

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON MARCH 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, Kent Liddiard, Judd Williams, Ron Williams, Jackie Williams, Missy Thompson, Preston Miller, Chet Thomas, Gary Bleazard, Preston Miller, Bryan Miller, and Mason James.

**PUBLIC HEARINGS:**

**a. Proposed donation to Grantsville Business Alliance for Easter Egg Hunt of up to \$500.00.**

Mayor Marshall opened the public hearing at 7:00 p.m. to receive comments on the proposed donation to the Grantsville Business Alliance for the Easter Egg Hunt. No comments were offered and the Mayor closed the public hearing at 7:01 p.m.

**b. Proposed donation or loan to the Grantsville Youth Baseball Association of up to \$5,000.00.**

Mayor Marshall opened the public hearing at 7:01 p.m. to receive comments on the proposed donation or loan to the Grantsville Youth Baseball Association. No comments were offered and the Mayor closed the public hearing at 7:02 p.m.

Mayor Marshall stated he received a letter from Jane See stating her opposition to any donations or loans made by the City. Her letter will be attached to these minutes.

**c. Proposed amendment to the provisions of Section 21.7.1 of the Grantsville City's Land Use Management and Development Code relating to financial assurances for subdivision improvements.**

Mayor Marshall opened the public hearing at 7:02 p.m. to receive comments on the proposed amendment. No comments were offered and the Mayor closed the public hearing at 7:02 p.m.

**AGENDA:**

**1. Summary Action Items**

- a. Approval of Minutes of the February 17, 2010 City Council Meeting.
- b. Approval of Business Licenses for Twenty Wells Fencing and Shari D. Photography.
- c. Approval of Bills in the sum of \$153,354.59.
- d. Personnel Matters (none).

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

**2. Consideration of donation to Grantsville Business Alliance for Easter Egg Hunt.**

Mayor Marshall stated the Grantsville Business Alliance is asking for a \$500.00 donation for the annual Easter Egg Hunt. Attorney Elton suggested doing a direct purchase instead of a payment to the Alliance.

**Motion:** Councilman Tripp made a motion to donate \$500.00 in a direct purchase for the Grantsville Business Alliance for the annual Grantsville Easter Egg Hunt. Councilman Johnson seconded the motion. All voted in favor and motion carried.

**3. Consideration of donation or loan to the Grantsville Youth Baseball Association.**

Gary Bleazard was present representing the Grantsville Youth Baseball Association. He stated they are asking for a loan, not a donation, to be paid back by June 30, 2010. He stated the numbers speak for themselves. He stated they are in need of \$4,000.00 to get the league off the ground.

Mayor Marshall asked about the status of the equipment. Mr. Bleazard stated that part of the problem was poor tracking of the equipment and no one took ownership. He stated they have some batting helmets that are in good shape, but that is about all. Mr. Bleazard stated they will be tracking the equipment so that the program does not need to start over. Councilman Tripp asked about funding for the next year. Mr. Bleazard stated that it is projected to have at least \$2,500.00 for the next season and they should not need to ask for a loan next year.

Councilman Johnson stated that Mr. Bleazard is very efficient. Councilman Johnson and Vera stated that the Grantsville Baseball Association is good for the community. Councilman Colson stated that Tooele County has the highest obesity and overweight problem in the State. Councilman Johnson stated the program is good for the health and welfare of the community.

**Motion:** Councilman Johnson made a motion to lend the Grantsville Youth Baseball Association \$4,500.00 to be repaid by June 30, 2010. Councilman Colson seconded the motion. All voted in favor and the motion carried.

