

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON JULY 7, 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 Tom Tripp, Mike Johnson, Todd Castagno and Mike Colson. Councilman James Vera was excused.

**Appointed Officers and Employees Present:** Attorney Ronald Elton, Building Official Mike Haycock Finance Director Tom Hammond and City Recorder Rachel Wright.

**Citizens and Guests Present:** Colleen Brunson, Bill Ratcliffe, Lisa Ratcliffe, Scott Stice, Kent Liddiard, Ken Grant, Angela Grant and Greg Bleazard.

**PUBLIC HEARING:**

- a. Amendment to the Grantsville City General Plan and Future Land Use Map, including revisions to the Industrial Land Use areas and recommended land use categories for annexed property.**

Mayor Marshall opened the public hearing at 7:00 p.m. to receive comments on the proposed General Plan revisions.

Kent Liddiard stated that there needs to be more provisions for high density housing. He stated that the City is looking to promote industrial growth and in order for the workers to have housing there needs to be more affordable housing. He stated that industrial workers will not be able to afford to live in this valley. He stated that if the City wants to attract industry it needs to make provisions for people to live here. He stated that if the Council is not going to allow landowners to rezone property for commercial use, where it is allowed in the General Plan, then the commercial designation should be deleted from the General Plan.

Mayor Marshall asked for any further comments. No additional comments were offered and he closed this public hearing at 7:02 p.m.

- b. Proposed rezone of approximately one acre fronting Main Street at 713 East Main Street, from an A-10 and RM-7 zone to a CN (neighborhood commercial) zoning designation for the purpose of operating a coffee shop (Angela Grant application).**

Scott Stice was present and spoke in opposition to the proposed rezone. He presented the council with a letter which is attached to these minutes. He stated that on January 20<sup>th</sup> the City Council rejected a rezone request for the same property. He asked the council to enforce the Grantsville City Zoning Ordinance Section 3.8.4 because the application was denied once before for the same piece of property. He stated he is concerned about the uses and future of his neighborhood. He stated he is also concerned with the unassembled building that is currently on the Grant property. He stated that if the building is built that an automotive shop will be conducted on the property. He asked the Council to drive on the Gordie Fields' property that was recently rezoned. He stated two years ago a

family was living there and since it was rezoned to commercial a carnival was allowed to take place there. He asked the Council to consider whether they would approve that rezone again today. He asked for the Council to think of the concerns of the current landowners.

Bill Ratcliff was present and spoke in opposition to the proposed zone change. He stated he would like to echo Mr. Stice's comments regarding the zoning code. He stated the Grants already went through all this earlier this year. He stated that it is the same property and they are still asking for a zone change to commercial. He stated that if the applicant is going to follow the regulations of the zoning on Main Street then they need to follow the zoning code. He stated he does not have a problem rezoning the property 150 feet back commercial for a coffee shop, but he does not think they need the entire acre for a coffee shop.

Angela Grant was present. She stated that they have every right to pursue the requested rezone. She stated that they are asking for a different zone and different use. She stated that in their previous application process they were asked by the Planning Commission as well as the City Council why they were not asking for a neighborhood commercial zone. She stated she bought the property because it was designated in the General Plan to be zoned commercial. She stated that if the City wants to promote commercial uses then the City needs to be proactive. She stated that people need to be able to purchase property according to the plan the City has adopted. She stated she has heard concern about property values. She stated that residential property already gets the lowest property value just for being on Main Street. She hopes the Council will look at the whole picture and that they will take into concern their property rights as well. She asked the Council to consider the fact that they have been good, productive members of the City. She stated they should have every right to ask to run a business on Main Street because it is within the General Plan.

Mayor Marshall asked for any further comments. No additional comments were offered and he then closed this public hearing at 7:11 p.m.

**c. Proposed minor subdivision (PUD) at approximately 236 East Main Street, to create two parcels. (David N. Lawrence application).**

Mayor Marshall opened the public hearing at 7:11 p.m. to receive comments on the proposed minor subdivision. No comments were offered and the Mayor closed the public hearing at 7:12 p.m.

**d. Proposed Planned Unit Development at approximately 236 East Main Street, to construct and operate an automatic car wash facility. (Dave N. Lawrence Jr. application).**

Mayor Marshall opened the public hearing at 7:11 p.m. to receive comments on the proposed Planned Unit Development. No comments were offered and the Mayor closed the public hearing at 7:12 p.m.

Approved

**AGENDA:**

**1. Summary Action Items**

- a. Approval of Minutes of the June 16, 2010 City Council meeting.
- b. Approval of Business Licenses for Betsy Henninger, LLC.
- c. Approval of Bills in the sum of \$199,687.19.
- d. Personnel Matters: approval of updated Clerk III Utilities/Cemetery job description.

Mayor Marshall stated that the Clerk position is an update and includes acting as deputy recorder in the absence of the Recorder.

