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MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON SEPTEMBER 2, 2009 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.

AGENDA:

1. **Roll Call – Mayor and Council Members:** Mayor Byron Anderson. Council Members Tom Tripp, Brent Marshall, Paul Rupp, Todd Castagno and Mike Johnson,

Appointed Officers and Employees Present: Public Works Director Joel Kertamus, Attorney Ron Elton and City Recorder Rachel Wright.

Citizens and Guests Present: Joe Cange, Aaron Mueller, Colleen Brunson, Jane See, Missy Thompson and Daniel Lee.

Mayor Anderson welcomed the Scouts of Troop 1278.

2. **Summary Action Items**

- a. Approval of Minutes of the August 11, 2009, August 12, 2009, August 17, 2009 and the August 19, 2009 City Council meetings.
- b. Approval of Business Licenses for Harvest Lane Honey, LLC and San Francisco Doll House.
- c. Approval of Bills dated September 01, 2009 in the sum of \$55,949.02.
- d. Personnel Matters (none).

Attorney Elton stated that one change needed to be made to the August 17, 2009 minutes. He stated that the Public Works Director stated that 1.2 million gallons of water used at the Deseret Peak Complex was incorrect. Public Works Director Kertamus stated that it should read 100,200,000 gallons per year. Councilman Tripp stated he would like further information regarding the Harvest Lane Honey business. Councilman Johnson stated he too would like to find out more information before the business license is approved. Councilman Tripp asked about the zoning for the San Francisco business license. Recorder Wright stated the applicant received a Conditional Use Permit from the Zoning Administrator.

Motion: Councilman Marshall made motion to approve the summary action items with an amendment to the August 17, 2009 minutes to read 100,200,000 million gallons per year not 1.2 million gallons per year and to table the business license for Harvest Lane Honey, until a representative could appear before the Council. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

3. **Consideration of Ordinance No. 2009-17, amending the General Plan for 8.6 acres located 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 (up to 15 dwellings per acre), in order to develop higher density residential uses (Reeve and Associates Application).**

Aaron Mueller representing Reeve and Associates was present. He stated his company had revised the proposed development plan by removing four units near the tot lots to add a swimming pool area. He stated it will have a nice sized pool house that can be used all year long. Councilman Castagno asked who would have access to the pool. Mr. Mueller stated the HOA will be in charge of setting rules for access to this area. He stated that family and

friends typically will be able to use the pool and home owners would be able to reserve the club house.

Councilman Marshall asked if the paths in the development would be concrete. Mr. Mueller stated that they would either be asphalt or a natural flag stone path. Councilman Johnson asked about the phasing. Mr. Mueller stated he estimates around 6 to 8 phases. Councilman Johnson asked at what point the club house would be constructed. Mr. Mueller stated it would be constructed sometime during the middle of the project. He stated they will use the club house to help market the project. He stated they are flexible in the phasing. Councilman Johnson stated that if the project takes years to build he does not want to have an eye sore on the undeveloped area.

Councilman Rupp asked what was decided on the second road connecting the project to Main Street. Mr. Mueller stated they now have two entrances to Main Street, which has been included on their last set of plans. He stated there will be three entrances and exits. Attorney Elton stated the Ordinance incorporates by reference the concept plan and the Plan the City currently has does not show the additional entrance onto Main Street. He suggested incorporating the new entrance/exist into the motion approving the General Plan Amendment.

Councilman Castagno stated he would like to commend the developer for working with the neighbors to come up with a plan that was compatible with the area. Councilman Castagno asked if they are still willing to help with the development of the entrance to the Little Reno subdivision. Mr. Mueller stated they are. He stated they will treat it like it was their own property.