**4. Consideration of Burmester waterline. (Judd Williams).**

Judd Williams was present. He stated he owns 10 acres on Burmester Road and would like to build a house there. He stated he is proposing for the City to pay for the materials to run a waterline to his property. He stated he has paid for the engineering and is willing to pay for installation. He stated he wouldn't ask the City to pay for the waterline, but understands that the recovery right ordinance has been revoked. Councilman Tripp inquired about the cost. Mr. Williams stated he got a bid with an 8" line and the bid came back from \$46,000.00 to \$59,000.00. He stated he would be willing to pay for the materials in front of his house. Mayor Marshall stated that the City has paid for upsizing in the past. Attorney Elton asked if Mr. Williams has contacted property owners to see if they are willing to contribute. Mr. Williams stated he has talked to some and they all want the waterline but are not willing to pay for it with no recovery rights. Public Works Director Kertamus stated the requested line is not in the City's Master Plan and nothing was included in the budget for this improvement. He stated that when the City has contributed to a waterline, the benefit to the community as a whole was a major consideration. Councilman Castagno asked about Project Cannonball. Mayor Marshall stated they would be using a private well if the project went through. Mr. Williams stated that the waterline is not in the City's Master Plan but as the City continues to grow, traffic will use Burmester more. He stated there is a need for it. Councilman Johnson stated on the personal side he has compassion for the project, but on the City Council side the City cannot afford to incur this expense. Councilman Tripp asked about the Water Capital fund. Councilman Johnson stated that if the request was approved it would set a precedent. Councilman Vera stated that until the Master Plan is finished he cannot see putting an investment into one line. Mr. Williams stated that if the City does get involved it may be good to run the line to the commercial area which would give more people an opportunity to tie into. Mayor Marshall stated there have been proposals for the commercial area and the water not being available has prevented them from expanding. Councilman Castagno asked Mr. Williams if he had talked to Gary Christley. Mr. Williams stated he had not. Councilman Castagno suggested he talk to him. He stated that Mr. Christley rezoned a large area for commercial use. Councilman Colson stated he does not feel there is enough need at this time to run the waterline. Councilman Castagno stated this is one of the drawbacks to repealing the recovery right ordinance. Councilman Tripp suggested relooking at the proposal at a future date. All the Council Members agreed not to take action at this time.

**5. Public Works Department Report.**

Public Works Director Joel Kertamus was present. He stated the public works department has been busy with typical maintenance work such as road patching and snow removal. He stated from January through February 144 man hours were spent replacing garbage cans. He stated that when reviewing the solid waste program, it would be a good idea to factor in how many hours and garbage cans are being replaced. He stated they have gone through approximately 500 garbage cans. He stated the Public Works Department is working on many other projects. He stated they are

repairing and rebuilding the tables and benches in the parks. He stated that they have been working on the Lincoln Park. They have been removing playground equipment from the elementary school and will use the equipment at the Lincoln and Cherry Street parks. He stated that the water and sewer system has been repaired and rebuilt. He stated that the South Willow Well had a failure and the damaged equipment has been replaced. He stated that they have been placing more radios on the water meters. He stated that with the new radios meter reading will be able to be cut meter reading to a one person job. He stated that they will also be able to read metes year round. He stated the sewer treatment plant is approximately 55% completed. He stated they anticipate the startup will be in June. He stated that 400 tons of road base has been placed on the Willow Street Trail and they will continue working on it. Councilman Castagno asked if they were planning on putting cement in front of Eddie Martin's house. Joel stated that they are. He stated that they received a visit from OSHA and they are addressing a few problem areas identified by OSHA. Councilman Johnson asked about the closure of 800 East. Public Works Director Kertamus stated that a lot of people are taking short cuts across the closed area there. He stated when the soil dries he is planning to make a ditch to prevent vehicles from using this area.

**6. Consideration of Agreement with Tooele County to provide sewer and water service to Deseret Peak Service District.**

Mayor Marshall stated that the City wasn't ready to present this item at this time and that it will be on the next City Council agenda.

**7. Consideration of Agreement with Grantsville Irrigation Company assigning shares to lots, collection of assessments and other matters relating to secondary water for developments.**

Mayor Marshall stated he and Councilman Johnson met with the Board of the Grantsville Irrigation Company about turning over the shares of irrigation water the City has been holding for the benefit of various lot owners. He stated the irrigation shares should be held by the Irrigation Company to insure that the water will stay with the lots and that the City is waiting for the Irrigation Company to come up with a plan to accommodate this request. Mayor Marshall stated that holding the shares of Grantsville Irrigation water has made the City a collection agency for the irrigation company. He stated the City employees are doing their best to collect fees, but the work is taxing staff. He stated there has been a lot of problems with the City holding these shares. He stated that the City has been billed for overages as well as repairs that the City Utility Clerk has had to collect. He stated that it is an accounting nightmare. He stated the City needs to get out as the middleman for the secondary water. He stated the only thing the City has requested is for the Irrigation Company to tie the shares to the property and to notify the City when a property owner has not paid their assessment and is in danger of forfeiting their water. Attorney Elton stated the City will need to finalize an agreement with the irrigation company. He stated City ordinances will also need to be amended regarding the City holding shares and to delete the billing provisions. Mayor Marshall stated the City needs the concurrence of the Council in taking this direction. Councilman Johnson stated he feels it is improper to have the Utility Clerk doing the work of the irrigation company.

