

Approved

MINUTES OF A REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON JANUARY 20, 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 Present: Mayor Brent Marshall and City 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: Jerry Hoyt, Scott Stice, Kent Liddiard, Brian Bolinder, Colleen Brunson, Julie Adams, Blain Adams, Ken Grant, Angela Grant, Glenn Terry, Lisa Ratcliffe, Bill Ratcliffe, David Tattersall, Missy Thompson and Daniel Lee.

AGENDA:

1. Summary Action Items

- a. Approval of Minutes of the January 6, 2010 City Council meeting
- b. Approval of Business Licenses for Impact Testing, LLC and Legion Technology, LLC.
- c. Approval of Bills dated January 20, 2010 in the sum of \$104,794.77.
- d. Personnel Matters (none).

Mayor Marshall requested that the minutes of the January 6, 2010 meeting on page 1 be changed from Mayor Anderson to Marshall. Councilman Colson asked for the reference to Mike Colson on item number 8 to read that it was Mike Johnson who was nominated and appointed to the Employee's Appeal Board rather than Mike Colson. Councilman Tripp asked that his comments in item number 9 be amended and that the reference to the meeting with Tooele County be deleted.

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

2. Consideration of waiver of building permit fees (Gordon Fields).

Gordon Fields was present. He stated that he had attended a previous council meeting and had asked for the City to waive building fees for his proposed strip mall on Main Street. Councilman Vera asked what fees Mr. Fields is asking to be waived. Mr. Fields stated he would like the building permit and plan check fees to be cut in half. Attorney Elton stated that the impact fees cannot be waived unless replaced by the general fund. Building Official Mike Haycock stated the building permit fees total approximately \$11,000.00. Councilman Vera asked if the waiver of fees would make a difference in the project starting. Mr. Fields stated yes. He stated that rent is going down and fees are increasing. He stated that if a tenant is not willing to pay more rent he is unable to pay higher fees. Councilman Tripp stated the reason for the fees is to offset costs that the City incurs. Attorney Elton stated the building inspection fees are to be used to support the building department. Mayor Marshall stated that the property tax for Mr. Field's project are estimated at \$3363.00 and the yearly sales tax generated for the City would be between \$4,000.00 to \$8,000.00. Mr. Fields stated the taxes collected by the City would offset the building fee waivers and would help the City in the long term. Councilman Tripp stated that a waiver could be a long term investment but the City may run short of revenues to cover current costs during the year that a waiver was granted. Councilman Johnson stated the last fees waived by the City were in 2006, but the waivers were relatively small and none included reducing the building permit fees by half. He stated the City needs to be consistent. Councilman Vera stated that during hard times the City struggles and that revenues from any new commercial business could help. He stated in hard times it may be good to create incentives for new businesses. Councilman Johnson stated the City is experiencing hard times as well and that revenues are down. Councilman Vera stated it is the difference between a long term and a short term investment. Councilman Tripp suggested putting this matter back on the agenda in February with a suggested fee schedule for new commercial developments. Councilman Johnson stated that there should be a time limit on any proposed waiver of fees. Building Official Haycock stated that once issued a building permit expires in 180 days. Mayor Marshall stated an ordinance can be drafted and placed on the next council meeting agenda. Councilman Vera stated he thought it would be a good idea to look at a policy to promote new businesses. Councilman Johnson stated that a waiver needs to be based on a certain level of sales and property tax generated for the City. Councilman Colson asked if 50% of the fees have been waived before. Councilman

Johnson stated no. Mr. Fields stated the fees have drastically gone up from the last project he did. Building Official Haycock stated the fees are based on the value of the project. He stated in the past it was based on a percentage rate. Mayor Marshall asked the building official to look at the fee schedule to see if the rate for the building permit fees has changed.

Motion: Councilman Vera made a motion to table the request made by Gordon Fields and that an ordinance be drafted to waive fees to promote commercial business in the community. Councilman Colson seconded the motion. All voted in favor and the motion carried.

3. Consideration of minor subdivision and P.U.D. 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. (Jerry Hoyt Applicant).