Councilman Tripp inquired about the business license for Betsy Henninger. Councilman Colson stated she works as a counselor for the high school.

**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 awarding contract for Little League lighting project.**

Greg Bleazard was present regarding the Little League lighting project. Mayor Marshall stated he had talked to Gary Bleazard concerning the contract for the lighting of the Little League fields. He stated Gary would like to accept the first Musco bid for \$40,000.00 which did not include installation. He stated that he has people and manpower to install the lighting. Mayor Marshall stated the City received one bid from Skyline Electric for \$53,925.00 which included an alternate for installation. Councilman Colson stated that he thought the bid would have come in lower. Mayor Marshall stated the first bid for \$40,000.00 from Musco meets specifications and included a 25 year warranty. He stated that the City received a \$25,000.00 grant and the league has raised \$20,000.00. Greg Bleazard stated the \$5,000.00 will be a good buffer for additional cost associated with the installation. Attorney Elton asked if the City has been asked to fund more than the \$25,000.00. Mayor Marshall stated no, that the \$25,000.00 will be the City's total contribution. Greg Bleazard stated they would like to install the lighting this year.

**Motion:** Councilman Colson made a motion to approve the bid for \$40,000.00 from Musco Lighting and solicit volunteers for installation. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

**3. City Hall Remodel – Consideration of awarding Bid Alternate 5. (existing office renovation).**

Mayor Marshall asked the Council to consider approving Bid Alternate Number 5 that was previously received by the City but was not awarded as a part of the City Hall remodel project. He stated this alternate would create security and privacy in the existing office areas. He stated the bid is for \$26,925.00. He stated that the remodel would give the Zoning Administrator and Finance Director an office for privacy. He stated the remodel would have a secure entry point. He stated that currently there is no way to stop someone from walking into the work area, where cash is available. Mayor Marshall stated that currently there is no privacy for employees to deal with sensitive matters. He stated that the Zoning Administrator meets with people regarding new developments, the Utility Clerk meets with people regarding the cemetery and the Finance Director will be

working on sensitive issues dealing with City finances. Councilman Castagno stated that security has always been a huge issue for the City Offices. Mayor Marshall stated that these offices have gone 15 years without any upgrades or maintenance. Councilman Tripp stated he likes the open feel of the current City Offices. He stated that the remodel would change the atmosphere, that it will be less open and less accommodating. Mayor Marshall stated that security is currently a big issue. He stated that the Clerks in City Hall handle all of the incoming cash for the Court, the Police Department as well as City Hall. Councilman Tripp stated he worries that if there is more privacy employees will constantly be on the internet or playing games on their computers. Councilman Tripp stated he feels if offices are built there should be an open door policy. Councilman Tripp suggested windows on the doors. Councilman Johnson stated that he thinks it would be a good idea to have visibility into the offices.

Councilman Colson inquired about the budget. He stated he would like some reassurance that there is money available. Finance Director Hammond stated that he has reviewed the bid and there is money available for the remodel.

**Motion:** Councilman Castagno made a motion to approve Bid Alternate 5, for the remodeling of the existing City office space. Councilman Johnson seconded the motion. Council Members Castagno, Johnson and Colson voted in favor of the motion. Councilman Tripp voted against the motion. The motion carried.

#### **4. Consideration of Water Bank Agreement for Darrell Nielsen.**

Mayor Marshall stated that Mr. Nielsen is asking the City Council to approve a water bank agreement, whereby he would transfer water rights to the City to be held for the future use at the Wells Crossing development project. City Recorder Wright stated that Mr. Nielsen understands he will be responsible for any attorney fees incurred by the City to process the agreement and transfer.

**Motion:** Councilman Johnson made a motion to authorize the Mayor to sign a water bank agreement with Darrell Nielsen upon condition that it has been approved by the City's water rights attorneys and is consistent with similar agreements that the City has approved in the past. Councilman Colson seconded the motion. All voted in favor and the motion carried.

#### **5. 2009-2010 Independent Audit.**

Finance Director Hammond stated that Jensen and Keddington have proposed a bid of \$16,500.00 to complete the 2009-2010 fiscal year independent audit for the City. This was represented by Mr. Keddington's letter to be a 3% increase. Mr. Hammond stated that the bid includes the preparation of the financial statements, which was not included in the last audit. Councilman Tripp stated the proposal includes conflicting amounts. He stated that the proposal indicates a fee of \$17,250.00 and if it was actually a 3% increase it should be \$16,995.00. Finance Director Hammond stated he will contact Jensen and Keddington about the discrepancy in the amounts and rectify the same.

**Motion:** Councilman Tripp made a motion to approve Jensen and Keddington's proposal to perform an independent audit for the 2009-2010 fiscal year of the City, to include all necessary financial statements with a 3% increase over the last year amount. Councilman Colson seconded the motion. All voted in favor and the motion carried.

