

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON OCTOBER 20, 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 Todd Castagno, Mike Johnson, Tom Tripp, James Vera and Tom Tripp.

Appointed Officers and Employees Present: Attorney Ronald Elton, Police Chief Danny Johnson and City Recorder Rachel Wright.

Citizens and Guest Present: Gayle Parker, Colleen Brunson, Kent Liddiard, Missy Bird, Vaughn Oborn, Shawn Bennett, Jeff Coombs and Kim Clausing.

AGENDA:

1. Youth Recognition Award(s).

Mayor Marshall and Council Members announced the following for youth recognition awards and congratulated them for their achievements:

- Chase Soule
- Justin Thomas
- Carissa Jennings
- Moab Stapley
- Kimberly Whitworth
- Savannah Lambert

2. Consideration of supporting Tooele County Health Department in prohibiting substitute marijuana substances including spice.

Jeff Coombs and Kim Clausing were present from the Tooele County Health Department. They asked the Council for support in passing a resolution prohibiting substitute marijuana substances.

Ms. Clausing made a presentation to the Council explaining the potential dangers of the use of substitute marijuana substances. She stated that the substances are potentially dangerous to users, that the long term effects are not yet known and that a high number of hospitalizations have been reported in connections with the use of these substances. She explained that the substances have similar affects as marijuana. She stated that spice is the most common substitute that is being used. She stated that many countries have outlawed substitute marijuana substances. Councilman Tripp asked about how many incidents they know of in Tooele County. Ms. Clausing stated they are not aware of any official reports but they do know that many are using these substances and they know

where to get it. She stated that many stores locally sell these substances, which are generally packaged as incense. Councilman Vera asked if it impairs judgment. Ms. Clausing stated that it does impair the users, that the affect is the same as marijuana.

Jeff Coombs with the Tooele County Health Department stated that their concern is the health and safety of the public. He stated that other jurisdictions have banned the marijuana substitute substances. He stated that it is being looked at at the State level but currently it is not outlawed. He stated that with the resolution it would allow the Tooele County Health Department to locally prohibit the use. Councilman Vera stated that with it being bad for the body and impairing judgment he feels it wise to protect the citizens and community by supporting a Tooele County Health Department regulation. Councilman Tripp stated that obviously it is a good idea, but he would like to see it covered by State law. Mr. Coombs stated that with the resolution it would circumvent selling substitute marijuana substances at a local level. Attorney Elton expressed his concern about the current lack of tests to verify these substances and whether or not the City Attorney can prosecute a County Health Department regulation.

Motion: Councilman Tripp made a motion to support the Tooele County Health Department in passing a regulation prohibiting the sale and use of substitute marijuana substances. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

3. Summary Action Items

- a. Approval of Minutes of the October 6, 2010 City Council meeting.
- b. Approval of Business License for Honey Dos Professional for Rael A. Post.
- c. Approval of Bills in the sum of \$110,672.93.
- d. Personnel Matters (none).

Motion: Councilman Castagno made a motion to approve the summary action items. Councilman Colson seconded the motion. Council members Tripp and Johnson abstained from voting on the minutes, but voted in favor of the other items. The other three Councilmen voted in favor and therefore the motion carried.

4. Proposed changes to configuration of Delorosa Estancia Subdivision. (East Star and Doug Young).

Doug Young was present representing East Star. He stated that he is considering purchasing the bank owned lots in the Delorosa Estancia subdivision. He stated that he has developed land in Salt Lake Valley and he would like to complete this subdivision. He stated that the initial vision for the subdivision is incredible. He stated that his company is privately funded so there will not be any bank loans. He stated that there were some issues that have come up and wanted to express his thoughts on some changes for the subdivision. He stated he would like to change the name of the subdivision and the names of the streets. He stated they are looking at Carriage Crossing as the new name of the subdivision. He stated that on the northeast corner there is 10 acres that has not been developed that he would like to incorporate in the subdivision. He stated he would like to enclose this area with a wall similar to the existing subdivision and create one-half to one acre lots. He said he would also like to divide some of the outside lots in the existing subdivision to create one-half acre lots there. He stated they would also like to change the square footage of the homes in the

subdivision by amending the CC&Rs. He stated he has met with most of the current lot and home owners and they are generally in agreement with the changes. He asked for input from the Mayor and City Council.