Jerry Hoyt was present. Mayor Marshall stated the proposal is to bring the property into compliance since two residences are currently occupying one lot. Mr. Hoyt stated that one home was built in 1906 and the other in 1939 before the current zoning regulations were established. Councilman Castagno stated that Mr. Hoyt is asking for a PUD because when the State widened State Highway 138 it made the lot slightly smaller than one acre. Mr. Hoyt stated Lot 1 would have egress onto Main Street and Lot 2 onto SR 138. Councilman Castagno stated he doesn't have an issue with the subdivision, but does think it would be more valuable to be commercial property than residential. Mr. Hoyt stated he heard town homes were going to be put in so he is a victim of circumstances.

Motion: Councilman Johnson made a motion to approve the minor subdivision and P.U.D. for Jerry Hoyt to divide one lot into two at 31 North State Road 138. Councilman Vera seconded the motion. All voted in favor and the motion carried.

4. Consideration of Ordinance No. 2010-01, rezoning a portion 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 stated that a public hearing was held at the previous City Council meeting. He stated the Council has reviewed the minutes and documents presented to the Planning Commission and has received an information packet from staff.

Angela and Ken Grant were present. Mrs. Grant stated that they are not asking to rezone the entire 5.8 acre parcel but only the southerly 300 feet. She stated she has given the legal description to the City attorney and that the property they are requesting be rezoned is close to an acre in size. Councilman Johnson asked if the CG zone had any restrictions. Attorney Elton responded that the proposed use would be a nonregulated permitted use in that zone. Mrs. Grant stated they asked for a CG zone because it was the zoning designation that would allow a mechanic shop. Mr. Grant stated that in the public hearing their request was referred to as a spot zone. He read the definition of a spot zone from the Grantsville City Land Use Management and Development Code which states, "a zoning amendment which singles out a relatively small parcel for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property, which is invalid because it is not in accordance with a comprehensive plan." He stated the proposal is in accordance with the City's comprehensive plan included as a part of the General Plan. He stated the Council has continued to approve that plan. He stated that he does not feel spot zoning is an appropriate reference to their request. Mrs. Grant stated that a lot became available that would support their proposed use and it was in accordance to the General Plan so they bought it. She stated that she gave the council a packet at the last City Council meeting showing other businesses. She stated that Grantsville City is a mixture of homes and businesses. She stated that is rural. She stated that letters from current neighbors of the Grant Automotive shop state that they have never been a problem and have been good neighbors. She stated the request is within their rights as property owners as well as within the General Plan. She stated she has sat in their seats and she understands the pressure they feel from neighbors, but it is their job to look at the entire impact on the City. She stated their business provides an incredible service to the City. She stated she understands the concerns of the neighbors. She stated they plan on being good neighbors and will maintain the property. She stated they want their business to look nice so people will want to come to their business. She stated they have never been a nuisance or a problem. She stated the request is completely consistent with the City's General Plan.

Councilman Castagno asked to abstain from discussion as well as voting on the ordinance. Councilman Tripp stated that it has been a controversial issue with the neighbors. He asked if the Grants had talked with any of the neighbors before they applied for a zone change. Mrs. Grant stated they had not. Councilman Johnson stated that the General Plan does provide for the protection of residential areas from commercial developments. He stated in his point of view that the Grant's property is one of the worst areas to have a mechanic shop located. He stated their property is surrounded by homes. He stated that he has reviewed the pros and cons of the proposal and that the proposed use within the CG zone is a permitted use and the City will not be able to regulate the use under a conditional use permit. He stated they could have 100 cars on the property with no operational limitations. Councilman Tripp stated that they are a great business and he would like to see if something could be done to help the situation. Mrs. Grant stated their business is a service to the City. Mr. Grant stated they are trying to make a permanent business in Grantsville City and that they are currently operating on a month to month lease. Councilman Vera stated that it is a tough decision. He stated he just said that Grantsville City needs to promote business. He stated that it was his opinion that the proposed use is too intense for its location in a residential neighborhood. He stated until a less intense use is proposed the default goes to the residents.

Motion: Councilman Johnson made a motion to deny proposed Ordinance No. 2010-01 which would have amended the official zoning map of Grantsville City, Utah by rezoning property located at 713 East Main Street from an RM-7 designation to a C-G zoning designation and that the City Council adopt and approve the formal findings and decision that he had proposed. Councilman Tripp seconded the motion. Councilman Castagno abstained, and the other four members of the City Council voted in favor and the motion carried. The findings and decision are attached hereto and are incorporated in these minutes by reference. Mayor Marshall signed the approved Findings and Decision and the Recorder provided a signed copy to Ken Grant.