Motion: Councilman Castagno made a motion to approve Ordinance No. 2009-17, an ordinance amending the Grantsville City Comprehensive General Plan and Future Land Use Map to designate approximately 8.6 acres located along 600 West Clark Street from a Medium Density Residential Land Use Category to a Commercial/Higher Density Residential Land Use Category with a modification to attach development plan number 5773-01 by adding a third entrance onto Main Street. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

4. Consideration of Ordinance No. 2009-18, amending the General Plan for 200 acres located south of Nygreen Street in the southeast area of the City, from a Rural Residential – 1 designation to a Low Density Residential designation (up to 2 dwellings per acre) for the purpose of a residential development (Grantsville Estates, LLC - Joe Cange Applicant).

Joe Cange was present representing Grantsville Estates, LLC. He gave the Council a letter and stated the following reasons to support the General Plan Amendment request.

1. This General Plan amendment was supported by the City's zoning administrator and approval was recommended by the planning commission on July 9, 2009.
2. This density is consistent with the zoning of R-1-21 to the north and northeast and also the density of South Willow Estates to the west.
3. This density will allow for a subdivision with a mixture of desirable size lots between one-half and one acre, similar to Anderson Ranch.
4. The one-half acre lot is a very desirable size; typically 100 feet x 220 feet, large enough to create a nice size yard and at the same time not too large to maintain.

5. The one acre lots are large enough to allow for a rural environment for the keeping of large animals.
6. This request of going from half-acre lots on Nygreen to one acre lots a half mile south of Nygreen is in harmony with the General Plan statement that the density should gradually decrease from the core to the outer limits of the City.
7. The existing five acre density is not appropriate considering the adjoining density and zoning.

Joe Cange stated that he feels half acre lots are the perfect sized lots for this area. He stated that it gives you large yards that are affordable to maintain. Councilman Marshall asked who owned the land between his property and South Willow Estates. Mr. Cange stated the company is owned by Mark Cummings who also owns the Heritage Grove Subdivision. Councilman Johnson asked where the sewer lines would run. Mr. Cange stated it would be on Worthington Street. Councilman Marshall asked the Public Works Director if the collector will be able to handle the flow down to Durfee Street. Public Works Director Kertamus stated that the City is going to have to upgrade the system in the area. He stated it is in the master plan to connect the sewer lines from Worthington to Durfee Street. Councilman Johnson asked about the waterline. Public Works Director stated it will be connected into the waterline that runs to the Deseret Peak Complex. Mr. Cange stated that a 12 inch T was installed in the Deseret Peak Complex line in 2003 when the waterline was laid. Councilman Tripp stated that there are undeveloped pieces surrounding the property. He stated that by giving approval to this project, that it will set a precedent that may allow the adjoining property owners to ask for the same designation. Mr. Cange stated that majority of the adjoining land is owned by the Soil Conservation District.

Motion: Councilman Johnson made a motion to approve Ordinance No. 2009-18, an ordinance amending the Grantsville City Comprehensive General Plan and Future Land Use Map to designate approximately 200 acres of property located south of Nygreen Street in the Southwest quadrant of the City from a Rural Residential-1 Land Use Category to a Low Density Residential Category. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

- 5. Consideration of Ordinance No. 2009-19, amending the zoning map for 200 acres located south of Nygreen Street in southeast area of the City, from an RR-5 zoning designation to an R-1-21 zoning designation for 120.64 acres and an RR-1 zoning designation for 80 acres, for the purpose of a residential development (Grantsville Estates, LLC - Joe Cange Applicant).**

Joe Cange was present representing Grantsville Estates, LLC. He presented the Mayor and City Council members with a letter and stated the following in support of the proposed zoning map amendment:

1. This rezoning request was supported by the City's zoning administrator and approval was recommended by the planning commission on July 9, 2009.
2. This rezoning is consistent with the zoning of R-1-21 to the north and northeast and also the density of South Willow Estates to the west.
3. This rezoning will allow for a subdivision with a mixture of desirable size lots between one-half and one acre, similar to Anderson Ranch.
4. One-half acre lots are a very desirable size; typically 100 feet x 220 feet, large enough to create a nice size yard and at the same time not too large to maintain.

