

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON SEPTEMBER 15, 2010 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE.

Mayor Marshall called the meeting to order and asked everyone to join with him in reciting the “Pledge of Allegiance.”

ROLL CALL:

Mayor and Council Members Present: Mayor Brent Marshall and Council Members Tom Tripp, Mike Johnson, Todd Castagno, James Vera and Mike Colson.

Appointed Officers and Employees Present: Attorney Ronald Elton, Finance Director Tom Hammond, Public Works Director Joel Kertamus and City Recorder Rachel Wright.

Citizens and Guests Present: Caitlin Stice, Janica Snively, Scott Harman, Chris Gunderson, Cheri Gunderson, Jessica Gunderson, Bret Anderson, Ryan Marshall, Neil Bell, Kent Liddiard and Shawn Bennett.

AGENDA:

1. Presentation for Camp Discover.

Jessica Gunderson was present representing Girl Scout Troop 1123. She stated appreciation for the City donating to Camp Discover. She stated that the camp was for teens with disabilities. She stated that everyone appreciated the camp and had a good time. She stated that they would like to establish a committee so that the camp will continue every year. Jessica Gunderson then presented a picture to the Council of Camp Discover and a thank you letter.

Cheryl Gunderson stated that Camp Discover was a Girl Scout Gold Project. She stated that a gold project is to have a continuous affect on the community. She stated her hope is for Camp Discover to continue throughout the years. She stated that they will need the continued support of the community for donations for Camp Discover to be successful. She stated the camp was for two days and those involved all had an amazing and life changing experience. She stated appreciation for the support Grantsville City gave to Camp Discover and asked to consider sponsoring every year. She stated that Grantsville City was the most generous donation and expressed gratitude for the donation.

2. Summary Action Items

- a. Approval of Minutes of the September 1, 2010 City Council minutes.
- b. Approval of Business Licenses (none).
- c. Approval of Bills in the sum of \$111,621.55.
- d. Personnel Matters (none).

Councilman Tripp stated he would like to amend the minutes. He stated that agenda item number two he would like to amend the minutes to state that the Mayor agreed he would direct the police department to issue warning citations and have a phase in period for enforcement of the ordinance. He also asked for an inclusion in the minutes in the Mayor and Council updates to read that Councilman Tripp expressed the importance of the City to record subdivision commitments and that the City keep better track of the requirements for developers to complete and maintain their subdivision improvements.

Motion: Councilman Johnson made a motion to approve the summary action items with the minutes amended as requested by Councilman Tripp. Councilman Vera seconded the motion. All voted in favor and the motion carried.

3. Request for fee waivers. (Grantsville High School - Chris Williams).

Chris Williams with Grantsville High School and Scott Harmon with the Utah Housing Corporation were present. Mr. Williams stated the High School was requesting a waiver of the building permit fees for a house that will be constructed by the students. Mr. Harmon stated that the Utah Housing Corporation helps finance the houses that are built by high schools. He stated that due to the market they are trying to lower the costs as much as possible to make the house more affordable. He stated they are looking for help from contractors and cities to continue the program. Mayor Marshall stated that the project was not figured into the City's budget so a waiver of the fees would not impact projected revenues and the City Budget. He stated the building official estimated the building permit and plan check fees would be approximately \$1,400.00. Councilman Castagno stated that this program has been a benefit to the students as well as the community. He asked where the funds would go if there is a profit made on the sale of the home. Mr. Harmon stated that the first \$10,000.00 in profit goes directly to the school district. Mr. Williams stated that the Tooele County School District does set aside the money for the construction class. He stated that the last two houses took a loss. He stated they are hoping for a turnaround in the economy and to at least break even.

Motion: Councilman Tripp made a motion to approve the waiver of the building and plan check fees for the Grantsville High School housing project. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

4. Fire Department grant request.

Fire Chief Ryan Marshall, Brett Anderson and Neil Bell were present. He stated that earlier in the year they applied for a grant from the Division of Natural Resources. He stated they have been awarded a grant for \$20,000.00 for a water tender. He stated that the grant is a reimbursable grant where the City would need to purchase the water tender and then the State would reimburse the City for the purchase. Mr. Bell stated that the general specification is a water tender which is a tank on a trailer that holds approximately 6500 gallons.