5. Consideration of Ordinance No. 2010-02, rezoning of approximately one half 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).

The applicant was not present. Councilman Tripp stated the piece of ground is slightly larger than one half acre. Councilman Vera stated that the proposal may allow up to seven apartments to be located on the property and in his opinion that is too many for the size of the lot and its location. He stated that if they placed four apartments on the lot, they would not need to rezone the property. Councilman Vera stated that he lives behind four apartments and he is concerned with the number of apartments the applicant is asking for. Councilman Castagno stated that he envisioned larger complexes being situated on larger lots. Attorney Elton suggested tabling the item to allow applicants to be present and for the council to get with staff to get findings to present to the council.

Motion: Councilman Tripp made a motion to table Ordinance No. 2010-02 for future consideration and to work with staff. Councilman Colson seconded the motion. All voted in favor and the motion carried.

6. Appointment of Planning Commissioner.

Mayor Marshall stated that he was nominating Colleen Brunson to fill a vacancy on the Planning Commission. He stated that she is well qualified and works hard to find answers to questions. He stated she has been attending Planning Commission meetings as well as City Council meetings for years and is aware of the issues. He indicated that she was up for the challenge.

Motion: Councilman Colson made a motion to approve the nomination of Colleen Brunson as a Planning Commissioner. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

7. Council Member Administrative Assignments

Mayor Marshall stated that the City is a busy place and he could use the help of the council members. He asked for the council members to have the following administrative assignments:

- Councilman Johnson Capital and Sewer Projects.
- Councilman Castagno Water.
- Councilman Tripp Mosquito Abatement and Cemetery.

- Councilman Colson Parks and Recreation.
- Councilman Vera Tooele County Board of Health representative.

Councilman Tripp asked what the assignments entail. Attorney Elton stated these assignments are a delegation of the Mayor's executive authority over the areas indicated.

Motion: Councilman Castagno made a motion to approve the council member assignments as listed. Councilman Vera seconded the motion. All voted in favor and the motion carried.

8. Consideration of Resolution No. 2010-01, amending the personnel policies and procedures by providing a procedure for the restriction of the personal use of City vehicles outside of the City limits, when necessary to comply with budgetary constraints.

Mayor Marshall stated that Chief Danny Johnson asked that this matter be placed on the agenda. Chief Johnson is concerned with his department's fuel budget and if gas prices increase, he would like to have administrative authority to restrict the personal use of City vehicles outside of the City limits in order to keep within his budget.

Motion: Councilman Tripp made a motion to approve Resolution No. 2010-01. Councilman Colson seconded the motion. All voted in favor and the motion carried.

9. Approval of authorized signatures for City checking accounts.

Mayor Marshall asked that he, Susan Gustin and Jolene Struzenegger be approved as authorized signatories on the City checking accounts. Attorney Elton stated that State Law requires the signature of the City Treasurer on City checks, but that it is recommended that the City require two authorized signatures on checks.

Motion: Councilman Tripp made a motion to require that all City checks be signed by the Treasurer, which is currently Susan Gustin and one other authorized person and that the Mayor who is currently Brent Marshall and Jolene Sturzenegger be approved as authorized persons to countersign on the City checking accounts. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

10. Consideration of Lawsuit vs. EPA to challenge inclusion of Grantsville City in non-attainment area.

Mayor Marshall stated that the proposed lawsuit has to do with EPA placing the Tooele Valley, which includes Grantsville in the PM 2.5 nonattainment area. He stated that the Tooele Valley has not violated the clean air standards. He stated Tooele County is funding the lawsuit. Mayor Marshall requested that the City Council authorize the City to be a party in this lawsuit along with Tooele City and Tooele County. Councilman Tripp stated that the EPA based their calculations on the valley affecting Preston, Idaho not the Wasatch Front. Councilman Vera stated it would be advisable to explain the issues in simple terms to explain to the citizens. Councilman Tripp stated that by placing the valley in the nonattainment area there will be restrictions placed on burning fire places, vehicles will be required to pass emission tests and the worst affect would be limiting industrial businesses from locating in the Valley. He stated that with Tooele County and Box Elder being placed in the nonattainment areas new businesses will have to buy pollution offsets. Councilman Tripp stated the problem is that the two counties are already under the EPA standard, so buying offset pollution is impossible because the counties are already below the EPA standard. He stated that he suggested challenging the EPA rule because it will result in an injustice. Attorney Elton stated the next agenda item included the City's retainer of the Parsons, Behle and Latimer law firm to represent the City and to approve a Joint Defense Agreement which allows the parties challenging the EPA decision to share information. He stated that Tooele County would pay the legal costs of Grantville City to participate.