5. One acre lots are large enough to allow for a rural environment for the keeping of large animals.
6. This zoning request for half-acre lots on Nygreen to one acre lots a half mile south of Nygreen is in harmony with the General Plan statement that the density should gradually decrease from the core to the outer limits of the City.
7. The existing five acre density is not appropriate considering the adjoining density and zoning.

Motion: Councilman Marshall made a motion to approve Ordinance No. 2009-19, an ordinance amending the official Zoning Map of Grantsville City, Utah by rezoning property located South of Nygreen Street from an RR-5 designation to a R-1-21 and RR-1 zoning designation. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

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

Attorney Ron Elton stated that UDOT is waiting for the City to make a decision on the closure of 800 East before it will consider the requested access for the proposed mortuary on the opposite side of SR 112. Councilman Castagno stated that Dave Brown with Tooele County Trails was awarded grant funding to place a trailhead at the corner of Durfee Street and SR 112. He stated that it is UDOT owned property and that UDOT will not grant access to the property if Grantsville does not close 800 East. Mayor Anderson stated that the issue is whether 800 East should be closed. He stated that the City needs to act according to what is the best thing for Grantsville City and its residents. Councilman Marshall stated that leaving the road directional (south bound traffic only) makes more sense for emergency vehicles. He stated that he has spoken to Police Chief Johnson, who agreed that law enforcement would be easier with 800 East remaining open. Attorney Ron Elton stated that the proposed ordinance only addresses closure and the council would need to do a second public hearing if it wanted to consider making 800 East a one direction road. Councilman Marshall stated he conducted some research regarding the previous meeting that considered closing 800 East. He stated that back in 2002 there had been complaints of speeding. In December 2002 the Public Works Director Joel Kertamus stated that he researched closure options and found that closing this street would be in violation of the City's own code. Councilman Marshall stated this option was not desirable for the residents. He stated there was discussion of lowering the speed limit and looking into the cost of a speed bump. He stated that the discussion of closing 800 East dates back to 2000 and it was his opinion that it was time for a decision to be made.

Councilman Castagno stated that it is his understanding that UDOT will have a median placed in SR 112 which would only allow right in and right out access to the proposed mortuary if 800 East was left open. He stated he sees this as creating more traffic on 800 East. Councilman Johnson stated that he sees 800 East as a safety concern. Councilman Marshall stated that the issues of accidents is not substantiated by any evidence. Councilman Castagno stated that they shouldn't wait for a death to prove that the closure is needed. Councilman Johnson stated that the property owners of 800 East are in support of closing 800 East. He stated Mr. Lemmon at first was against the closure but is now in support of closing 800 East. Councilman Rupp asked how UDOT would handle the left turn into the mortuary. Public Works Director Kertamus stated he would assume they would require the mortuary to put in turn pockets. Councilman Rupp stated he is not opposed to right turn in right turn out. He stated he is not opposed to the closure of 800 East but wants to make sure it is being done for the right reasons.

Motion: Councilman Marshall made a motion to deny Ordinance No. 2009-13, an ordinance closing the north end of 800 East Street at its intersection with State Road 112. Councilman Castagno seconded the motion. Councilman Tripp, Marshall, and Castagno voted in favor of the motion. Councilman Johnson and Rupp voted against the motion. The motion carried

7. Consideration of offers to purchase water rights.

Attorney Ron Elton stated that there is approximately \$650,000.00 of Water Source Impact fees that could be used to purchase water. Councilman Marshall stated he is not in favor of spending the whole amount. Attorney Elton stated the big question is what they think will happen with the future values of water rights. Councilman Castagno stated he thinks the price is low, the lowest the Council will see. Councilman Marshall stated the bid from Uintah Land Company for \$4,995.00 an acre foot is in line with what he has seen water being sold at. Attorney Elton stated the Uintah water has been reviewed by the City's water rights attorneys and currently has been transferred to municipal use. Randy Cassidy representing Uintah Land Company stated that if the City accepts the bid the owner, Chris Robinson, is looking to move forward as soon as possible.

