

**MINUTES OF A REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL  
HELD ON JANUARY 6, 2010 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 Brent Marshall and Council Members Todd Castagno, Tom Tripp, Mike Johnson, James Vera and Mike Colson.

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

**Citizens and Guests Present:** Michael Stice, Scott Stice, Jerry Hoyt, Jerry Edwards, Lisa Ratcliffe, Bill Ratcliffe, Missy Thompson, Ronald Walters, Brian Bolinder, Neil Johnson, Alan Johnson, Colleen Brunson, Gerald Smith, Angela Grant, Ken Grant, Kent Liddiard, Georgia Dillard, Jeff Coombs, and Myron Bateman.

Mayor Marshall welcomed Scout Troop 1067.

**PUBLIC HEARINGS:**

- a. Proposed minor subdivision and P.U.D. for Jerry L. Hoyt to divide one lot into two at 31 North SR 138 for the purpose of bringing the residential use of the property into conformance with the zoning code.**

Mayor Marshall opened the public hearing at 7:01 p.m. to receive comments on the proposed minor subdivision for Jerry Hoyt. No comments were offered and the Mayor closed the public hearing at 7:02 p.m.

- b. Proposed rezoning of a 5.8 acre parcel at 713 East Main Street from an RM-7 and A-10 zoning designation to a C-G designation for the purpose of an automotive garage business. (Ken and Angela Grant application).**

Mayor Marshall opened the public hearing at 7:02 p.m. to receive comments on the proposed rezone for Ken and Angela Grant.

Angela Grant was present and asked that three letters to be entered into record, which are incorporated as a part of these minutes. She stated current neighbors of their existing business have not had any complaints. She stated the intent for the property is to run an automotive business. She stated they are aware of the neighboring landowners' concerns but they are not well founded. She stated the business provides a valuable and necessary service to the community. She stated they are not asking for an amendment to the General Plan. She stated the proposed use of the property will not impact the residents beyond their current state. She stated the residents with homes on Main Street are already exposed to external impacts. She stated that a booklet that was given to the Council included pictures of businesses along Main Street. She stated commercial uses are located in a checkerboard pattern. She stated a majority of the businesses in Grantsville are next to residential. She stated some examples include Maverik and Family Dollar. She stated they both requested zone changes. She stated that their business provides value to the community. She stated it is the responsibility of the elected officials to consider the needs and values of the City as a whole.

Scott Stice located at 743 East Main spoke against the proposed rezone. He presented and read a letter which is incorporated in these minutes. He stated he looked at all the issues and does not feel he has the "not in my backyard" attitude. He stated that six houses are within 300 feet of the subject property. He stated the General Plan sets forth general guidelines. He stated the plan should be used as a guide. He stated that one small parcel does not constitute a commercial area. He stated it would be spot zoning if the rezone was allowed. He stated that both commercial establishments mentioned by Angela Grant are both on corner lots and are in appropriate areas for commercial businesses. He stated the proposed zone change was rejected by the Planning Commission by a vote of 3 to 1. He stated that each member that voted against the rezone called it a spot zone. He stated

the Planning Commission must review requests based on the best interest of the community. He stated a mechanic shop does not fit in the area. He stated the Grants have said that the business consists of changing oil and selling tires. He stated that on a advertisement found on the internet stated they do painting and repairs as well. He stated that in 2004 a citizen advisory committee proposed a General Plan review. He stated the recommendation is for the future commercial zone to be broken up to save the small rural character of the community. He stated he lives within 400 feet of the zone change and he did not receive notice of this zone change. He asked for the rezone be rejected as it is different from other parcels that were rezoned for commercial usage.

Bill Ratcliffe spoke in opposition to the proposed zone change. He stated he is opposed to the type of business. He stated he could see a low impact business such as a flower shop, but it is not the proper place for an automobile repair shop. He stated it would be more appropriately located in the existing business district. He stated he is not opposed to living a dream, but one person will benefit as opposed to all the other property owners around it. He stated it would be spot zoning if the request is approved.