Motion: Councilman Tripp made a motion to authorize Grantsville City to join in the effort to challenge EPA's decision to include Tooele Valley in a nonattainment area, that the City engage Parsons Behle and Latimer to represent Grantsville City and that the City approve the Joint Defense Agreement. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

11. Consideration of engagement letter with Parsons, Behle and Latimer to represent Grantsville in EPA lawsuit and approval of Joint Defense Agreement.

This matter was included as a part of the discussion and Motion in the previous agenda item.

12. Council Information Updates.

Mayor Marshall stated that on January 26, 2010 he would be meeting with the EPA and that two council members could attend. Mayor Marshall stated that the Fourth of July falls on a Sunday this year. He asked the Council when they would like to celebrate the holiday. The council agreed that July 3rd would be the best date. Mayor Marshall reported that he has been holding department head staff meetings every Monday and each Thursday after City Council meetings to address issues. He stated if the Council has any issues to be discussed with staff, please let him know. The Mayor indicated the Tooele Chamber of Commerce will be having an awards banquet dinner at 7:00 p.m. at the Deseret Peak Complex this next Saturday and that council members were invited to attend. He stated that he and Councilman Johnson met with Grantsville City Irrigation Company Board of Directors and they were receptive of the City's concerns. Mayor Marshall stated that Tooele County is pushing forward with the plans for a Mid Tooele Valley Highway. The Mayor stated that a General Plan review subcommittee is being formed and the goal is to have the review and recommendations regarding the General Plan before the Council in May this year. He stated the City's emergency plan is being updated. The Mayor reported that Willow Street experienced flooding and that the maintenance crew was taking care of it. He stated he had a meeting with the school board about the construction of the new elementary school and addressed concerns the City may have. He stated the School District is going to install sidewalks along Apple Street and was receptive to staff recommendations concerning the new school. He stated the front office is extremely busy and that additional help is desperately needed. He asked the Council to suggest ideas on how the City could get additional help with the front desk. He stated the City Staff is falling behind with their other duties, since they are being required to cover the front desk in addition to performing their regular assignments.

Councilman Colson stated he received a call from a citizen asking that the agenda be published sooner than the day before the meetings. City Recorder Wright stated that according to State Law the agendas are required to be posted 24 hours in advance. She stated she places notice in the Tuesday paper as well as on the State Public Meeting Notice website, the City website, and at City Hall. She stated that it becomes a problem if the agenda is posted too early, other items are added and the notice must then be amended.

Councilman Tripp suggested restricting what is placed on the front windows of the City Hall building. He stated the Grantsville High School is sponsoring a blood drive the first of February. He asked if council members can formulate agenda items. Mayor Marshall stated yes. Attorney Elton stated Tooele County uses a form where Department heads and others can request an agenda item. He stated that he could reproduce the document for use by the City.

Councilman Castagno asked about school building fees. Attorney Elton stated that public schools are exempt from building permit fees, since they can use their own inspectors. Councilman Castagno asked about impact fees. Attorney Elton stated that schools are subject to impact fees, but in the case of the new Grantsville Elementary School, since they are merely replacing an existing school and will not have any more capacity, it was his opinion that the City would not want to charge new impact fees since there would not be any additional impact to the City. Mayor Marshall stated the school board is planning to break ground in May and that it will take approximately twelve months to complete. He stated the school will be fronting Park Street with there being no parking on Park Street between Apple and Main Streets.

Mayor Marshall stated his appreciation to the Council for their efforts and in researching the agenda items.

13. Adjourn.

Motion: Councilman Colson made a motion to adjourn. Councilman Vera seconded the motion. All voted in favor and the meeting officially adjourned at 8:57 p.m.