

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON FEBRUARY 3, 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 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: Colleen Brunson, Jerry Edwards, Hollie Hendricks, Missy Thompson, Drew Allen, Karen Stanworth, Shawn Bennett, Brandon Johnson, Curt Jasper, Representative Ronda Rudd Menlove and Gray Bleazard.

Mayor Marshall welcomed Scout Troop 1067 and 1312.

AGENDA:

1. Presentation by Representative Ronda Rudd Menlove.

Ronda Menlove was present. She stated she enjoys visiting communities during the legislative sessions to receive input. She met with residents earlier at 6:00 p.m. to receive public comments. Mayor Marshall stated he is concerned with legislation regarding the restaurant hotel tax. He stated he feels it is best for government to continue managing these funds. He stated that there are some water issues he supports as well as some that he is concerned about. Councilman Tripp asked about budget cuts. Representative Menlove stated that the Governor is optimistic regarding revenue projections. She stated that the Governor issued an executive order to cut 3% from the 2010 State budgets. She stated they need to cut an additional 5% from next year's budget. Councilman Tripp asked if a furlough is typical. Ms. Menlove stated yes. She stated the different departments and committees are handling the furlough requests differently, but that furloughs are being used. Councilman Vera inquired about the EPA PM2.5 issue. He stated he has heard that there is a lack of support from the State for the Tooele County and Box Elder County nonattainment status designation. Ms. Menlove stated the counties are receiving some support. She stated the State chose not to file a lawsuit, but are trying to negotiate with the EPA. She stated they are filing a new petition. She stated the State wants to try all avenues and continue with negotiations before filing a lawsuit. She stated the local municipalities have filed a letter of intent to sue. Councilman Vera inquired about the support from the members of congress. Ms. Menlove stated she meets with Rob Bishop every week and has talked to Senator Hatch's and Bennett's offices. She stated she also met with the Governor. She indicated that he was a county commissioner and knows the difficulty of working with the EPA. She stated he reminded her that the odds would be low in challenging the designation. Councilman Tripp stated the odds are low, but our counties do have a good case. Ms. Menlove stated good, hard questions are being asked. Representative Menlove stated that if the Mayor or Council had any questions, concerns, or comments to let her know. She expressed her appreciation for their service.

2. Summary Action Items

- a. Approval of Minutes dated January 20, 2010.
- b. Approval of Business Licenses for Sparkle Tips & Toes, Cabinetry & Design, and Jasper Investments, LLC.
- c. Approval of Bills dated February 3, 2010 in the sum of \$229,259.95.
- d. Personnel Matters (none).

Mayor Marshall stated that the minutes should reflect that the estimated property tax for the Gordon Fields project was \$3,363.00 and the yearly sales tax is between \$4,000.00 to \$8,000.00.

Motion: Councilman Castagno made a motion to approve the summary action items with the inclusion of the property tax and sales tax figures for the Gordon Fields' project as stated by the Mayor. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

3. Consideration of donation to the baseball program.

Gary Bleazard was present representing the Little League baseball program. He handed each member of Council and the Mayor a Grantsville Youth Progress Report book. He stated the Little League program has gone through some highs and lows. He stated that they are starting out on a low. He stated that children from the ages of 4-16 participate in the little league program and they anticipate around 250 kids participating in the program as well as approximately 1500 people involved in the program. Mr. Bleazard stated that 42 coaches volunteer their time. He stated they have changed affiliation which will give more competition and more opportunities. He stated that they have setup a PO Box as well as a league hot-line. He stated that the financials have not been well organized in the past, but the league has recruited two individuals with financial experience and they are Brian Johnson and Greg Bleazard. He stated the league has established a non-profit organization and they have adopted internal controls such as dual signatures and internet banking. Mr. Bleazard stated they have acquired QuickBooks to track funds. He stated they are anticipating revenues of \$31,000.00 and an expense around \$31,000.00 as well. He stated they will run an aggressive fund raising program. He stated they are going to hire people to run the concession stand who have food handling permits. Mr. Bleazard stated they will be meeting on Saturday, February 6th at the Park and invited the Mayor to attend.

