

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL,
HELD ON NOVEMBER 3, 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, and Mike Colson. Council Member James Vera was excused.

Appointed Officers and Employees Present: Attorney Ronald Elton and City Recorder Rachel Wright.

Citizens and Guests Present: Ken Grant, Angela Grant, Gayle Parker, Colleen Brunson, Missy Bird, Burke Boman, Bridger Boman, Dave Brown, Timothy Kelley, Roberta Pitt, Scott Pitt, Ellen Yates, Lee Imlay, Laura Imlay, Scott Stice, Caitlin Stice, Michael Stice, Christian Erickson, Kent Liddiard, Traci Stevens and Missy Bird.

PUBLIC HEARINGS:

- a. Proposed amendment to Section 3.18, which specifies new procedures for applications to amend the zoning map and zoning regulations, provides for zoning map amendments with specific proposed land uses and provides new appeal procedures.**

Angela Grant was present and spoke in opposition to the proposed amendment. She stated that many individuals ask for a rezone without knowing the specific use for the property. She stated that intent may change and the needs of the City may change as well. She stated that we live in America where property owners have the right to do with their land as they please. She stated that it is their property and they have the right to ask for a zone change without knowing at that time what specifically they are going to do with it. She stated that the appeal procedure changes will give neighbors more appeal rights than property owners. She stated that there needs to be more appeal rights for the property owners. She stated that currently the only appeal right for the owner if an application is denied is to go to court. She stated that if the City would like business to come to Grantsville the Council needs to look at what they are doing with the proposed amendments. She stated that the property where Maverik is located was rezoned to commercial before they bought the property. She stated businesses look to locate where it is easy for them to develop. She advised to look at the needs of the entire City.

James Christensen was present. He stated the proposed amendment limits the City's abilities to attract commercial activities.

Mayor Marshall asked for any further comments. No additional comments were offered and he closed the public hearing at 7:17 p.m.

- b. Proposed amendment to Chapter 16, Table 16.1 Use Table Regulations (Commercial and Industrial Districts) provides that all specified uses are conditional uses (except in the MD-EX District), deletes various uses in the C-N District including automobile repair and commercial storage units, allows commercial storage units in the C-S, C-G, C-D, M-D and M-G Zoning Districts and includes other changes.**

Angela Grant spoke in opposition to this proposed amendment. She stated that if any of the Council are pro-business this proposal will kill any hope for businesses to locate to Grantsville. She stated to have every business be a conditional use will be one more hurdle businesses will have to go through. She stated this amendment will give Tooele an advantage in attracting new businesses. She stated that the City is looking at annexing the Miller Motorsports Park area. She asked if the City wants to put conditional use obligations on the businesses wanting to locate in that area. She stated businesses will look at the hoops that they have to jump and not locate their business in Grantsville. She stated that the City may never know how many businesses will not actually locate in Grantsville because of the conditional use permit requirement, but it will be many. She stated that the proposed ordinance will hurt the entire City. She stated that taking out automobile repair from the C-N zone is not a wise move.

Mayor Marshall stated that Jill Thomas wrote a letter to the Council that will be entered into record. The letter is attached to these minutes.

James Christensen stated that his understanding is that the proposed amendment is to make all commercial uses obtain a conditional use permit. He stated that the proposed amendment may be rising from some current situations that are happening in the City. He stated that when a person buys property they should have some reasonable expectations when purchasing the property. He stated it comes down to property rights. He stated that if the Council changes the current ordinance to make all commercial and industrial conditional uses that the City is granting the Planning Commission, a body not elected by the City, discretion to determine what a property can be used for. He stated that if down the years a Mayor is elected that is not business friendly, he can stack the Planning Commission which can kill business. He stated a Mayor could affect the City's growth. He stated the ordinance would also create an undue amount of work on the City staff. He stated to create an ordinance that makes everything conditional use permit opens up the process to favoritism. He stated that property rights are fundamental constitutional rights. He stated he has spoken to many about the proposed ordinance and none are in favor of the amendment.