Motion: Councilman Colson made a motion to approve the specifications and authorize the Fire Department to purchase a water tender for no more than \$20,000.00 and to seek reimbursement from the State within 90 days. Councilman Vera seconded the motion. All voted in favor and the motion carried.

5. Consideration of approving a minor subdivision located at approximately 286 East Durfee Street to divide one parcel into two lots. (Fred and Janiece Snively Application).

Mayor Marshall stated that no comments had been received at the public hearing. The planning commission approved the minor with the following conditions which have been corrected on the Mylar:

- A 10' utility easement be specified along the front of the lots.
- Inclusion of a note requiring lot owners to complete curb, gutter and sidewalk improvements at their own expense when directed to do so by Grantsville City.
- Remove County Health Department signature block.

Motion: Councilman Castagno made a motion to approve the minor subdivision located at approximately 286 East Durfee Street with the conditions set by the Planning Commission and Aqua Engineering. Councilman Colson seconded the motion. All voted in favor and the motion carried.

6. Consideration of approving a minor subdivision at approximately 465 Old Lincoln Highway to divide one parcel into four lots. (Jerry and Sheila Hurst Application).

Mayor Marshall stated no comments had been received at the public hearing. He stated that the issue regarding the width of Old Lincoln Highway had been resolved. He stated the Master Plan had Old Lincoln designated as a collector road. He stated that with the utilities it is not possible for the road to be a collector road. Councilman Vera inquired about the notation on Lot 1. Mayor Marshall stated that it is an easement. Todd Castagno asked staff to clarify if the public utility easement shouldn't be 7.5 feet rather than 10 feet as indicated.

Motion: Councilman Vera made a motion to approve the minor subdivision at approximately 465 Old Lincoln Highway with the conditions set by the Planning Commission and Aqua Engineering. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

7. Consideration of approval of change orders for street projects.

Mayor Marshall asked the council to take no action on this he stated that the proposed Change Order did not go over \$10,000.00 previously authorized.

8. Consideration of Ordinance No. 2010-19, amending section 28-22 of the Grantsville City Code by repealing the requirement that secondary water must be transferred to the City as a condition of development approval, requiring developers to permanently attach water to the developed property, entering a finding that the City's existing water interests do not exceed the water interests needed to meet the reasonable future water requirements of the City and amending other provisions relating to water requirements for developmental approval.

Mayor Marshall stated that there has been a lot of work put into this ordinance. He stated the ordinance is regarding the secondary water issues and deleting the requirement that Irrigation Shares be transferred to the City. He stated the amended ordinance does not relieve developers from any of the requirements of providing water, but relieves the City from controlling and being responsible for the secondary water shares. He stated that if a property owner loses the share for nonpayment and uses culinary water they will be guilty of a Class C Misdemeanor. Councilman Castagno asked if underground water can be provided. Mayor Marshall stated yes. Councilman Johnson asked if it will be on the title report. Attorney Elton stated that it will initially require the recordation of a notice. Councilman Castagno stated that it could be difficult to provide disclosure to new homeowners. Councilman Vera inquired if there is liability to the City if the homeowners are not informed. Attorney Elton stated that there should be no liability and that it is the homeowners' responsibility. Attorney Elton stated the ordinance also adopts the 40 year water plan prepared by Aqua Engineering. Attorney Elton stated the Grantsville Irrigation Company has a copy of the ordinance. He recommended that the City not release the current Irrigation Shares that it is holding back to the irrigation company until the irrigation company agrees to tie the shares to the property in the manner required by the Ordinance.

Motion: Councilman Vera made a motion to approve Ordinance No. 2010-19, amending Section 28-22 of the Grantsville City Code by repealing the requirement that secondary water must be transferred to the City as a condition of development approval, requiring developers to permanently attach water to the developed property, entering a finding that the City's existing water interests do not exceed the water interests needed to meet the reasonable future water requirements of the City and amending other provisions relating to water requirements for developmental approval. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

9. **Consideration of Ordinance No. 2010-20, amending section 30-1-8 of the Grantsville City Code by bringing this section into conformity with the provisions of Ordinance 2010-19, making other technical amendments to the water rights impact fee ordinance and entering a finding that the existing water interests of the City do not exceed the water interests needed to meet the reasonable future water requirements of the City.**

Motion: Councilman Tripp made a motion to approve Ordinance No. 2010-20, amending section 30-1-8 of the Grantsville City Code by bringing this section into conformity with the provisions of Ordinance 2010-19, making other technical amendments to the water rights impact fee ordinance and entering a finding that the existing water interests of the City do not exceed the water interests needed to meet the reasonable future water requirements of the City. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

Motion: Councilman Castagno made a motion to authorize the return of all secondary water certificates to the Grantsville Irrigation Company on the condition that they comply with the specification listed in Ordinance 2010-19 and 2010-20. Councilman Colson seconded the motion. All voted in favor and the motion carried.