Gary Bleazard stated they would like to have a parade and fireworks at their opening ceremony. He asked for permission to close City streets from Circle K south to Cherry Street on Saturday, April 17th from 4:00 p.m. to 5:00 p.m. The Police Chief stated his department would assist with the closure. Mr. Bleazard asked the Mayor to throw the first pitch. He stated they would like to install a card reader into the concession stand and need to get permission to mount an internet satellite to the concession stand booth. Mr. Bleazard stated they are going to see about getting donated internet service. Mayor Marshall granted permission to mount an internet satellite onto the concession stand. He stated the fields need a couple of loads of infield dirt. He stated they would like to see about getting the school playground equipment put at the baseball park. He stated they have startup costs. He stated they are figuring about \$12,000.00 - \$13,000.00 in registration fee revenue, but anticipate \$17,000.00 in startup costs which leaves a deficit of approximately \$4,000.00. He stated they would like to ask the City for a loan of \$4,500.00 to be repaid in a 12 month time period.

Mayor Marshall suggested applying for a recreation grant that is available through Tooele County. Councilman Colson stated the grant is for community and recreational projects or events. Mr. Bleazard stated they will look into the grant, but they do have immediate needs. Councilman Castagno stated that when he first saw the request on the agenda he was hesitant because request for donations and loans never seems to end. He stated, however, that he was very impressed with the presentation and never has seen a group or organization as organized when asking for a donation.

Attorney Elton stated that recent legislation requires the City to go through a process if a specific donation was not included in the approved budget. It requires that the City conduct a study to determine the merits of the donation, conduct a public hearing after notice and then decide whether or not the donation is in the City's best interests and how the donation or loan will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality. Mr. Bleazard stated that they could assist the City in preparing a study to fulfill the needs of State Law. Mayor Marshall stated the public

hearing could be set for the first meeting in March as long as the study was completed.

Motion: Councilman Colson made a motion to authorize the Grantsville Little League association to assist the City in providing a study regarding the impact the proposed loan or donation would have upon the City and to provide public notice and conduct a public hearing on March 3, 2010 to consider this request for the Grantsville Youth Baseball program. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

4. Consideration of donation for the Easter Egg Hunt.

Shawn Bennett was present representing the Grantsville Business Alliance. He stated they will be sponsoring the Easter Egg Hunt and are asking for donations. He stated that the City donated \$500.00 the previous year. Attorney Elton stated a study, public hearing and decision of the City Council would also be required to consider this request. Mr. Bennett stated that he would also assist the City in preparing a study regarding this matter.

Motion: Councilman Tripp made motion to authorize the Grantsville Business Alliance to assist the City in conducting a study for a donation to the Easter Egg Hunt, that the City hold a public hearing and that the City consider this request at the March 3, 2010 meeting. Councilman Vera seconded the motion. All voted in favor and the motion carried.

5. Appointment of Planning Commissioners.

Mayor Marshall stated there are two openings on the Planning Commission. He stated he received some letters of interest and after reviewing the letters he was nominating Drew Allen and Erik Stromberg fill the vacant Planning Commission openings.

Motion: Councilman Tripp made a motion to ratify the nomination of Drew Allen and Erik Stromberg as Planning Commissioners. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

6. Appointment of Board of Adjustment members.

Mayor Marshall stated the Board of Adjustments hears appeals in regards to Planning and Zoning issues. He nominated Mike Worthington, Rick Storrer, Willard Hammond, Wade Sandberg and Robert Brown to be appointed as Board of Adjustment members.