Ken Grant was present and spoke in opposition to the proposed amendment. He stated that the Council all knows why the amendment is on the agenda. He stated that he owns an automotive shop. He stated that many automotive shops are located in residential

neighborhoods. He stated that leaving it in the C-N zone allows conditions to be placed on the business. He stated that a large automotive company may want to locate to Grantsville and why would the City want to push them out because of Ken Grant. He stated he does not want to see it removed from the C-N zone.

Mayor Marshall asked for any further comments. No additional comments were offered and he closed the public hearing at 7:30 p.m.

c. Proposed amendment to Chapter 15, Table 15.1 Use Table Regulations (Residential and Multiple Residential Districts) by adding “Funeral Home” as a conditional use in the RM-7, R-1-21 and R-1-12 Zoning Districts.

Mayor Marshall opened the public hearing at 7:30 p.m. to receive comments on the proposed amendment to Chapter 15. No comments were offered and the Mayor closed the public hearing at 7:31 p.m.

d. Proposed amendment to Section 4.13 and Chapter 15, Table 15.1 Use Table Regulations (Residential and Multiple Residential Districts) to prevent residential accessory buildings from being constructed prior to the residential use being established, unless approved as a conditional use.

Angela Grant spoke in opposition to the proposed amendment. She stated many people buy property and want to build an accessory building like a barn before their residential building is constructed. She stated that everyone knows why the amendment is on the agenda because she and her husband built an accessory building before their residence was constructed. She stated less government is more. She stated it is not smart for the City to get this involved. She stated if the Council is considering changing Section 4.13 and Chapter 15, that it should be changed to address the size of property instead of the size of the residential building. She stated they have a six acre parcel and that it can support a large accessory building. She stated they need to look at what is best for the City. She stated that it is crazy that three items on the agenda relate to her property. She stated things need to be looked at for the entire City and how it would affect the City as a whole. She stated that they found a way to use their property and now others are angry. She asked the City to stop the wasting of tax payers' dollars and stop the vendetta.

Mayor Marshall asked for any further comments. No additional comments were offered and he closed the public hearing at 7:34 p.m.

e. Proposal to open Grantsville City streets for limited off-highway vehicle use, to all off-highway vehicle operators, to gain direct access to or from a private or public area open for off-highway vehicle use.

Dave Brown with the Tooele County Trails Committee was present. He stated that the trailhead on the corner of Durfee and SR 112 is finished. He stated that the proposal is to allow off-highway vehicle use in the City to gain access and use the City and County trail

Approved

system. He stated that he is going to ask the City to use its property to locate another trailhead on West Street (Mormon Trail). He stated the biggest thing for the trails is to promote recreation. He stated one trail from the City leads to the Deseret Peak Complex and the other goes to the Stansbury Mountain and the Grantsville Reservoir. He stated without use of off-highway vehicles it limits how people can get to these areas. He stated that Deseret Peak is in the middle of a valley wide trail system. He stated all the trails will all tie together. He stated the idea is to tie all of the community into one system with the purpose of promoting recreation. Councilman Johnson asked how Tooele County and Tooele City feel about off-highway vehicle use. Mr. Brown stated that they allow off-vehicle use in the canyons but not within the City limits. He stated that Tooele City has not yet considered or looked into an ordinance. He stated the Erda area is open to off-highway vehicle use. Councilman Tripp stated his concern is the long-term effects of the plan on Durfee Street as a collector road. Mr. Brown stated that they will use the side of the road and the sign asks to take into consideration other vehicles. He stated that 98% of off-vehicle users are respectful, but that 1 to 2% will create an enforcement issue. Chief Johnson asked that if off-vehicle use is authorized that it be limited to 16 or older. He stated that people will have to drive reasonably. He stated they will enforce the helmet laws. He stated that the problem he sees is they already receive complaints from those driving off-highway vehicles now. He stated another concern is insurance. Councilman Castagno asked if this use would be limited to certain streets. Chief Johnson stated that with the current proposal all streets would be used to provide access to the trail system. Mr. Brown stated the Council could limit the Streets if they would like too. He stated that the proposal does not include driving on the State roads and users could only cross State roads. Councilman Colson asked if the off-highway vehicles are required to drive the speed limit. Chief Johnson stated yes. He stated that there will be the 1% that will cause an issue but they currently have that problem anyway.