Mayor Marshall stated that after talking to staff a few issues and concerns would need to be addressed. He stated the public works director expressed concern on increasing the number of lots and determining if the existing service lines could accommodate these additional lots. The public works director was also concerned about cuts in the roads to install these new service lines to the new lots. Mayor Marshall indicated that additional water would need to be dedicated to the City for the new lots. Mayor Marshall also stated that the streets in this Planned Unit Development are privately owned. He stated that he did talk to some of the homeowners and they are not opposed to the suggested changes or amending the CC&Rs. Attorney Elton stated that all the proposals are possible if they are approved pursuant to the subdivision and PUD amendment processes outlined in City Ordinances.

Gary Dalton, a homeowner in Delorsa Estancia, was present and stated he has been very pleased with Mr. Young's ideas. He stated they have obviously been disappointed in the upkeep of the subdivision. He stated that if the lots are allowed to be divided they ask that no domestic animals be allowed. He stated their other concern would also be to the infrastructure. He stated that irrigation water had been discussed and that fairly large square footages be maintained to secure the property values. He stated that they are also in favor of a name change. He stated they thought the streets would eventually be turned over to the City. Attorney Elton stated that the approved plan for this subdivision was to retain private streets. Ms. Dalton asked if the subdivision improvements bond had been released because they had an area in the sidewalk that is in need of repair. Attorney Elton stated that he will contact the public works director about the bond question.

Councilman Vera stated he was generally in favor of someone taking ownership of the undeveloped lots and improving the subdivision. Mr. Young stated that if he was going to purchase the lots he would need to do so within 40 days. He also stated he was doing some core testing on the streets. He stated that if everyone can work together it could be a beautiful project.

Mr. Young was advised that he would need to submit his proposals to the Planning Commission first for their comments and the City Council would then formally consider his ideas.

5. Consideration of recovery right request for Palomino Ranch Subdivision. (Joe Cange).

Joe Cange was present. Mayor Marshall stated that Mr. Cange installed a sewer line for the Palomino Ranch Subdivision which provided excess capacity that allowed other property owners outside of the Palomino Ranch Subdivision to benefit from this improvement. Mr. Cange had requested recovery rights for this excess capacity under the City's recovery rights ordinance before it was repealed, but the City has not yet approved the request. Mayor Marshall stated that the request was submitted to the City Engineer, who has approved a proposed area of benefit and a dollar amount for each user who connects to this sewer line in the area of benefit. He stated that the total that the City would currently owe to Mr. Cange if the proposal was approved would be \$3,804.75 for the nine homes that have already connected to this line. The Mayor presented a proposed agreement which would approve the recovery right amount, a new ERC charge and an

area of benefit consistent with the City Engineer's report. The per home (ERC) amount would be added to the other fees including impact fees and the recovery right amount would be paid to the developer once each year. Attorney Elton stated that the City Engineer Craig Neeley and the Public Works Director Joel Kertamus have both approved the recovery right request and agreement.

Motion: Councilman Johnson made a motion to approve the recovery rights request for Grantsville LLC (Joe Cange), the proposed agreement to implement the request and to authorize the current payment of \$3,804.75 for the nine homes that have already connected to this line. Councilman Colson seconded the motion. All voted in favor and the motion carried.