10. **Consideration of Ordinance No. 2010-21, amending use table 16.1 of the Land Use Development and Management Code of Grantsville City by providing railcar fabrication, repair and cleaning as a new conditional use in the M-G zoning district.**

Mayor Marshall stated there were no comments received at the public hearing. Councilman Tripp stated that Drew Allen from the Planning Commission voted against the ordinance. Councilman Tripp stated that the major issue would be the roads.

Motion: Councilman Johnson made motion to approve Ordinance No. 2010-21 amending Use Table 16.1 of the Land Use Development and Management Code of Grantsville City by providing railcar fabrication, repair and cleaning as a new conditional use in the M-G zoning district. Councilman Colson seconded the motion. All voted in favor and the motion carried.

11. **Consideration of Ordinance No. 2010-22, amending Chapter 16 of the Land Use Development and Management Code of Grantsville City by establishing a new mining, quarry, sand and gravel excavation zoning district (MG-EX), revising the 16.1 use regulations and making other technical amendments.**

Mayor Marshall stated that a property owner is considering annexing into Grantsville City, but would like to keep the same zoning designation that the property currently has with Tooele County which is the MG-EX zoning designation. He stated that currently the City does not have this zoning designation. He stated the property is located on the west bench. Councilman Castagno stated that he knows the property currently holds that zoning designation but would hate to see the area excavated. Mayor Marshall stated that if the property is annexed into the City the applicant would have to file for a conditional use permit so the City would have a say. He stated that currently the City does not have a say.

Motion: Councilman Vera made a motion to approve Ordinance No. 2010-22, amending Chapter 16 of the Land Use Development and Management Code of Grantsville City by establishing a new mining, quarry, sand and gravel excavation zoning district (MG-EX), revising the 16.1 use regulations and making other technical amendments. Councilman Colson seconded the motion. All voted in favor and the motion carried.

12. Consideration of Ordinance No. 2010-23, amending use Table 14.1 of the Land Use Development and Management Code of Grantsville City by providing agricultural industry as a new conditional use in the agricultural zoning district.

Mayor Marshall stated that currently the City does not have a category for agricultural industry. He stated that the proposed ordinance would allow ag industry as a conditional use. Attorney Elton stated that with conditional use permits the general rule is that it has to be permitted as long as it meets reasonable conditions. Councilman Vera asked if conditions can be placed on an ag industry use. Attorney Elton stated yes. Councilman Vera stated that the City has a lot of agriculture zoning areas. Councilman Tripp inquired about the definitions of farm and agriculture.

Motion: Councilman Tripp made a motion to table this item until October in order to review the definitions of farm and agriculture. Councilman Colson seconded the motion. All voted in favor and the motion carries.

13. Consideration of policy regarding the sponsorship and management of Fourth of July celebration.

Finance Director Tom Hammond stated that in the past the City has allowed certain activities to collect and spend money for the Fourth of July. He stated that it is recommended by the auditors for the City to manage the money from the Fourth of July festivities. He stated that he with the advice of the auditors has prepared a policy that provides organizational assignments and internal controls over the cash for the Fourth of July activities. He stated all expenses and revenue would come through the City. He suggested having as many activities free of charge to the public. He suggested charging a \$30.00 cleanup fee to vendors and asking organizations looking for donations to work at the booths for the events at the park. He suggested having no charge for the queen contests, getting local groups to provide the entertainment instead of paying bands, only charge the amount of a shirt for the Ray Barrus Race and no charges for children using the inflatable rides. He stated there will be more entertainment, more fun and less cost for families. He stated that currently the main issue is accountability. Councilman Vera questioned the City controlling the race or the car show. The City Council all agreed that they do not want to see anything taken away from the Fourth of July. Councilman Castagno worried about using volunteers, he stated they have good intentions but do not always show up. Councilman Tripp suggested having Jason Duhon look over the policy and ask for suggestions as well as any others that have been involved in the past. Also, to offer Mr. Duhon the opportunity to be the City's Chairperson for this activity within the parameters specified in the proposal. Mayor Marshall stated he will set up a meeting with Jason Duhon.