Simon B. a resident of Grantsville spoke. He stated that his concern would be the safety of the children walking along the streets to school including Willow Street.

Liberty Yates was present. She stated that she thinks the trailhead and trail system is wonderful for the youth. She stated that opening up the trail system to off-highway vehicles will make it more dangerous for the youth riding bicycles or walking on the trails. She stated if off-highway vehicles are allowed she would like to see a barrier between those using off-highway vehicles and those walking or riding bicycles.

Mayor Marshall asked for any further comments. No additional comments were offered and he closed the public hearing at 7:47 p.m.

AGENDA:

1. Youth Award(s)

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

Approved

- Bridger Bowman
- Brady Tate
- Skyler Cloward
- Timothy Kelley
- Jessi Christensen
- Michelle Jeys
- Zac Erickson
- Brenna Imlay

2. Summary Action Items

- a. Approval of Minutes of the October 20, 2010 City Council meeting.
- b. Approval of Business Licenses (none).
- c. Approval of Bills in the sum of \$617,295.02.
- d. Personnel Matters: salary step increase for Morgan Swenson to go from Grade 13 Step 1 to Grade 13 Step 2.

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

3. Scott Pitt address to the Mayor and City Council.

Scott Pitt, father of PFC Jordan Byrd who was recently killed in action in Afghanistan, spoke to the Council. He expressed his and his family's appreciation to the community for the support they received for the loss of their son, father and husband. He stated that their world was turned upside down and immediately residents from Grantsville offered condolences and help to honor Jordan. He stated that he never realized until the day of the funeral what it meant to a community to lose a soldier. He stated that the day of the funeral when they drove through Grantsville and saw that City Hall was closed and the rest of the community holding flags and supporting the loss of Jordan was truly touching and a true honor to Jordan and his family. He stated they do not know how they can thank the community but he expressed their deepest appreciation for the support and love shown. He stated that not only did the family weep the entire community wept as well. He stated that even at the worst of time the best of people came out to show support. He asked for the Mayor, the Council and the community to accept Jordan's family's gratitude for the support shown for PFC Jordan Byrd.

Mayor Marshall stated that there will be a legislative session that honors fallen soldiers where PFC Jordan Byrd will be honored. He stated that the community does feel a loss and stated that the community's condolences are with the family.

4. Consideration of annexation petition of Darrell Nielsen, Barbara Nielsen and Susan Bale.

Attorney Elton stated that an annexation petition has been filed by Darrell and Barbara Nielsen, Susan Bale and several businesses owned by Darrell Nielsen. He stated the issue

is whether or not the Council would like to give further consideration to the annexation petition. He stated that a majority of the private landowners are represented on the petition. He stated that if accepted for further consideration, notification will be sent to the affected entities and other landowners.

Motion: Councilman Tripp made a motion to accept for further consideration the annexation petition filed by Darrell Nielsen, Barbara Nielsen, Susan Bale and others. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

5. Consideration of Clark Farm Lease Agreement for the Daughters of Utah Pioneers.

Mayor Marshall stated he met with the board of directors from the Daughters of Utah Pioneers and they are in agreement with the proposed lease of the Clark Farm residence basement. He stated they are aware they will need to make the basement ADA accessible.

President of the Daughters of Utah Pioneers Ellen Yates was present. She stated that part of their responsibilities and obligations is to educate and preserve the communities' heritage. She stated that they feel a museum addresses both of these purposes. She stated they have tried getting a place at the Benson Gristmill, but have encountered problems with logistics. She stated she does not know exactly how many artifacts they have because they are not currently in a central location. She stated it will be nice to have a place to store the artifacts and eventually have a museum to give the history of the items.