Justin Richardson spoke in opposition to the proposed zone change. He stated he lives west of the proposed property. He stated he looks out his front window and sees homes and wide open spaces and he does not want to see a large industrial business. He stated the business would be very close to his property. He stated he does not want to see vehicles lying around waiting to be fixed. He stated that when these businesses close for the day they often continue with their work, which he has seen numerous times before. He stated he is not against success or dreams but it is not an appropriate area for a mechanic shop among homes.

Ed Daughy spoke in favor of the proposed zone change. He stated he lives on 311 Main Street. He stated he has had dealings with Grant Automotive and they are very personable and friendly. He stated he came from the East Coast and Main Street is what a community is all about. He stated he was very impressed with Grantsville when he moved here. He likes that Main Street consists of businesses, residential and schools all intermixed together. He stated he thinks that anytime you can get people to invest, build and stay in a community it is an asset.

Michael Stice spoke in opposition to the proposed zone change. He stated he is not a homeowner, but is a resident that lives in Grantsville. He stated he appreciates encouraging businesses. He stated that one of the big topics of the election was promoting business. He stated that when there is talk about planning of a community, certain things need to be done more effectively. He stated that when Brent Marshall ran for Mayor that he stated he wanted to be proactive in building a commercial park to ensure neighbors are protected. He stated a commercial park would allow for easy access and would ease the burden from neighbors. He stated the City should want an area where business is focused. He stated such a plan ensures that neighborhoods are protected and provides an area for business. He stated that an automotive shop does not fit in the area. He asked the Council to think about a location where people want to do business in a central location.

Ken Grant (applicant) addressed the Council. He stated that Mr. Stice commented on the Maverik store being on a corner. He stated it was originally zoned RM-7 as well. He stated they are trying to rezone approximately an acre to commercial which would provide a buffer so it will not be right next to someone's property. He stated if you call this rezone a spot zone then many of the businesses have been spot zones such as Maverik and Gordie Field's property. He stated they are not asking for a general plan amendment. He stated that it has been the City's plan to have commercial along Main Street for ten years. He stated people complain but the request fits the General Plan. He stated the request fits zone changes that have recently been approved. He stated it is a commercial business not an industrial business. He stated that they are asking for a CG zone because that is the zone needed for an automotive shop. He stated that there isn't any other CG zoning so they will have to rezone no matter where the property is located or ask for a conditional use permit. He stated that on Main Street, Five Star has more than six homes around the business. He stated that there are three homes within 50 feet of their

existing shop and there has never been a complaint. He stated the City Council has set a precedence that it is okay to have commercial intermixed with residential. He stated that commercial along Main Street is in the General Plan. He stated that if commercial was not wanted there, then the general plan should have been changed so people know where the vision is for commercial uses. He stated he also wanted to set the record straight that they have never done paint or body work.

Mayor Marshall asked for any further comment. No other comments were offered and the Mayor closed the public hearing at 7:30 p.m.

**c. Proposed rezoning of approximately ½ acre of land located at 299 West Main Street from an RM-7 zoning designation to an RM-15 zoning designation. (Neil R. Johnson Applicant).**

Mayor Marshall opened the public hearing at 7:30 p.m. to receive comments on the proposed rezone for Neil Johnson. No comments were offered and the Mayor closed the public hearing at 7:31 p.m.

**AGENDA:**

**1. Summary Action Items**

- a. Approval of Minutes dated December 16, 2009.
- b. Approval of Business Licenses (none).
- c. Approval of Bills dated January 8, 2009 in the sum of \$231,121.93
- d. Personnel Matters (none).

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

**2. Consideration of approval of Fire Department officers.**

Fire Chief Richard Broadbent was present. He stated that the department had conducted elections and that they were proposing that the City Council approve the following officers for the Fire Department: Fire Chief Ryan Marshall, First Assistant Brett Anderson, Second Assistant Neil Bell and Secretary Casey Fields. Councilman Tripp asked how the new administration selection process works. Chief Broadbent stated that the term for Chief is either one or two years according to the bylaws. He stated the election is conducted among the fire department members. Mayor Marshall stated that once elected they generally progress up the chain from secretary, assistant to Fire Chief.