**6. Consideration of Resolution 2010-10 Public Works Wastewater Self Evaluation Report.**

Mayor Marshall stated that the resolution will approve the annual waste water quality report that is prepared by the public works director and filed with the State. Councilman Tripp commented that the sewer is running at more than 90% capacity. Mayor Marshall stated the new sewer system will be coming online within the next month and that will provide additional capacity.

**Motion:** Councilman Johnson made a motion to approve Resolution 2010-10, which adopts the Public Works Wastewater Self Evaluation Report. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

**7. Consideration of plans and specifications for City street projects and authorization to seek bids.**

Mayor Marshall stated that the Public Works Director has a rating system for street projects. He stated that staff has recommended five street improvement projects listed for improvement. He stated the number one street project is West Street from Main Street to Vine Street. The second street project is the Old Lincoln Highway. The third street project is Church Street. The Fourth Street project is Pear Street from Quirk Street to Willow Street. The fifth project is Hale Street. He stated if there is any funding left other streets will be considered as an alternate bid.

**Motion:** Councilman Tripp made a motion to approve the plans and specifications for the listed City street projects and authorize City staff to seek bids. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

**8. Consideration of Ordinance 2010-13, regulating yard sales, by allowing two yard sales each year, with each sale lasting not more than five consecutive days.**

Councilman Tripp asked if yard sales are a real problem or a potential problem. Building Official/Ordinance Enforcement Officer Haycock stated that there have been issues regarding the length of yard sales in the past. Councilman Tripp asked who will enforce the ordinance. Mr. Haycock stated he is the City's ordinance enforcement officer. He stated he generally enforces ordinances on a complaint basis. Councilman Castagno stated he has always had a problem with the complaint basis enforcement of the City. He stated if ordinances are in place they should be widely enforced or not put in place. He stated that a person is targeted because someone complains. Mr. Haycock stated that if there is an ordinance in place then the City can enforce it, but the City does not have sufficient staff to police all of the City ordinances.

**Motion:** Councilman Colson made a motion to approve Ordinance 2010-13, an ordinance adopting a new regulation limiting the number and duration of garage and yard sales within Grantsville City. Councilman Johnson seconded the motion. Council Members Colson, Johnson and Castagno voted in favor of the motion. Councilman Tripp voted against the motion. The motion carried.

**9. Consideration of Ordinance 2010-14, amending the sign regulations by deleting some prohibited signs, expanding signs not requiring permits and amending the regulations for temporary signs and garage sale signs.**

Councilman Tripp inquired about the double negative wording in a part of the ordinance. Attorney Elton stated he could revise the ordinance to address this concern, by taking out the word delete and replacing it with allow. Councilman Tripp suggested the City review Section 8-5 regarding flags in the future.

**Motion:** Councilman Tripp made a motion to approve Ordinance No. 2010-14, an ordinance amending Chapter 20 of the Grantsville City Land Use Management and Development Code relating to signs by allowing some previously prohibited signs, expanding the use of signs not requiring permits and amending the regulations for temporary signs and garage sale signs with the revision as requested. Councilman Colson seconded the motion. All voted in favor and the motion carried.

**10. Discussion of policy regarding the distribution of non-City inserts with utility bills.**

Mayor Marshall stated that he has concluded that all inserts included with utility bills should be limited to City materials. He stated that he is not in favor of businesses including advertisements with the utility bills, but that a City newsletter could mention new businesses and encourage citizens to support local businesses. Councilman Castagno suggested allowing nonprofit organizations to be able to place an insert in the utility bill. After discussion the Council agreed with the Mayor not to allow any advertisements or inserts with City utility bills unless it was sponsored by the City.

**11. Closed Meeting (pending litigation strategy session).**

**Motion:** Councilman Tripp made a motion to go into a closed session to discuss pending litigation. Councilman Johnson seconded the motion. All voted in favor and motion carried. The council went into a closed session at 9:12 p.m.

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

## **12. Mayor and City Council Reports.**

Mayor Marshall stated that he sits on the Wasatch Front Regional Council and the main concern with air quality is the ozone levels. He stated Tooele County complies with the air quality, but the ozone is still a problem here. He stated that meetings are still being held regarding Rocky Mountain Power's new power lines, and that the County has discussed appealing the decision to allow the new line to go through Tooele Valley.

Mayor Marshall stated the Independence Day celebration and parade went very well. He stated his appreciation for the tremendous job that staff and volunteers performed in facilitating the event.

Mayor Marshall stated that an animal control issue has come up. He stated that he has conducted an investigation regarding complaints made by some volunteers. He said he has completed his investigation and his findings will be made available. He stated the volunteer program is still in place.

## **13. Adjourn.**

**Motion:** Councilman Castagno made a motion to adjourn. Councilman Johnson seconded the motion. All voted in favor and the meeting officially adjourned at 9:22 p.m.