**Motion:** Councilman Johnson made a motion that the City pursue an agreement with Grantsville Irrigation Company as outlined by the Mayor. Councilman Vera seconded the motion. All voted in favor and the motion carried.

**8. Consideration Resolution No. 2010-03 approving a development agreement and Planned Unit Development waivers for Country Village. (M-5 Group, LLC).**

Preston Miller was present representing M-5 Group, LLC for the Country Village PUD. He stated that he has been working with City staff and hopes that all the major issues have been resolved. He stated that any of the issues that came up had been worked on and solutions or reasonable answers offered. He stated one of the concerns was that corner lots having a 25 feet by 25 feet building setback on the street sides. Councilman Tripp stated that he assumes that the offsets for corner lots are to provide good vision. He questioned whether 25 feet would offer this versus the 30 feet by 30 feet identified in the Grantsville City Land Use and Development Code Section 15.1 for property in the R-1-21 zone. Public Works Director Kertamus stated that the street designs for sight lines would be met with the proposed 25' setbacks on corner lots. Councilman Colson asked how many lots are corner lots. Mr. Miller stated approximately 5%. Mr. Miller stated that the road width is safe and that it is the same exact road specifications provided for in subdivisions. Mr. Miller stated there was a question with the allowable building coverage. He showed the Council a plan drawn to

scale on a lot with a home at the 35% proposed building coverage the M-5 Group is asking for, which would be a 3850 square foot home. He stated they want to be as flexible as possible in the market place. He stated that not everyone wants a two story home. He stated that if they kept the allowable building space at 20% it would ensure small homes in the subdivision. He stated he does not think this is the signature the City wants.

Councilman Johnson inquired about the proposed Home Owners Association (HOA). Mr. Miller stated they have not written the CC&R's yet, and that will be submitted with the first phase approval. Councilman Johnson asked if they are going to allow fences. Mr. Miller stated he thinks they will let them have some type of fence that will still promote the open feel. He envisions a log rail type fence with wire that allows for the open feel, without the visual barrier.

Councilman Tripp gave Mr. Miller a document with his concerns. He stated that the Concept Plan has been agreed too and certain provisions have been agreed too, but that he had other concerns.

Mayor Marshall stated that he would ask the Council to review the proposed agreement page by page and if any of the Council Members had any questions or concerns they could bring them up at that time and a vote would be taken on each issue.

Councilman Tripp had a concern on Page three Section 3.3. He stated that the flexible phasing gives a lot of discretion to the developer. Mr. Miller stated the logic is to have smaller phases for marketing and to keep the developer coming back. He stated that they will pay back Quirk Street by the 5<sup>th</sup> phase. Attorney Elton stated that the phasing does give flexibility, but the next phase must be contiguous to the previous phase and logical as it relates to the extension of utilities. He stated that as soon as they have 30 lots they will be required to develop a second temporary exit. Mr. Miller stated they will work with the City to locate this temporary exit. He stated the acre lots will be the last lots to be developed. Councilman Tripp asked if they will start out with a high standard for homes. Mr. Miller stated that is the commitment of the M-5 Group to build homes to a high standard. He stated that he hopes the subdivision will set precedence. He stated he thinks if he is correct that their example of the detention of water in the backyards instead of the front, will be used in other developments.

Councilman Tripp Councilman Tripp stated that he thinks the PUD waivers need to specifically listed in the development agreement on page four, Section 3.6.1. Attorney Elton stated that some of the waivers were included in the Concept Plan that was approved by the City Council and the rest are listed in the agreement. He stated that he agreed with Councilman Tripp that if the waivers are not listed in the development agreement they need to be.

