

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON JULY 1, 2009 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.

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

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

Citizens and Guests Present: Janice Ross, Mike Ross, Brad Rasmussen, George Ann Erickson, Dale Erickson, Tyson Erickson, Matt Stewart, Colleen Brunson, Aaron Mueller, Missy Thompson, James Vera, and Jennifer Kelley.

AGENDA:

1. Summary Action Items

- a. Approval of Minutes of the June 17, 2009 City Council Meeting.
- b. Approval of Business Licenses for BSG Photography and MCS Computers.
- c. Approval of Bills dated July 1, 2009 in the sum of \$64,931.89.
- d. Personnel Matters (none).

Councilman Marshall asked that a bill for an emergency fire pump repair be added to the bills for Larsen Fire Apparatus.

Motion: Councilman Marshall made a motion to approve the summary action items including approval for the payment of the bill for Larsen Fire Apparatus in the amount of \$1,771.60. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

2. Consideration of Ordinance No. 2009-15 amending the General Plan for 7.46 acres located at 526 North Hale Street from an "Industrial" land use category to a "Rural Residential-1" land use category. (Dale Erickson Application).

Dale Erickson was present. He stated he is asking for the general plan amendment to divide off one 2.5 acre lot for his son. Councilman Johnson stated that the Planning Commission was unanimous in approving the request. He stated he believes another industrial area needs to be identified before allowing a change to this area. Councilman Marshall stated in order to allow the general plan request the south boundary for this industrial area would have to be moved north and allow all other applicants that have been previously denied to seek approval of their requests. Attorney Elton stated in order to allow residential in an industrial land use category the zoning ordinance would need to be amended. Councilman Castagno stated the Planning Commission would like to move the industrial area to the east and northwest areas of the City. He stated that the industrial area could not be deleted completely in the location it currently is in because of the existing industrial depot. Attorney Elton stated the options are to deny or approve the request or change the ordinance to allow residential uses in the industrial area. Councilman Rupp stated that if the industrial land use category was moved north then it would kill the industrial area. Mr. Erickson stated that majority of the landowners have ten acres or less and he does not see how that would be good for industrial uses, since they would need more property than that. Councilman Johnson stated that an industrial area is needed in the City. He stated he cannot see supporting this general plan amendment until another industrial area is created. He stated he thinks moving the industrial area North to Vegas Street makes sense.

Motion: Councilman Tripp made a motion to deny, the proposed ordinance amending the Grantsville City Comprehensive General Plan and Future Land Use Map which would designate property located along North Hale Street from an Industrial Land Use Category to a Rural Residential-1 Land Use Category. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

3. Discussion of an amendment to 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. (Boulder Canyon P.R.U.D.)

Attorney Elton stated that previously the item was on the agenda to amend the general plan contingent upon the property being developed according to a proposed development plan that was submitted as part of the application. He stated that the Council had suggested that the previous owner, representative Tanner Scadden, redesign the development plan to allow

larger lots similar to the size of Little Reno lots and commercial lots on the remainder of the property. He stated that Tanner Scadden is, however, no longer the owner of the property and that the new owner has submitted a revised development plan with all of the property being proposed for residential uses. He asked the council to consider holding another public hearing in order to take input on the revised plan.

Aaron Mueller was present representing Reeve and Associates, owner of the property. He stated that the applicant, Tanner Scadden, is no longer involved in the project. He stated he has met with adjoining landowners and they have asked that the land be developed for residential uses only. He stated they would make a nice subdivision. He stated they are asking for a multifamily housing subdivision with larger lots for single family residential backing up to the Little Reno subdivision. He stated they would also be asking for the RM-15 zoning designation. Attorney Elton asked how many homes per acre would be located on the property. Mr. Mueller stated it would be approximately 10, 11, or 12 units per acre. He stated the landscaping of the subdivision including the single family lots would be put in with the construction of the homes and maintained by a HOA management firm. He stated the multifamily housing would be 1,500 square feet or larger on the main level. Councilman Johnson asked if they would have basements. Mr. Mueller stated that the multifamily units would not but that the single family homes may. Councilman Castagno asked if the units would be individually owned. Mr. Mueller stated yes and that they provide in the CC&Rs that they must be individually and separately owned. Councilman Johnson asked about phasing. Mr. Mueller stated he thought it would be between 4-7 phases. Councilman Marshall suggested making the dead end street go through and connect to Main Street to allow another entry and exit. Attorney Elton suggested entering into a development agreement if residential units is considered.

Councilman Tripp stated he would like to have a new public hearing. The Council all agreed. Attorney Elton suggested holding the public hearing the first meeting in August. The Council agreed to hold a public hearing August 5, 2009.

4. Consideration of Resolution No. 2009-16 approving an amendment to the agreement with the Department of Army for the wastewater treatment facility improvement project.

Attorney Elton stated the proposed resolution approves an amendment to the existing agreement with the Department of Army to make it comply with the requirements of the federal stimulus bill. He stated the amendment requires that the equipment be made in America and establishes wage requirements. He stated the equipment has been ordered and some is not American made. Brad Rasmussen with Aqua Engineering stated that he had contacted Scott Stoddard the representative of the Department of Army Corps of Engineers about the amendment. He stated that Mr. Stoddard understood that the amendment should not be a problem for the City in obtaining the required equipment for the project because it has already been ordered. Councilman Castagno stated that in order to receive the funding the amendment has to be passed which ties the council's hands.