Councilman Marshall suggested purchasing the amount of water rights for impact fees that would need to be spent within the next two years. Councilman Johnson also thought purchasing the amount coming due in two to three years would be wise. Attorney Elton stated 68 acre feet would spend impact fees that would need to be spent over the next three years. Councilman Marshall stated that the City could borrow from the impact fee funds in an emergency. Councilman Rupp stated he does not think the water will come down much if any.

Motion: Councilman Johnson made a motion to purchase 68 acre feet of water from Uintah Land Company at \$4,995.00 an acre foot. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

8. Consideration of offers to provide Information Technology support.

Motion: Councilman Rupp made a motion to table this item at the suggestion of the Mayor. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

9. Consideration of amendment to Deseret Peak Water Supply Agreement.

Attorney Elton stated that it is fair to say the City is experiencing financial problems due to relying on property taxes. He stated it is important for the City to pursue a commercial tax base. He suggested putting a proposal forward to the County for Grantsville City to take over the sewer and water services for the Tooele County Special District. He stated the City could require the County to turn over the water rights of the Hunsaker Well and convey the City ownership of the well, pump and line to the Deseret Peak Complex. He stated the City could then collect impact fees sufficient to support the provision of these two services to new users connected to these services. He stated the City could require everyone that hooks into these two systems to agree to annex into the City when required by Grantsville City. Councilman Castagno asked how it would impact the public works department. Public Works Director Kertamus stated that currently his Department could handle the additional service but eventually the City would need more manpower as additional connections were added.

Councilman Tripp asked about the casing and pump system at the Hunsaker Well. Public

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Works Director Kertamus stated it is all new with the chance of failing being remote. Attorney Elton suggested also negotiating for the County to upgrade the City's South Willow Well in order to be able to provide the capacity to the County during their peak needs. Public Works Director stated it would need a bigger pump and a modification to the generator to handle the peak flows. Attorney Elton stated he is looking for authorization to pursue this approach with the County if the Council agreed. Councilman Castagno asked what the drawbacks would be. Attorney Elton stated that the County may not be willing to agree to the required annexations and may not be willing to convey the water rights and well to the City.

Motion: Councilman Johnson made motion to pursue negotiations with Tooele County for Grantsville City to provide water and sewer consistent with the proposal presented. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

10. Consideration of agreement with Tooele County for Grantsville to provide sewer service.

Please see item number 9 above.

11. Council Information Updates.

Mayor Anderson stated he attended a meeting regarding the new proposed Rocky Mountain power transmission lines. He stated that Rocky Mountain wants to put in a substation above the Mormon Trail which would hook into the southern Tooele station then run into Grantsville. He stated Randy Cassidy is trying to work with Rocky Mountain Power to run the line into his property.

Attorney Elton stated the Grantville City vs. Tooele City base reuse appeal was heard at the Utah Supreme Court today. He stated that there are a lot of technical legal issues surrounding the appeal, but it is clear that Tooele City did not use the proceeds from the base reuse process to develop new jobs. He stated his opinion is that if the City wins Tooele will be required to spend the money that it received on economic development and job creation at the Utah Industrial Depot.

Councilman Castagno asked for any suggestions on a location for a trailhead site since the closure of 800 East was denied. Mayor Anderson stated Darrel Nelson was looking at purchasing some property just south of the east end of Durfee Street and he would entertain allowing some of it to be used for a trailhead. Councilman Castagno asked if all the money from the transient room tax was used. Councilman Marshall stated it had been used on upgrades to the J. Reuben Clark Farm property.

12. Adjourn.

Motion: Councilman Marshall made a motion to adjourn. Councilman Rupp seconded the motion. All voted in favor and the meeting officially adjourned at 9:36 p.m.