Councilman Tripp asked if the Council thought 35% of the lot being covered with buildings was too much, as proposed on page four, Section 3.6.5. He stated that 60% of the lots will virtually have no free space. Mayor Marshall stated that not many owners will build that large of a house but they will have the option. He asked what a typical square footage home is. Councilman Colson stated a 2600-2700 square foot home is typical. He stated he can see the argument of 35% with the garage being included in the coverage calculation. Councilman Castagno stated the City should encourage as large of home as someone would like to build. He stated a mixture of home sizes is good and larger homes mean more property taxes. Councilman Tripp asked if the homes will be built then sold by the developer or lot owners. Mr. Miller stated he prefers owners to build instead of building companies. He stated if they do bring in a builder they will not allow them to build the same house so there is diversity. Councilman Tripp stated he does not want a congested neighborhood like Stansbury Park. He stated he does not want the street view to look like Stansbury Park. Mayor Marshall stated these lots will have a 100 foot frontage, which should help in preserving a more rural look. Mr. Miller stated they do not want the Stansbury Park look either. Councilman Johnson stated the 35% buildable area will not be the norm, but will give owners more options.

Councilman Tripp stated that on page four Section 3.6.6. He thinks it should state that the trails should be concrete and not asphalt. Mr. Miller stated he too loves concrete but it is a HOA problem if they fall apart. He stated he looks at what is best for the project. He stated common usage on these trails s scooters and razors. Asphalt makes it easier to ride on compared to concrete which has seams. He stated there are pros and cons to both. He stated that asphalt will crack but will not have to be replaced every four feet. Councilman Colson stated that with the clay soil of Grantsville it is hard to get concrete to stay put. He stated if he was doing a project like the M-5 Group he would also put in asphalt. Councilman Tripp stated that South Willow sidewalks look good.

Councilman Colson stated that he feels that it isn't a City issue but a developer's issue and the HOA will be taking care of it.

**Motion:** Councilman Tripp made a motion to amend Section 3.6.6 to have the trails surfaced with concrete and delete asphalt. No second was made and the motion failed.

Mayor Marshall stated Section 3.6.7 is new and states that if the park is not completed then the developer will owe the City park impact fees. He stated the actual amount is \$574.00 per lot and not \$578.00 and the actual amount should be \$129,724.00. Councilman Tripp stated that will not be enough if it stretches on for 24 years. Mayor Marshall stated it is in the best interest of the M-5 Group to develop the park as soon as they can, because it will be a selling point. Councilman Johnson asked if it will be approved by the City. Public Works Director stated yes that it will have to be signed off.

Councilman Tripp suggested that the words "and/or" should be taken out Page five Section 3.7. and replaced with and.

**Motion:** Councilman Tripp made a motion to take out /or in the first sentence of Section 3.7. and be replaced with and. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

Mr. Miller asked that last line of Section 3.9 on pages five and six be amended to allow the developer or HOA to finish these areas with hard surfaces. He stated that if the area can be maintained as a green area they would like it, but there are times it just doesn't work with the land and sometimes needs to be hard surfaced.

**Motion:** Councilman Castagno made a motion to add "including hard surfaces" in the last sentence of Section 3.9, which would then read, "The association shall have the discretion to maintain these landscape features to include hard surfaces . . ." Councilman Vera seconded the motion. All voted in favor and the motion carried.

Mr. Miller stated that he had met with Gary Fawson, who will be a good resource as it relates to landscaping as indicated on page six Section 3.10.

Councilman Tripp asked about a downturn in the economy being considered a force majeure on page 12, Section 8.16. He stated he would not consider an economic downturn as force majeure and thinks it should be clarified so that the developer cannot claim force majeure in an economic downturn to prevent it from complying with the timelines stated in the development agreement. Councilman Johnson stated that a severe economic downturn could be considered a force majeure.

**Motion:** Councilman Tripp made a motion to add to Section 8.16 that changes in the economy shall not constitute a force majeure. Councilman Colson seconded the motion. Councilman Tripp and Councilman Colson voted in favor of the motion. Councilman Johnson, Castagno, and Vera voted against the motion. The motion did not carry.