6. Library Proposal. (Kathy Williams).

Kathy Williams was present. She stated that she is going to buy the old drug store and she would like to donate the building to the City for a library. She stated she knows there are grants available for restoration of historical buildings as well as for libraries. She asked for permission to request grants in the name of Grantsville City. She stated she would need a letter from the City designating her as the City's agent to prepare and submit grant requests for Grantsville City. She stated she would need to start writing the grants now in order to be able to apply for funding for the next year. She stated that Patty Halladay is the current owner of the building and she has had an engineer report prepared. She stated there is some water damage, foundation problems, flooring issues and roof damage. Ms. Williams stated that other cities have restored buildings in their communities. She stated she does not want to see the same situation happen that did with the old opera house that was torn down. She stated that the estimate is between 3 to 5 million dollars to have the old drug store restored. She stated that it would be a perfect location for a library. Councilman Castagno asked if the property would include the old Johnson home. Ms. Williams stated no. Councilman Castagno asked if the building is structurally sound. Ms. Halladay stated that she had Ensign Engineering conduct a report that she has given to the Mayor. She stated that the recommendation is to build a new building inside the existing building. She stated the current building is in need of a new roof and the corners are starting to fall down. Councilman Johnson inquired about the square footage. Ms. Williams stated the building has approximately 7200 square feet. Councilman Tripp stated that he thinks it is a great idea to try and restore the building but is concerned with the rush. Ms. Williams stated that applying for grants does not generally cost money. Councilman Colson stated he is concerned with the limited parking. He stated that he felt rushed and does not see the City making a decision this year. Ms. Williams stated if she applies now we would know how much funding was available through grants. Attorney Elton stated that there is a library committee that has recently been formed which has not had time to make formal recommendations. He also stated that grants could cost money in matching funds or for technical support in order to submit them. Councilman Tripp stated that it would be appropriate to have comments from the library committee on this proposal, but he also does not see a problem in applying for grants. Councilman Vera stated that he has heard from a lot of people who have stated that the destruction of the opera house was devastating to the community. He stated that if there is a means to keep the old drug store, it would be great to see restored. He stated he does not see an issue in allowing Ms. Williams and Ms. Halladay to apply for grants on behalf of Grantsville City as long as it doesn't cost Grantsville City any money. Councilman Tripp expressed interest as well with the same understanding that the City has the ability to approve any grants and that it not cost the City any funds. Councilman Johnson

stated from a business sense it could tie Ms. Halladay's hands if she has another potential buyer. Ms. Williams stated that Ms. Halladay is unable to afford to keep the building.

Motion: Councilman Colson made a motion to authorize Cathy Williams and Patrice (Patty) Halladay to apply for library and/or historical preservation grants on behalf of the City, with the understanding that Grantsville City will not commit any funds to the grant process and it will need to approve any grants that may be awarded. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

7. Consideration of approving Affordable Housing Plan.

Mayor Marshall stated that the Council has been provided with a draft plan. He stated that line three should be amended to change the yes to no. Attorney Elton stated the affordable housing plan should include a current survey of available housing and the City does not have all the information needed to update the detailed plan that was prepared in 2007. The current plan takes the 2007 information and staff has estimated current needs. He stated that it is required for cities to have an affordable housing plan and update it biannually.

Motion: Councilman Tripp made a motion to approve the Affordable Housing Report with the changes requested and that after it is formalized that it be submitted to the State. Councilman Colson seconded the motion. All voted in favor and the motion carried.

8. Consideration of the release of Grantsville Irrigation certificates to the Grantsville Irrigation Company.

Mayor Marshall stated that with the recent amendment to the City water ordinances that does not require owners to transfer their secondary water shares to the City, that he is recommending that the City remove its name from the shares that it currently holds on behalf of property owners on condition that the Irrigation company attach the share(s) to lots and not allow them to be transferred or sold. He indicated that he had met with the Board of Directors of the Grantsville Irrigation Company. He stated that they have agreed to implement the terms of the new City Ordinance. He said they would issue a different colored certificate for the water that is to be tied to property and not be assignable to other properties. He stated they are discussing making this a new D share. Councilman Castagno and Johnson expressed concern in making the shares D shares. Councilman Johnson stated that property owners should have voting rights. He stated that in the bylaws Class A and Class B have voting rights. He stated the property owners of the shares being attached to a specific property also need to be able to have voting rights. Councilman Colson inquired about the cost of redoing the certificates. Mayor Marshall stated that the fee is \$14.00 per certificate and the Grantsville Irrigation will cover half and the City will cover the other half.

Motion: Councilman Johnson made a motion to have the City's name removed from the Grantsville Irrigation Company certificates that it has been holding for specific properties and to return the certificates to the Company with the understanding that the Certificates will be tied to the property, that the owner's of the property will have the same voting privileges as other share holders and to authorize the payment of \$7.00 per certificate to accommodate the changes. Councilman Vera seconded the motion. All voted in favor and the motion carried.

9. Consideration of reappointment of Planning Commissioners.

Mayor Marshall stated that Gary Pinkham and Drew Allen's terms on the Grantsville City Planning Commission have expired. He stated that he is nominating both of them to serve another term. Councilman Tripp inquired how long Gary Pinkham has served. Mayor Marshall stated he was not sure of the number of years but that four of the five planning commissioners have been replaced in the last two years.

Motion: Councilman Colson made a motion to approve the reappointment of Drew Allen and Gary Pinkham to the Planning Commission for new terms. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

10. 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.

