and maximize the benefit of limited safety funds. He stated that the determination that the street is dangerous has not been proven. He stated there is no written agreement with UDOT then there is no binding agreement. Attorney Elton stated the City does not have a legal obligation to close 800 East. Mr. Wood stated that proximity was brought up. He indicated that many intersections are similar to 800 East such as Erda Way, Clark Street and Old Lincoln Highway. He stated he is also under the understanding that the City is in a budget shortfall and asked how the improvement was going to be paid. He asked the council to vote no to the proposed closure. Councilman Rupp asked how the closure was going to affect him. Mr. Wood stated he lives on Durfee Street and that all of the traffic from 800 East will then go Durfee Street.

J. R. Didricksen was present and spoke to the Council. He stated he is the individual planning on building a mortuary on SR 112. He stated that in talking to UDOT that they discussed the proximity of 800 East and Durfee Street. He stated that the land on SR 112 is zoned commercial and more business will experience the same issue. He stated that businesses are not going to want to be limited to one direction of traffic. He stated the safety issue was brought up several times for the school children. He stated that currently the bus stop has four directions of traffic if 800 East is closed then there will only be two directions of traffic.

Councilman Rupp stated he is not convinced whether to be for or against it. He stated there are good arguments for both. He stated that those living on Anderson Ranch will need to slow down or stop to turn into the Anderson Ranch area which can impact the safety on Durfee Street.

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Public Works Director Kertamus stated that the funds for the closure of 800 East do not come from property taxes. He stated that realignment of 800 East to intersect SR 112 would cost more due to acquisition of property necessary to allow the realignment.

Mayor Pro tem Marshall asked for any further comment. No other comments were offered and the public hearing was closed at 7:39 p.m.

**AGENDA:**

**1. Summary Action Items**

- a. Approval of Minutes of the April 30, 2009 and May 13, 2009 City Council Meetings.
- b. Approval of Business Licenses for Mark's Tennis Instruction, Gowan's Enterprises, Inc., Gates Graphics, and Streak Free Window Cleaning.
- c. Approval of Bills dated June 3, 2009 in the sum of \$27,235.71.
- d. Personnel Matters (none).

**Motion:** Councilman Castagno made a motion to approve the summary action items. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

**2. Consideration of Ordinance No. 2009-12 establishing a filing fee for City elected offices.**

Recorder Wright stated she had a meeting with the Tooele County Clerk and it was recommended that the City adopt a filing fee for City elected offices. She stated the fee would help eliminate those running that are not serious about holding an elected office. She stated that Tooele City has had to on at least two occasions primary elections because an individual filed because their spouse told them to and they did not really want to run. She stated a primary can cost a city an additional \$2,000.00 – \$3,000.00. She stated that a filing fee would also help with the cost of the elections.

Mayor Pro Tem Marshall stated that the agenda item was the most ludicrous agenda item he had seen on an agenda. He stated that no one should be prevented from running for an elected office. He stated the suggested fee was high comparable to state agencies and other municipalities that he had researched. He stated he does not want to prevent someone that does not have the finances from running. He stated the amount may keep an individual from filing. He stated the amount the City would make on a filing fee is ridiculous and will not pay for an election.

Councilman Johnson stated he agreed that a person wanting to do public service should not be charged a filing fee.

**Motion:** Councilman Johnson made a motion to deny the proposed ordinance. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

**3. Consideration of Ordinance No. 2009-13 closing off the north end of 800 East Street at its intersection with State Road 112.**

Councilman Johnson stated that in the previous minutes that the Mayor requested to see a professional plan and the Public Works Director is waiting for direction. Mayor Pro tem Marshall suggested meeting with UDOT. He stated he agrees there needs to be a plan. He stated that UDOT is generally difficult to deal with. Mayor Pro tem asked the Public Works

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Director to set up a meeting with UDOT to discuss the proposed closure. Councilman Johnson and Castagno stated they would meet with UDOT.

**Motion:** Councilman Castagno made a motion to table action on the closure of 800 East Street until a meeting with UDOT is held. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

**4. Consideration of termination of utility billing contract and purchase of mail folding machine and mail postage meter.**

Councilman Castagno stated that if the City purchased a mail folding machine and terminated the current utility billing contract the expenses would be a wash the first year but the City will save in the long run. Utility Clerk Clark stated that the proposal should save the City around \$6,000.00 a year. She stated that currently the City purchases the stamps. She stated that with the postage meter the City could also save on postage because the City currently overpays on postage by using stamps to make sure the letter or package does not get returned. She stated the folding machine could be utilized by all of the City's Departments. She stated the machine stuffs and seals envelopes. She stated it will insert the envelope and will allow the City to get as much information as needed to the taxpayers through their utility bill.

**Motion:** Councilman Castagno made a motion to terminate the utility billing contract and authorize the purchase of a mail folding machine and postage meter. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

**5. Consideration of termination of janitorial and janitorial product contracts.**

Mayor Pro Tem Marshall stated he has had second thoughts on terminating the custodial services at City Hall. He stated that the employees at City hall are in dress attire and are not prepared to clean City Hall. He stated City hall also receives a lot of foot traffic. He asked the Public Works Director if he was okay with his Department cleaning their offices and other spaces. Joel Kertamus indicated that they could.

Mayor Pro Tem Marshall stated his desire that funds for custodial services for City Hall be placed back in the tentative budget and that custodial services for the Public Works Department be terminated at the end of the current fiscal year.

**Motion:** Councilman Johnson made a motion to terminate the janitorial contract with Milva Bolinder for the Maintenance Department offices as of June 30, 2009. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

**Motion:** Councilman Castagno made a motion to formally terminate the contract with G&K Services for the Fire Department in order to confirm the decision previously made when the tentative budget was adopted to delete this service and as a result of the fact that this contract was never approved by the City Council and bound the City in subsequent budget years when the City doesn't have funds to support this contract. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

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**6. Council Information Updates.**

Councilman Rupp asked if the fireman could present the flag ceremony for the Fourth of July celebration this year. Mayor Pro tem Marshall stated he would talk to the Fire Department and stated he thought they would be honored to perform the flag ceremony. Councilman Rupp stated they do a great job.

Councilman Castagno stated that the Tooele County Trails committee received a grant to put in a trailhead at the intersection of Durfee Street and SR 112. He stated that UDOT owns the property and the committee is currently working with UDOT to be able to utilize the parcel.

Attorney Elton stated that he drafted a development agreement for M-5's proposed development on Quirk Street. He stated that Preston Miller was concerned about the allowable building space and will be submitting a waiver request to allow more buildable space than is allowed by the R-1-21 zoning regulations. He stated that Mr. Miller was under the impression that the setbacks addressed the allowable buildable space issue. He stated that a meeting was held with Oquirrh Estates. He stated they are having some difficulties that they are working through but the project appears to still be viable.

**7. Adjourn.**

**Motion:** Councilman Johnson made a motion to adjourn. Councilman Rupp seconded the motion. All voted in favor and the meeting officially adjourned at 8:13 p.m.