Motion: Councilman Tripp made a motion to approve the proposed policy on the Fourth of July celebration as presented by the Finance Director, to seek input regarding the plan from Jason Duhon and others involved in this activity and to offer the Chairmanship of this event to Mr. Duhon if he is willing to do so under the new policy. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

14. Mayor and City Council Reports.

Mayor Marshall stated he has been busy during the past weeks. He reported that he attended the County Commission meetings. He stated he had a discussion with the commissioners about the Reckitt Benckiser lift station needing repairs before winter. He stated he met with the Daughters of the Utah Pioneers about where they could put their artifacts for storage. He stated they are looking at the basement of the Clark Farm residence. He stated that he attended a meeting with Morton Salt. He stated that the Tooele Applied Technology College held a meeting about funding proposals for the legislature. He stated they would like to have a commitment from local governments for one million dollars. He stated that he received a thank-you letter from the Census Bureau for being a partner. He stated he received a letter from Tooele City on their proposed amended annexation plan and he is sending a response expressing the City's concerns that Tooele's plan would overlap Grantsville's and that Grantsville is currently providing water and sewer service to this

area. He stated the FFA has requested a \$250.00 donation. He stated that South Willow Estates is holding a community party on Saturday, September 18th from 12:00 p.m. to 6:00 p.m. He stated he received a call about a proposal to use the old drug for the City Library. He stated he has talked to Architect Peter Moyes about a new library. He stated that the Taste of Grantsville event was scheduled this evening. He stated the new efficient lighting in City Hall is being installed and should be complete next week sometime.

Councilman Colson inquired about the computers from the Census. Mayor Marshall stated the City received 299 computers. He stated that the City has started to spread the computers around the County. Councilman Tripp asked for one for the Mosquito Abatement District.

Councilman Colson stated the new roof has been completed at the Donner Reed museum. He stated that he has received some complaints that an individual is using City property for storage by the Tennis Courts.

Councilman Vera suggested forming a committee regarding the library. He suggested having the committee look at different options including grants, cost of building, bonding, etc. He stated that currently there are three options for the library, which includes a donated portable classroom, a new building or staying at the current location at the High School. Councilman Colson stated the Grantsville High School is a good temporary solution but it is a good idea to start looking at a permanent solution. Councilman Tripp suggested looking to the Carnegie Foundation for funding. Mayor Marshall appointed Councilman Vera to facilitate the creation of a library committee to look at options for a permanent library. Councilman Tripp stated the old drug store may be a good location for the library. He stated it may be a good idea to preserve the building there.

Councilman Tripp stated that the Mosquito Abatement District is currently good on cash but the costs are going up with the new regulations.

Councilman Johnson inquired about the parks. Mayor Marshall stated that an Eagle Scout is going to plant the trees and bushes at the Old Lincoln Park. He stated that he has spoken to the Sons of Utah Pioneers about coming up with a replica of the Old Lincoln Highway marker for this park. Councilman Johnson suggested having the FFA do a project for the City for the \$250.00 donation being requested.

City Recorder Wright stated that the library will be having a magician show on Thursday at 4:00 p.m. to celebrate the reopening of the Bookmobile library.

15. Grantsville vs. Tooele City lawsuit (including closed strategy session).

16. Consideration of acquiring additional property for City Cemetery (including closed strategy session to discuss possible purchases).

Motion: Councilman Castagno made a motion to go into a closed strategy session to discuss pending lawsuits and acquiring property for the City Cemetery. Councilman Johnson seconded the motion. All voted in favor and the motion carried. The council went into closed session at 9:00 p.m. The Mayor, all Council Members, the City Recorder, the City Attorney, Finance Director and the Public Works Director were all in attendance.

Motion: Councilman Tripp made a motion to go back into an open City Council session. Councilman Vera seconded the motion. All voted in favor and the motion carried. The open meeting continued at 9:52 p.m.

Approved

17. Adjourn.

Motion: Councilman Tripp made a motion to adjourn. Councilman Johnson seconded the motion. All voted in favor and the meeting officially adjourned at 9:53 p.m.