Motion: Councilman Marshall made a motion to approve Resolution 2009-16, a resolution approving Amendment No. 1 to the agreement with the Department of the Army for the Grantsville City Wastewater Treatment Facility improvement project in order to comply with the requirements of the American Recovery and Reinvestment Act of 2009. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

5. Consideration of awarding bid for Wastewater Treatment Plant upgrade.

Attorney Elton stated that the bids were opened and reviewed by Aqua Engineering. Brad Rasmussen with Aqua Engineering was present and he stated that the low bid was Hills Construction and his firm recommended awarding the bid to Hills. He stated that they have worked with Hills Construction before and feel they will do a good job. He stated they have had good experiences with Hills Construction. He stated that the bid was about \$200,000.00 higher than the original estimate because of changes that were made to improve the equipment and conditions at the site. He stated that Scott Stoddard with the Army Corp of Engineers thinks the City may be able to recover the difference. Councilman Marshall asked if possible that the contractor hire local people. Mr. Rasmussen stated that it was not in the bid that the contract must hire local subcontractors or workers, but they but will encourage Hills Construction to use local individuals when possible.

Motion: Councilman Tripp made a motion to award the bid for the Grantsville City Wastewater Treatment Plant upgrade to Hills Construction and to authorize the Mayor to enter into a contract for this work. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

Motion: Councilman Rupp made a motion to allow Aqua Engineering to sign and send the Notice of Award to Hills Construction. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

6. Consideration of Ordinance No. 2009-16 amending the City's Land Use Management and Development Code (Section 21.2.2) to provide additional time between the approval of a final development plat and the recording of the final development plat.

Attorney Elton stated that the current ordinance allows 90 days to record a final plat with one extension request. He stated the Planning Commission recommended allowing 120 days to record the final plat and to allow up to 3 requests for extensions for good cause. Councilman Marshall stated that would allow two years to record a final plat. Councilman Castagno stated he does not think that the recording of the final plat should drag on forever but 90 days with one extension is a little restrictive. He stated he feels two years is reasonable. Councilman Marshall stated that he feels three extension requests is a little extreme.

Motion: Councilman Rupp made a motion to approve Ordinance No. 2009-16, an ordinance amending the subdivision approval process of the Grantsville City Land Use Management and Development Code by providing 120 days to record a final plat and to allow the option of developers applying for two extensions of 120 days each for good cause shown. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

7. Consideration of Resolution 2009-12 supporting the U.S. 2010 Census and determining the City's level of participation in the Census.

Attorney Elton stated the resolution urges citizens to support the U.S. census. He stated that they also would like to know how the City would like to be involved in supporting the census. He suggested authorizing the Mayor to determine what level of support the City can provide.

Motion: Councilman Tripp made a motion to approve Resolution 2009-12, a resolution supporting the United States Census Bureau's desire to conduct a complete and accurate count of all of the Grantsville residents as of April 1, 2010 and to authorize the Mayor to determine what additional level of support the City can provide. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

8. Consideration of Resolution No. 2009-17 amending Ace Disposal Contract to provide cash bond in lieu of performance bond.

Richard Hamik with Ace Disposal was present. He stated the current contract requires Ace to file a \$50,000.00 corporate performance bond. He stated they are proposing to set up an escrow account with cash in lieu of the performance bond in the amount of \$25,000.00. Attorney Elton stated his opinion that the proposal was a good idea because often times it is difficult to collect on surety bonds. Councilman Johnson stated he sees it as a plus for both parties.

Motion: Councilman Johnson made a motion to approve Resolution No. 2009-17, a resolution approving amendment No. 1 to the agreement with Ace Disposal Incorporated in order to substitute a cash bond for a corporate surety bond. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

9. Council Information Updates.

Mayor Anderson stated that final consideration of the closure of 800 East needs to be placed back on a City Council agenda. He stated he would like to place in the agenda in August. Councilman Castagno stated that UDOT will allow access to the proposed mortuary but will place a median in the center of SR 112 if 800 East is not closed.

Mayor Anderson stated planning for the Fourth of July is proceeding and it should be a great event for the City. He stated Jason Duhon is having trouble finding cars for the Council to ride in the parade and asked for the Council to look for their own vehicles. Councilman Rupp stated the flag ceremony is planned and they have some great speakers lined up.

Approved

Councilman Marshall stated all the governmental requirements for First Responder for the Fire Department have been completed. He stated they are waiting for the directing doctor's approval. He stated he has had a difficult time contacting the doctor. James Vera was in the audience and stated that he is a member of the Board of Trustees for the Hospital and that he would talk with Dr. Bradley about this issue.

Councilman Tripp asked about holding a open and public meeting training. Attorney Elton stated he is prepared to conduct the training and will get with the Mayor on what agenda it would be placed on. Tripp stated that the flowers on Main Street look beautiful. He stated he had a call that there are flowers still at the public works department that need to be hung. Mayor Anderson stated he will talk with the Public Works Director.

Attorney Elton stated he attended the Court of Appeals hearing for the Pacific West lawsuit. He stated Craig Smith argued on the City's behalf and did an excellent job. He stated the judges were well informed and were generally skeptical of Pacific West's position.

Attorney Elton stated that the Council has set a date for the public hearing for the tax increase but also needs to conduct a public hearing on the proposed budget. He asked if the Council would like to hold both hearings on the same night. Mayor Anderson stated his opinion that conducting both public hearings the same night makes sense.

10. Adjourn.

Motion: Councilman Marshall made a motion to adjourn. Councilman Johnson seconded the motion. All voted in favor and the meeting officially adjourned at 8:28 p.m.

Rachel Wright
City Recorder

C. Byron Anderson
Mayor