Motion: Councilman Castagno made a motion to approve the requested nominations as presented by Mayor Marshall. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

7. Discussion of waiver of building permit fees for commercial development.

Mayor Marshall stated the item is for discussion is to determine what direction the council would like to take regarding waivers of City building fees for commercial development. Councilman Vera stated that after evaluating this issue he does not feel good about giving waivers at this time. He stated he still feels it is a good idea to try to promote business activity. Councilman Colson stated he agreed with Councilman Vera that with the financial downturn and economic situation the City cannot afford to waive fees at this time. He stated that he can understand fees being a factor for multimillion dollar projects, but a waiver of \$8,000.00 should not make or break a project. Attorney Elton stated if it is a large project there is tax increment financing available. Councilman Tripp stated he thinks the subject should be reviewed from time to time. Councilman Johnson suggested annually. Councilman Castagno stated that the City has a fixed amount the City is paying for a building inspector,

irrespective of whether projects are built or not. He stated that with a waiver the City would be giving up some revenue for the building department and if they want to go across the board, then fees should just be lowered. The council all agreed it is not the time to offer waiver of fees.

8. Grantsville City Police Report.

Police Chief Danny Johnson was present. He stated the police department received 5,743 calls that generated a report during the last calendar year. He stated the police department still takes all calls including service calls. He stated the Grantsville City Police Department is a community oriented department. He stated there were 871 animal control calls and 538 impounded dogs and cats. He stated the shelter has tried to be a no kill shelter. He stated out of the 538 impounded dogs and cats only 32 had to be euthanized. He stated of the 538 animals only 118 were returned to their owners and the rest were adopted. He stated that they are having a high amount of automobile burglaries. He stated that the police department has been very frugal knowing the financial situation of the City. He stated that the fiscal year is more than half over and they have only spent 41% of their budget. He stated the police department has received some grants that have helped a great deal. He stated they received a \$20,000.00 grant. He stated that half of the grant will be used for computers in the vehicles and the other half for FATPOT communications software maintenance. He stated they received a \$1,000.00 grant from Wal-Mart that is going to be used to replace printers in vehicles. He stated he is currently working on a grant for \$7,500.00 to get a body wire and receiver also known as a bug. He stated the Emergency Plan is being updated. Chief Johnson stated the police department currently has six reserve officers that donate their time. He stated it is a win/win situation because the reserve officers gain experience and the police department gets six more officers to help the department.

Mayor Marshall stated his appreciation for the police department for being frugal and looking for grants. He stated they are very busy and are doing a great job for the City. Councilman Vera expressed his appreciation for Chief Johnson's proactive approach in obtaining grants and expressed his appreciation to the police department for all of their hard work and dedication.

9. Appointment of City Recorder, Treasurer and Finance Director.

Mayor Marshall nominated Rachel Wright as City Recorder, Susan Gustin as City Treasurer, and Tom Hammond as Finance Director. Councilman Vera expressed his appreciation for their service and the service of the other City employees.

Motion: Councilman Castagno made a motion to approve the nominations as presented by Mayor Marshall. Councilman Vera seconded the motion. All voted in favor and the motion carried.

10. Consideration of Application for Eligibility for Federal Surplus Property Program.

Councilman Vera stated that as EG&G starts shutting down, equipment and supplies will be available. He stated the application is for the City to be placed on a list to receive notification of surplus items. Mayor Marshall stated Rachel Wright will be the point of contact for the Federal Surplus Property Program.

Motion: Councilman Tripp made a motion to approve the Mayor and/or staff to fill out the application to be eligible for federal surplus property. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

11. Discussion of trading Personal Paid Holiday for day after Thanksgiving and closure of City Hall.

Mayor Marshall stated City Hall has been closed the day after Thanksgiving in the past, but it is not an official holiday. He stated he asked the department heads to check with their departments to see if the employees wanted to give up their personal preference holiday in exchange for the day after Thanksgiving. He stated the City Attorney sees some legal issues, but other Counties and Cities are closed the day after Thanksgiving. Attorney Elton stated that Utah State sets the holidays and does not include the day after Thanksgiving as an official holiday. He stated one problem he can see is the Court is required to be open. Councilman Tripp stated it is a good day to have off, but he wants to obey the law.