Councilman Tripp stated that there was discussion about the type of fencing. He stated they are proposing smaller lots because of the general feel of open space. He stated he is curious what the Miller Group intends to do or expects. He stated his other thought is the trails in the backyard he questioned about lighting. Attorney Elton stated lighting is typically reviewed in the engineering stages. Councilman Tripp stated he would like to see some details that will be in CC&Rs. He stated he looked at a subdivision at approximately 42<sup>nd</sup> West 2800 South in the Salt Lake area. He said it was an attractive subdivision. Attorney Elton stated that with a Planned Unit Development the Council can review the CC&Rs and can regulate fencing. Councilman Castagno stated that he thinks that would be a slippery slope to get too specific in reviewing and approving the CC&Rs. Councilman Johnson stated he thinks it should be the HOA's place to regulate the development with CC&Rs and the City's interest is only to ensure that they are not in conflict with City regulations. Councilman Castagno stated that Mr. Miller will have to market and sell the lots and it is in his best interests to do what will sell. Mr. Miller stated we have a capitalist society. He stated that things change all the time. He stated capitalism will drive him harder than the Council. Councilman Johnson stated they will do what will make the project sell. Mr. Miller stated they will be working hard on the project and will do a nice, attractive subdivision.

**Motion:** Councilman Tripp made a motion for the CC&Rs be a part of the approval process and be considered at a later date and for the City to maintain its right to regulate other areas of this PUD including fencing and related matters. Councilman Colson seconded the motion. Council Members Tripp and Colson voted in favor. Council Members Vera, Johnson, and Castagno voted against. The motion did not carry.

Councilman Tripp stated he is worried about weed control. Councilman Johnson stated that is what the City's nuisance ordinances are for.

**Motion:** Councilman Johnson made a motion to approve Resolution No. 2010-03, a resolution approving a development agreement between Grantsville City and M-5 Investments, LLC for the Country Village Planned Unit Development with the changes approved by the Council by motion. Councilman Vera seconded the motion. Council Members Colson, Vera, Castagno, and Johnson voted in favor of the motion. Councilman Tripp voted against. The motion carried.

## 9. Council Information Updates.

Mason James was present and proposed an Eagle Scout project. He wanted to make six benches for the tennis courts. They will be located inside of the tennis courts and attached to the fence. The benches should cost approximately \$20.00 for materials, plus paint and stain.

**Motion:** Councilman Castagno made a motion to approve Mason James' Eagle Scout project and authorize a City appropriation of up to \$300.00 to support the same. Councilman Colson seconded the motion. All voted in favor and the motion carried.

Mayor Marshall stated that the terms of a proposed Deseret Peak Water Agreement will be back on the agenda at a later date. He indicated he had attended meetings regarding a possible move of the City Library. He stated he would be having a meeting on March 12, 2010 with school officials to get either space or a classroom to facilitate a library area. He stated he was looking at changing the library hours to 2:30-7:30 p.m. The library would pay for internet connection. The bookmobile would continue parking at the City. The summer reading would continue. He stated that Superintendent Linares has offered a portable to house the library once the new elementary school is built. Councilman Tripp stated he hopes that there will be a better plan than a portable for the library.

Mayor Marshall stated he attended a Homeland Security Grant meeting in which there is \$192,000.00 to spread among the different entities. He stated they decided to spread the funding evenly so each entity would receive a lump sum and leave \$100,000.00 that will be allocated on a priority basis. He stated Grantsville City will receive \$16,000.00. He stated that he attended a Tooele Chamber of Commerce meeting and they are looking for corporate games ideas. He stated that the Transit Room Grant is going to meet to decide funding. He stated the front desk has been extremely busy since the ordinance has been published regarding late fees.

Mayor Marshall stated he asked Attorney Elton to give a presentation on ethics. Attorney Elton gave the Council a packet regarding ethics. He went over the packet and stated that City staff cannot receive gifts or rewards unless it is less than \$50.00. He stated campaign contributions are not included in this. He stated that a written disclosure needs to be filled out if they own a business that would have dealings with the City. He stated training has been conducted at the City staff meeting and will be conducted at the next Planning Commission meeting.

## 10. Adjourn.

**Motion:** Councilman Vera made a motion to adjourn. Councilman Colson seconded the motion. All voted in favor and the motion carried. The meeting officially adjourned at 9:52 p.m.