Chief Broadbent stated as of July 2009 the Fire Department became first responders. He stated this has increased the calls from 125 to over 300. Councilman Castagno asked how the first responder is coordinated. Chief Broadbent stated that dispatch pages the ambulance as well as the fire department. He stated their program is designed as a quick response unit. Councilman Castagno asked if they provide 24 hour coverage. Ryan Marshall stated yes that there is 24 hour coverage. Mayor Marshall stated that there has been numerous times throughout the day the ambulance is being utilized, so the first responders have helped with a quick response. He stated that the fire department is starting a new EMT course. He stated they are required to have at least one person EMT qualified on duty. He stated personnel from the fire department are going to teach the EMT class. He stated they are going to open the class to the public and charge \$700.00 for those outside of the Grantsville Fire Department to be put back into the training budget in hope of covering the training costs of their members.

The council members expressed their appreciation for the fire department members and their willingness to serve. Mayor Marshall stated the Fire Department has also become NIMS compliant. He stated the City as a whole is also 100% NIMS compliant.

**Motion:** Councilman Johnson made a motion to approve Ryan Marshall as Chief, Brett Anderson as the first assistant, Neil Bell second assistant and Casey Fields as secretary for the Grantsville City Fire Department. Councilman Colson seconded the motion. All voted in favor and the motion carried.

**3. Appointment of Tooele County Health Department board member.**

Myron Bateman was present and spoke on behalf of the Tooele County Health Department. He stated Robin Baird was the representative for Grantsville City and since his passing the Health Department is in need of a representative from Grantsville City. He stated the Board of Health meet five times a year and the representative will serve a three year term. Mayor Marshall nominated James Vera to represent Grantsville City as the Tooele County Health Department board member.

**Motion:** Councilman Colson made a motion to approve the nomination of James Vera to be Grantsville City's representative on the Tooele County Board of Health. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

Mr. Bateman stated that their largest project currently is giving H1N1 Flu vaccinations to the community. He stated that if the City would like a team to come to the City and get vaccinated to let them know. He stated the Health Department sponsors a low income dental clinic and provides other valuable services in the community.

**4. Consideration of recovery right request of South Willow Ranches, LLC. (Alan Johnson Applicant).**

Alan Johnson the manager of South Willow Ranches LLC was present requesting approval of recovery rights for the completion of Quirk Street as a part of the completion of the South Willow Ranches subdivision. City Attorney Elton stated that some improvements in Phase 1 of South Willow Ranches are still in need of completion and the City has filed a lawsuit to obtain compliance. He stated the City has made a list of improvements needed for the completion of these improvements. Mr. Johnson stated that in filing bankruptcy the recovery rights were not listed and that is the only asset available to the City to recover from. He stated he would be fine with the City retaining funds collected from the recovery rights in order to cover any incomplete improvements. Attorney Elton stated that no recovery rights have yet been collected because the work had not been completed and that the documentation of the cost of the completion of Quirk Street had only recently been received. He stated the first possible collection would probably be from the proposed Country Village development. He suggested approving the request for recovery rights subject to the date of collection from the benefit area being prospective only for new developments being started from the date the recovery right is approved and that the City withhold its attorney's fees and costs associated with the pending lawsuit to obtain completion of the improvements for South Willow Ranches Phase I, which are currently \$1,000.00. Mr. Johnson stated the Public Works Director estimated around \$25,000.00 to finish Phase 1 of South Willow Ranches and Quirk Street. He proposed using the collateral from the recovery rights to complete the improvements. He stated that with approving the recovery right request he will be able to seek financing to finish the improvements. He stated he would be fine with the City withholding the funding pending completion of the improvements. Two resident owners at South Willow Ranches Phase 1 were present. Gerald Smith stated his concern with the list of improvements for South Willow Ranches Phase 1. Mayor Marshall asked the residents to meet with the Public Works Director regarding their concerns.

