

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON JANUARY 5, 2011 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 and City Recorder Rachel Wright.

**Citizens and Guests Present:** Colleen Brunson, Vaughn Oborn, Kent Liddiard, Scott Stice, Dana Lee and Steven Lee.

**AGENDA:**

**1. Youth Award(s).**

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

**2. Public Hearings:**

- a. Proposed amendment to Chapter 15 Use Table, to allow pet rabbits, ducks and chickens as permitted uses with no more than six such animals in any combination in the RM-7, R-1-12 and R-1-21 zones with a requirement that cages, pens, coops or houses, etc. shall be provided for these animals when kept outdoors.**

Mayor Marshall opened the public hearing at 7:01 p.m. to receive comments on the proposed amendment to Chapter 15. No comments were offered and the Mayor closed the public hearing at 7:02 p.m.

- b. Proposed amendment to Chapter 14 Use table, to delete “Agriculture Industry” as a conditional use in the A-10 zone.**

Mayor Marshall opened the public hearing at 7:02 p.m. to receive comments on the proposed amendment to Chapter 14. No comments were offered and the Mayor closed the public hearing at 7:03 p.m.

**3. Summary Action Items:**

- a.** Approval of Minutes of the December 15, 2010 City Council Meeting.
- b.** Approval of Business Licenses for the Smallest Store in Utah and Tooele Valley Handyman and Repair.
- c.** Approval of Bills in the sum of \$491,600.42.
- d.** Personnel Matters (none).

Councilman Tripp stated that the business license application for the Smallest Store in Utah does not have any detailed explanation of what the business entails. He stated he would like more explanation as to the products that the owner is intending to sell. He stated that the explanation is vague and asked to table the application for more information.

**Motion:** Councilman Tripp made a motion to approve the summary action items with the exception of the business license application for the Smallest Store in Utah. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

**4. Consideration of request of Vaughn Oborn to amend conditions for goat dairy at 507 North Hale Street to allow the corrals to be moved to within 250 feet of Hale Street.**

Vaughn Oborn was present and asked the Council to consider amending the conditions of approval for this goat dairy on Hale Street to allow the corrals to be moved to 250 feet from Hale Street versus the 500 feet required by the City Council. He stated that when the City Council proposed the set back requirement that the map that was used was not to scale and did not accurately depict the various distances of the improvements on the property. He stated that having the corrals 500 feet from Hale Street makes the dairy less efficient, wastes space and places the corrals closer to two of his neighbors. He stated that when he met with the Fire Marshall, he learned that structures have to be within 250 feet of the street. Mr. Oborn stated that it would also be very costly to run the road and utility lines the extra distance.

Mayor Marshall stated that he received a letter from Rocky Fonger who was opposed to the amendment and requested that his comments be attached to the minutes. The Mayor also stated that the agenda item did not include a public hearing, but he would allow some comments from the neighbors regarding the request of Mr. Oborn to move the corrals closer to Hale Street.

Steven Lee a resident at 325 N. Hale Street spoke in opposition to the proposed amendment. He stated that the provision to place the corrals 500 feet was agreed too and should not be changed. He stated that the neighbors hoped for a significant buffer to protect them from impacts of the goat dairy. He stated that if it costs more to have the corrals 500 feet from the street, that is the cost of doing business.

Justin Linares, a neighboring property owner, spoke in favor of the proposed amendment. He stated that it does not make sense to take five useable acres away from the property. He stated it makes the area between the structures and the corrals useless. He stated that it would be best to use the entire footprint of the property for the dairy. He stated that by moving the corrals back 500 feet would put more corrals in the front of his and Craig Ratcliff's homes. He stated that it would more of an impact to the immediate neighbors to require the corrals to be 500 feet back from Hale Street.

Dana Less at 325 N. Hale Street spoke in opposition to the proposed amendment. She stated that the boundaries should be kept as originally required. She stated that the setbacks should be maintained which will cause fewer impacts to the neighbors.

Colleen Brunson asked that her well in front of her property be protected and questioned if the 250 feet distance requested would be sufficient.

Mr. Oborn responded that the 500 foot setback was an arbitrary number. He reiterated that the map that was used was not well detailed. He stated that the intention was to create a buffer and the 250 feet requested offers a more equal buffer and utilizes the land better. He stated that some would like to see a buffer of a mile long, but there is no way to please everyone. He stated that the length of a football field is 300 feet.