Motion: Councilman Johnson made a motion to authorize the City Attorney to draft an ordinance authorizing the trade of the Personal Paid Holiday for the day after Thanksgiving for consideration at the next meeting. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

12. Consideration of moving Library from City Hall to Recreation Building.

Mayor Marshall stated that he had received a phone call from Superintendent Terry Linares indicating that the library at the Grantsville High School's was originally intended to be a community library. He stated there are doors accessing the library directly outside. Mayor Marshall stated that he will review existing contracts between the City and Tooele County and the State of Utah. He stated the City may be able to enter into an agreement with the School Board to use the Grantsville High School for the library. Councilman Vera stated that in his opinion the use of the High School for a public library should only be a temporary fix and the City needs a nice public library in the future.

Motion: Councilman Tripp made a motion to authorize Mayor Marshall to enter into discussion with the School District about integrating the public library into the Grantsville High School library. Councilman Colson seconded the motion. All voted in favor and the motion carried.

13. Council Information Updates.

Mayor Marshall stated the General Plan is required to be reviewed on a regular basis. He stated he would like to see a review completed by July 2010 at the latest. He stated he is recommending that Jolene Peterson, Howard Murray, Scott Stice, Mike Colson and James Vera be considered by the Planning Commission for appointment to a General Plan Review subcommittee. Councilman Johnson inquired if it is a good idea to have two City Council members on the subcommittee. He stated he does not want the public to think the committee was stacked. Councilman Johnson stated Councilman Colson is already representing the City Council at the Planning Commission and suggested putting forward James Vera and not Mike Colson. Mayor Marshall stated that is a good idea and he will suggest the four names to be put forward not including Mike Colson.

Mayor Marshall stated he met with the mostdont.org high school group. He stated he asked Judge Butcher to be the City's representative on that committee. Mayor Marshall stated the Tooele County Chamber of Commerce hosted an installation banquet and that he and Councilman Vera attended. He stated he met with the Economic Development Committee and discussed the annexation plan. He stated he has a meeting with the EPA concerning US Magnesium and the superfund site. He congratulated the City Attorney regarding the final win in the Supreme Court against Pacific West and their lawsuit. Mayor Marshall stated he met with the Tooele County Economic Department and Project Anchor, previously known as Project Cannonball is back up for consideration. He stated he met with Ace Disposal about a recycling program. He stated the cost would be around \$5.00-\$6.00 more per resident. He stated he is going to meet with the Tooele City Mayor about a recycling

program and possibly getting it cheaper. Mayor Marshall stated he attended a couple of meetings with the Wasatch Front Regional Council. He stated they discussed the Mid-Valley Highway, commuter rail, and bus service. He stated he had a meeting with the Wal-Mart Distribution Manager. They would like to donate manpower to the community for projects and then give the City a donation for their service. He stated the Utah League of Cities and Towns Spring Conference is April 6-9 if any of the Council members are interested in attending.

Councilman Colson stated that Grantsville City does not have a Grantsville Business representative on the Tooele County Chamber of Commerce Board of Directors. Councilman Castagno stated there is a struggle because of the size of Tooele City versus Grantsville City. He stated the main business base is in Tooele City. Mayor Marshall stated we need to promote businesses from Grantsville City to become more involved and have a presence.

14. Consideration of EJL Homes, LLC claim and consideration of retaining Smith Hartvigsen, PLLC (including closed session).

Motion: Councilman Tripp made motion to go into a closed session to discuss the EJL, Homes claim and possible lawsuit. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

Motion: Councilman Johnson made a motion to go back into an open session. Councilman Colson seconded the motion. All voted in favor and the motion carried.

Motion: Councilman Tripp made a motion to authorize Smith Hartvigsen, PLLC to represent the City regarding the claim or lawsuit of EJL Homes, LLC. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

15. Adjourn.

Motion: Councilman Tripp made a motion to adjourn. Councilman Colson seconded the motion. All voted in favor and meeting officially adjourned at 9:51 p.m.