Councilman Castagno stated that the Clark Farm is a perfect fit. He stated that it is great to preserve our legacy and history. He stated that he sees it as an advantage to have the museum be at the Clark Farm because it will bring people together from the entire community. Councilman Johnson asked what the hours would be. Ms. Ellen stated the guidelines state they have to at least be open in the summer and on weekends. She stated the vision is to first have a place for the artifacts, then have a history reading area and eventually a website. Councilman Johnson asked how the lighting is in the basement. Ms. Ellen stated that Mayor Marshall has indicated that he will have the lighting that is in need of repair fixed. Councilman Tripp stated expanding the cemetery behind the Clark Farm is being considered so he advised plotting an area that they are looking at placing the artifacts outside.

Motion: Councilman Castagno made a motion to approve the Clark Farm Lease Agreement with the Daughters of Utah Pioneers and authorize the Mayor to sign and implement the agreement. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

6. Discussion of proposed ordinance allowing off-highway vehicle use on City streets.

Mayor Marshall stated that this item is for discussion purposes. He stated that the City Attorney would like feedback from the Council about what they would like in an

ordinance. Attorney Elton stated that he included in the packet an ordinance adopted by Cedar City which allows off-vehicle usage. Councilman Johnson stated that he is concerned about speed. He stated the only way he will consider an off-vehicle ordinance is by limiting speeds. Councilman Castagno stated that he could foresee designating certain streets for this use. Councilman Johnson stated the only problem with a limitation on streets is that it would prevent some from gaining access to the trail system. Councilman Tripp stated that the ordinance could restrict certain ages and require that those under 18 must be accompanied by an adult. Councilman Johnson stated that he knows it is a City issue but would like to work with the County on the issue. Councilman Tripp stated he can see allowing off-vehicle use seasonally. Councilman Colson stated the reality is that people already use off-highway vehicles now. Councilman Johnson stated he is for an off-highway vehicle ordinance but would like to fine tune it. Councilman Tripp stated that he does have some questions regarding insurance. Mayor Marshall stated insurance can be purchased. Councilman Tripp stated he would like to have some additional sessions to discuss further. Attorney Elton suggested considering approval of all streets for use or designating certain streets as the first step. This item will be put on other agendas for discussion before a final decision is made.

7. Mayor and City Council Reports.

Mayor Marshall stated that the library committee has been started and a chair has been selected. He stated the library committee chair is Hollie Hendricks. He stated the committee is working on a charter and picking committee members. He stated he attended a COG meeting. He stated that they agreed to promote some reader boards to provide information for those who commute to Salt Lake through Lakepoint. He stated he attended PFC Jordan Byrd's funeral. He stated he met with the Grantsville Irrigation Company and they are working on the new certificates. He stated he attended the TATC and WFRC meetings. He stated he spoke at a Girl Scout Silver Award ceremony. He stated that the Christmas Party will be December 3rd at 6:30 p.m. at the Fire Museum. He stated the Santa Parade will be at 2:30 p.m. on November 27th. He stated the City experienced a power surge that created computer problems. He stated the City was without computers for a week. He stated the new battery backup should prevent this from happening in the future. He stated that he met with Tooele County regarding the Deseret Peak Complex. He stated he attended an EDC meeting. He stated project twinkle is still viable.

Mayor Marshall stated that a fire truck tank needs to be replaced. He stated two options have been looked at. The first is a 750 gallon steel tank that would cost \$5,200.00 and the other option is a plastic tank for \$6,400.00. He recommended the steel tank. He stated that the gear box is also in need of fixing. He stated the cost of the repairs will come out of the fire department's budget. The council all agreed to the purchase of the steel tank versus a plastic tank.

Approved

Mayor Marshall asked to hold a special meeting on November 5th for the Darrell Nielsen, Barbara Nielsen and Susan Bale annexation at 8:00 a.m. in order to consider the City Recorder's certification of the petition.

Councilman Castagno stated that he was extremely proud of the community support for PFC Byrd's funeral. He stated that we will forever owe PFC Byrd for his dedication and sacrifice to our country.

8. Adjourn.

Motion: Councilman Colson made a motion to adjourn. Councilman Castagno seconded the motion. All voted in favor and the meeting officially adjourned at 8:55 p.m.