**Motion:** Councilman Tripp made a motion to approve the recovery rights request as presented by the City Engineer, only for new developments along Quirk Street in the area of benefit identified by Craig Neeley, which start after this approval. Also that the City retain from the collected recovery rights its legal fees and costs in its lawsuit

to obtain completion of South Willow Ranches Phase 1 and Quirk Street improvements, which is currently \$1,000.00. Also that the City retain from any collected recovery rights monies in the amount necessary to complete the improvements associated with South Willow Ranches Phase I and that the Public Works Director be allowed to use these funds to complete the work if Alan Johnson does not timely complete the same. If the work is completed the Public Works Director is authorized to release these funds to South Willow Ranches LLC. Councilman Vera seconded the motion. All voted in favor and the motion carried.

**5. Consideration of development agreement and Planned Unit Development waivers for Country Village. (M-5 Group, LLC).**

Mayor Marshall stated agenda item 5 will be considered at a future meeting. He stated the applicant has asked for it to be considered at a later date.

**6. Consideration of training contract with Jensen and Keddington.**

Mayor Marshall stated Gary Keddington who is a partner in the City's independent audit firm has agreed to work with the new Finance Director to get him trained. He stated that Mr. Keddington has training for other cities as well as act as the finance director for other cities.

**Motion:** Councilman Johnson made motion to approve training by Gary Keddington for the City Finance Director. Councilman Colson seconded the motion. All voted in favor and the motion carried.

**7. Consideration of constructing office space in recreation building.**

Mayor Marshall stated that the building official is submitting a grant application for a new HVAC system for the recreation building located behind the City Offices. He stated that he is proposing that the City construct offices in the south 16' of recreation building, which would eliminate the portable trailers and save the City in the long term. Mayor Marshall indicated that the total work for the project was estimated at less than \$40,000.00 and would be completed by City employees. He stated the other options would be using the recreation building for the Police Department. He stated that the City has around \$100,000.00 in public safety impact fees that could be utilized. He stated the building official said for it to be a police department building an architect would need to design the office space. He stated it was also discussed to have the library move into the recreation building or the J. Rueben Clark building. He stated the biggest concern is wasting money on renting the two trailers. Councilman Castagno stated that the proposal to construct offices in the recreation building would be the easiest fix. Councilman Vera suggested at looking at the big picture and do what is best for the City in the long term. Councilman Tripp stated he would like to see the financial numbers to see how the City is doing regarding cash. Councilman Colson stated that the proposed offices would be easy to remove.

**Motion:** Councilman Johnson made a motion to approve construction of office space in the recreation building, using City employees to do the work, and provided that the proposal would not be objected to by Ken's Gymastics, which is currently leasing the space on a nonexclusive basis. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

**8. Appointment of two Council Members to the Employee Appeal Board.**

Mayor Marshall stated he would like to nominate Council Members Mike Johnson and Todd Castagno to be on the Employee Appeal Board. Attorney Elton stated that there has only been one employee appeal in the last 15 years.

**Motion:** Councilman Vera made a motion to approve the appointment of Mike Johnson and Todd Castagno to be on the Employee Appeal Board. Councilman Colson seconded the motion. All voted in favor and the motion carried.

**9. Council Information Updates.**

Mayor Marshall stated the Tooele County Chamber of Commerce is looking for an ambassador from a business within Grantsville City. He stated the Chamber of Commerce banquet is on January 23, 2010 at 6:30 p.m. He stated that it is \$25.00 a plate and if anyone would like to attend to notify him or the city recorder.

Mayor Marshall stated that the City will be receiving irrigation company bills for the yearly assessments. He stated he is going to meet with Grantsville Irrigation Board of Directors concerning the Grantsville City shares. Councilman Johnson stated he would like to attend.

Councilman Tripp stated Tooele County is proposing to contest EPA's inclusion of Tooele Valley in the nonattainment area for PM2.5 pollution. He stated that the EPA only used a year and a half of data to support their recommendation. He stated they should use at least three years of data. He stated Tooele County has been in compliance for the last three years and that the proposal would require Grantsville residents to do emission testing on their vehicles and that business would be less likely to locate in the Tooele Valley. He suggested that the nonattainment designation be contested.

**10. Adjourn.**

**Motion:** Councilman Vera made a motion to adjourn. Councilman Colson seconded the motion. All voted in favor and the meeting officially adjourned at 8:52 p.m.

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Rachel Wright  
City Recorder

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Brent Marshall  
Mayor