

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON NOVEMBER 17, 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 and City Recorder Rachel Wright.

Citizens and Guests Present: Colleen Brunson, Ken Grant, Angela Grant, Missy Bird, Scott Stice, Kent Liddiard, J.R. Didericksen, Camille Didericksen and Dave Brown.

Mayor Marshall welcomed the Scouts from Scout Troop 1312 to the meeting.

AGENDA:

1. Youth Award(s).

Mayor Marshall stated that there are no youth awards for this meeting.

2. Summary Action Items

- a. Approval of Minutes of the November 3, 2010 City Council meeting.
- b. Approval of Business License for Jakobi’s Gift Gallery.
- c. Approval of Bills in the sum of \$99,476.76.
- d. Personnel Matters (none).

Councilman Tripp inquired about the business license for Jakobi’s Gift Gallery. He stated the conditional use permit application says that the applicant would like to open a store at a later date. He stated that if the applicant decides to open a store that they be required to get an additional permit.

Motion: Councilman Tripp made a motion to approve the summary action items with the understanding that the business license is for an internet store only and that if the applicant decides to make it a full store that they will be required to obtain an additional permit or license. Councilman Vera seconded the motion. Councilman Vera indicated he would like to abstain from voting to approve the minutes, but would vote on the other items. All then voted in favor and the motion carried.

3. Consideration of Ordinance No. 2010-24, amending Section 3.18 specifying new procedures for applications to amend the zoning map and zoning regulations, zoning map amendments with specific proposed land uses and new appeal procedures.

Councilman Tripp stated the wording is somewhat confusing. He asked for more clarification. Attorney Elton stated that the proposal states that if an applicant asks for a specific use with a zoning designation

and are denied they can later ask for a different use with the same zoning designation and not be required to wait two years. Councilman Colson stated that regarding the appeal process for neighbors, the City already has an appeal process in place with public hearings. He stated that they are able to state their concerns at public hearings held at the Planning Commission or at the City Council. He stated it seems that adding an appeal procedure for neighbors is redundant and making the process more cumbersome. Mayor Marshall stated his opinion that the ordinance is wordy and could be confusing. Councilman Colson stated the ordinance is limiting and has nothing to do with zones or uses. Councilman Tripp inquired about the current ordinance language. Attorney Elton stated that an applicant is unable to ask for the same zone change or zoning ordinance change within two years of a prior application. Councilman Castagno stated that an applicant has to pay a fee to cover the cost of administering the process. He stated his opinion that it is an inherent personal property right for an applicant that wants to pay the fee to be able to continue making applications even if it is an inconvenience for others. Councilman Tripp stated that in two years the City Council body could change making the two year waiting period a good timeframe. Councilman Vera stated that in terms of a zoning change request he does not like the fact that if an applicant is denied they have to wait two years to make another request. He stated the applicant may be able to work out the problems, but would still have to wait two years to make another application. He stated he agrees with Councilman Castagno that an applicant should be allowed to come back as much as they would like. He stated he would like to see a property owner be able to utilize their land for something that may fit the community. Councilman Tripp stated that allowing an applicant to repeatedly come back with the same application jams up government and staff time. He stated that it is an unpopular proposal for those opposed to a zone change to continue to have to fight the same issue over and over. Councilman Castagno stated two years is a long time especially for businesses who are seeking amendments. Attorney Elton stated that the two year language is not currently on the agenda for consideration and that would have to be considered after it went before the Planning Commission. Councilman Colson stated he likes the wording for the zone change request but does not like the appeal portion of the ordinance. Councilman Tripp stated that the ordinance is not easy to read and recommended tabling it in order to make the ordinance more clear.

Motion: Councilman Colson made a motion to approve Ordinance No. 2010-24 with the exception of the new appeal procedure. Councilman Johnson seconded the motion.

Motion: Councilman Tripp made a motion to amend the previous motion by tabling the consideration of Ordinance No. 2010-24 in order to work on the language to make it more simplified. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

4. Consideration of Ordinance No. 2010-25, amending Chapter 16, Table 16.1 Use Table Regulations (Commercial and Industrial Districts) which provides that all 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.

Mayor Marshall stated that the site plan process already in the zoning regulations should address most of the reasons that the Planning Commission made their recommendation to make all uses conditional uses in Table 16.1. He stated that to have all uses be a conditional use, requires businesses to go through more steps in order to open. He stated that some of the businesses that the City is currently working with would be grandfathered in. Councilman Tripp stated he was swayed at the public hearing that

requiring all businesses to be conditional use is excessive. Councilman Colson stated the proposal is adding additional government rules. He stated he thinks it would be a good idea to have a work session regarding this ordinance.

Motion: Councilman Castagno made a motion to table this ordinance for consideration at a work meeting. Councilman Colson seconded the motion.

Motion Amended: Councilman Colson made a motion to amend the previous motion by adopting the portion of the ordinance that would allow commercial storage units to be listed in the various zones and to be deleted from the C-N zone and to table the remaining portions of the ordinance for a work meeting. Councilman Vera seconded the motion. All voted in favor and the motion carried.

5. Consideration of Ordinance No. 2010-26, amending 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.

Councilman Castagno inquired about the comments that were made at the public hearing. Attorney Elton stated no comments were received. Mayor Marshall stated a resident is wishing to create a business and due to economic times is asking to be allowed to have a funeral home as a home occupation. Councilman Tripp inquired about the definition of funeral home. Attorney Elton stated that in his opinion it means full range of mortuary services including viewings and memorial services. Councilman Vera stated that he agrees with the Planning Commission that he would like to see a specific area identified for this proposal rather than allowing it in several residential districts. He stated the request is too broad. He stated he would not be opposed to a funeral home unless it made a big impact on the neighbors. He stated that with no specifics it could have a big impact on the neighbors. Councilman Tripp asked if the Council would like to be motivated by a single request. He stated that with a funeral home there would be parking issues as well as other concerns. Councilman Johnson stated he worries about the effect this ordinance would have on residential neighborhoods.