Councilman Vera stated that he would like to table the proposed ordinance again, in order for the Planning Commission to consider a separate amendment that would allow goat dairies and commercial greenhouses in the A-10 zone as conditional uses. He said this would allow these uses but would not open the City up to other possibly inappropriate agricultural industries. Councilman Tripp asked about the possibility of amending the definition of ag industry to eliminate some of the possible objectionable uses. Attorney Elton stated that was possible, but since the definition of agricultural industries was not on the agenda, that proposal would also need to go back to the Planning Commission. Vaughn Oborn owner of a goat dairy was present. He indicated that he would like to locate his goat dairy in Grantsville. He stated that he is concerned about the timeframe to make his move if this item has to go back to the Planning Commission. He stated that he would like to start construction of his building and start moving his business this year. He stated that he was hoping to move the goats in December because they dry up then and it is the best time to move them without hindering production. Councilman Vera asked how many goats he is planning on having. Mr. Oborn stated no more than 300 goats. He stated that currently he has 190 goats and the most he has had has been 260. He stated he is not interested in big production. Councilman Castagno suggested passing the proposed ordinance so Mr. Oborn could apply for his conditional use permit then amend the regulations at a later date to limit other agricultural industries from locating in the City. Councilman Vera expressed concern that once it is approved it may not get repealed or amended.

Motion: Councilman Vera made a motion to table Ordinance No. 2010-03 with the intent to make adjustments to the A-10 zoning designation to add goat dairy and commercial greenhouses in the use tables, but now allow all agricultural industries to locate within the City. Councilman Tripp seconded the motion. Councilman Tripp and Vera voted in favor of the motion. Councilman Colson, Castagno and Johnson voted against the motion. The motion failed.

Motion: Councilman Colson made a motion to approve Ordinance No. 2010-03, an ordinance 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.

Approved

Councilman Castagno seconded the motion. Councilman Johnson, Colson and Castagno voted in favor of the motion. Councilman Tripp and Vera voted against the motion. The motion carried.

11. Mayor and City Council Reports.

Mayor Marshall stated that Zion's Bank is looking at installing a bank in a box in Grantsville. He stated this would give the residents more banking options. He stated he met with the Daughters of Utah Pioneers about using the basement of the Clark Farm to store artifacts. He stated he explained they would need a lease agreement with the City and would need to make it ADA accessible. He stated that he and Finance Director Tom Hammond met with Jason Duhon regarding the Fourth of July and he is willing to continue to oversee the festivities and agreed to the policy. He stated the library committee has met and drafted a survey which is being fine tuned and will go out in the utility bills once finalized. He stated he attended red ribbon week. He stated that Service Masters cleaned and waxed the flooring in the hall and bathrooms. He stated he received a letter asking to consider a Rugby field and little league. He stated he took the NIMS test. He stated that Utah State University Extension is having a benefit night with guest speaker Stephen Covey on November 4th. He stated that the City has been preparing for the funeral of PFC Jordan Byrd. He stated that Gary Fawson has asked for people to be on the tree committee. Councilman Colson recommended Jeff Goodsell and asked to be on the committee as well. Councilman Castagno suggested Kevin Meno.

Councilman Tripp stated the mosquito abatement was very opposed to the Tooele City annexation plan. He stated the district will submit letters of denial as property owners request to be annexed.

Councilman Castagno stated that contrary to the Tooele Transcript Bulletin the City did ask for the flags to be lowered in honor of PFC Jordan Byrd. He stated that 500 flags have been arranged to be handed out and displayed for the funeral. He stated that the Grantsville High School principle is going to let the high school out early to participate in holding flags in honor of PFC Byrd. He stated the support from the community has been tremendous. Councilman Tripp stated that Soelbergs is taking donations for PFC Byrd's family.

12. Pending litigation and personnel matters (closed session).

Motion: Councilman Tripp made a motion to go into a closed session to discuss pending litigation and a personnel matter. Councilman Johnson seconded the motion. All voted in favor and the motion carried. Mayor Marshall and all council members were present along with Police Chief Danny Johnson, Attorney Ron Elton and City Recorder Rachel Wright. The closed session began at 9:27 p.m.

Motion: Councilman Tripp made a motion to go back into open session. Councilman Johnson seconded the motion. All voted in favor and the motion carried. The open session started at 10:04 p.m.

Adjourn.

Motion: Councilman Castagno made a motion to adjourn. Councilman Colson seconded the motion. All voted in favor and the meeting officially adjourned at 10:05 p.m.