Motion: Councilman Vera made a motion to deny passage of Ordinance 2010-26 and suggested that the applicant consider applying for a home occupation for mortuary services without viewings and memorial services. No second motion was given and Ordinance No. 2010-26 was denied for lack of a motion and second.

6. Consideration of Ordinance No. 2010-27, amending 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.

Councilman Tripp stated that with the need for this ordinance it shows that the City has not done a good job in implementing the current ordinance. He stated that in his opinion it is not appropriate to have a large accessory building in the front of a house. He stated there may be some legitimate reasons to have an outbuilding constructed before the residential building. He stated he would like to see an ordinance requiring the accessory building being located behind the residential building. Councilman Colson stated he is in agreement with Councilman Tripp and is not in favor of the ordinance. He stated he would rather see items stored in an outbuilding than in the open. He stated that he believes the size of outbuilding

should be based on property size rather than residence size. He stated easements and setbacks will control the placement and size of an outbuilding. He stated that if an individual has a small home with a large piece of land, they will have to build a small outbuilding based on the current ordinance. He stated he would make the suggestion to table the ordinance to have a work meeting to look at rewriting the ordinance.

Motion: Councilman Colson made a motion to deny Ordinance No. 2010-27, amending 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. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

7. Consideration of Resolution No. 2010-13, approving an Interlocal Cooperation Agreement with Tooele County to provide City property to Tooele County for a trailhead to be located adjacent to Mormon Trail Road.

Attorney Elton stated that Tooele County would like to install another trailhead on City property located adjacent to the Mormon Trail Road. He stated Tooele County would develop and maintain the trailhead.

Motion: Councilman Johnson made a motion to approve Resolution No. 2010-13, approving an Interlocal Cooperation Agreement with Tooele County to provide City property to Tooele County for a trailhead to be located adjacent to Mormon Trail Road. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

8. Consideration of declaration of surplus property and determination of method of disposal.

Councilman Tripp suggested that items 19 and 20 not be sold if they do not receive a reasonable bid amount comparable to the price of scrap metal.

Motion: Councilman Tripp made a motion to declare the listed items as surplus property, to sell them at a public auction to be held on December 10th at 3:00 p.m. and to set a minimum bid on items 19 and 20 comparable to their scrap metal value. If the two items do not receive the minimum bid, that they be taken to the scrap yard for sale. Councilman Colson seconded the motion. All voted in favor and the motion carried.

9. Mayor and City Council Reports.

Mayor Marshall stated that he attended the Veterans' Day Celebration held at the Excelsior Academy. He stated he attended the Utah State University benefit night that honored Terry Linares and listened to the guest speaker Steve Covey. He stated he attended the Children's Justice Center fundraiser event. He stated he went on a tour of the Tooele County Jail with Judge Butcher where they saw the jail is very full. He stated he attended a Tooele Economic Meeting where he requested that communities be informed about prospective businesses considering locating in their area. He stated that it was commented on that the entities in Tooele County were not viewed as working well with each other. He stated he attended the monthly City safety meeting for staff. He stated the safety meetings will be held once each month now that the City Hall remodel project has been completed. He stated the meeting is

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held on the 2nd Wednesday of every month at 8:30 a.m. He stated he attended the Tooele Chamber of Commerce luncheon and the Planning Commission meeting to discuss the plans for the cemetery. He stated he attended the Making of America class. He stated he attended the Tooele County Commission meeting where they discussed ideas for the jail and seeking funding from CDBG for the Grantsville City Senior Citizens Center. He stated that Project Twinkle is still moving forward and they are looking at the Tooele County area. He stated that the annual Grantsville City Santa Parade will be held November 27th at 2:30 p.m. and the City Christmas Party is scheduled for December 3rd at 6:30 p.m. He asked the Council to take the NIMS testing.

Councilman Tripp stated that he reviewed the budget report prepared by the Finance Director and is impressed with the management of the money this year compared with previous years. He stated that the City has the same amount of revenue but is in better financial standing than last year. He stated he saw an article on the Police Chief's wildlife charges in the local paper. Mayor Marshall stated that an arraignment on the charge is scheduled for December 22nd.

Councilman Castagno stated that he has now heard that bath salts are being used as a marijuana substitute. Mayor Marshall stated the marijuana substitute is on the COG meeting agenda for Thursday.

Councilman Johnson asked if any of the council members have received any complaints on potholes. He stated the season for fixing the potholes is almost over. Councilman Vera stated there is a bad pothole between Hale and Durfee Streets.

Angela Grant addressed the Council. She stated that Councilman Tripp had mentioned that he is not sure about an outbuilding being placed in front of a residence. She stated just because a council member is not personally sure about something does not mean they should make rules affecting the rights of property owners. She stated that many people's garages or shops look better than some of the homes around the City. She stated that if they are looking at things to change, look into less government and more into personal property rights. She stated that many people purchase land without CC&Rs so they can do what they want with their property. She stated that personal property rights are the foundation America was built upon. She stated as far as her property, she has built her garage, but making an ordinance prohibiting building outbuildings in front of a residence will affect others within the City.

10. Adjourn.

Motion: Councilman Castagno made a motion to adjourn. Councilman Vera seconded the motion. All voted in favor and the meeting officially adjourned at 8:10 p.m.