Council Tripp stated he does not see a significant impact on the immediate neighbors by moving the corrals to within 250 feet of Hale Street. Councilman Johnson stated that he met with Craig Ratcliff a neighboring property owner. He stated that Mr. Ratcliff's residence is 700 feet from Hale Street and placing the corrals 500 feet back would put adjacent to the middle of his home. Councilman Colson stated that the 250 feet would be less of an impact to all of the surrounding property owners than the original 500 feet. Councilman Johnson stated that if Mr. Oborn is required to move the corrals 500 feet back from the road there will be a lot of unused. He stated there are currently no conditions that prevent him from pasturing goats in the front of his property. He suggested allowing the corrals to be 250 feet from the street and placing a condition that no goats be allowed in the front of the property. Mr. Oborn stated that he would like to be able to allow goats in the front area for the limited purpose of weed control. Councilman Johnson stated that when he had made the condition to place the corrals 500 feet from the street he was trying to place the corrals directly between the residences in an attempt to lessen the impacts for the neighboring property owners. He stated a 250 feet setback would actually equalize the impacts for the neighbors. Councilman Vera stated that with the consideration of the adjoining property owners it would be less of an impact to place the corrals 250 feet from the street and with the fire restriction it would be better to allow the condition to be amended to 250 feet versus 500 feet.

**Motion:** Councilman Johnson made a motion to amend the City Council's conditions of approval of the goat farm to allow the corrals to be moved to within 250 feet of Hale Street and to limit the grazing of the goats in front of the corrals to the limited purposed of weed control and that Mr. Oborn follow all state and local requirements for culinary well-head protection. Councilman Vera seconded the motion. All voted in favor and the motion carried.

## **5. Consideration of Public Defender Contract.**

Mayor Marshall stated that Linares Law Office is asking to terminate its current public defender contract since Justin Linares was awarded a new contract with Tooele County and he will be unable to continue providing this service for Grantsville City. He stated that this law firm included Mr. Derek Larson who had been working with Mr. Linares to provide public defender services for Grantville and that with the new County contract these two attorneys could not continue to associate with each other. Mayor Marshall suggested allowing Derrick Larson to assume the City's public defender contract.

**Motion:** Councilman Colson made a motion to approve the proposed Public Defender Contract with Derrick Larson. Councilman Castagno 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 in the previous discussion regarding allowing off-highway vehicle use it was discussed to make Durfee and Clark Streets be an east to west corridor. He stated that discussion was to

allow persons to drive off-highway vehicles to the trailheads. He stated that it was also discussed to have parental guidance if the individual is not a licensed driver. Attorney Elton stated that Cedar city has an off-vehicle use ordinance that allows citizens to drive on city streets directly to a trailhead. Attorney Elton asked the question if the Council would like to consider an ordinance or not. Attorney Elton did comment that current State law does not allow cities to require insurance for off-highway vehicles. Councilman Tripp stated he feels uneasy about authorizing unlicensed drivers with no insurance onto the streets. Councilman Johnson stated that he thinks that only licensed drivers should be authorized to drive to a trailhead to protect the City. Councilman Castagno stated that if you require parental guidance to be present the parents would be responsible for their children. Councilman Johnson stated that Tooele County Commissioner is in favor of an off-highway vehicle ordinance. It was asked if Tooele County had adopted an ordinance allowing off highway vehicles to be driven on county roads. Mayor Marshall stated he will check with Tooele County. Councilman Johnson stated he would like to keep the idea open and discuss it with community members and Tooele County. Councilman Colson stated that he sees off-vehicle use as a benefit to living in a rural area and thinks the benefits outweigh the risks. Mayor Marshall stated he will also talk to the legislatures about allowing cities to require liability insurance as a condition for off-vehicle use on City streets. Councilman Johnson suggested putting this matter back on the March 16, 2011 City Council agenda. The other council members agreed to this proposal.

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

Mayor Marshall stated he attended a meeting with a Boy Scout troop. He stated that the Flux Area Annexation is complete. He stated that he and City staff have been working on the recovery rights and water rights. He stated that he and Attorney Elton attended the Mountain Vista motion hearing regarding the recovery rights for South Willow Estates and the Court denied Mountain Vista's two motions for summary judgment. He stated he met with staff from the State Courts regarding their proposal that the Justice Court clerks being cashiers. He invited the City's independent auditor to attend this meeting. The auditor was not in favor of the proposal in that it provided less accountability. He indicated that he is recommending that the clerks not be cashiers for the Justice Court. He stated he attended the Tooele County Commissioners meeting where there were many negative comments made concerning the proposed municipal services tax increase. He stated he attended the Tooele County Chamber of Commerce meeting where new officers were elected. He stated that Readers Digest is holding a contest for citizens to vote for their City for a chance to receive grant money. He suggested that everyone vote for Grantsville City. He stated that the Public Works Department have gone seven years without any reportable safety violations and he will be holding a luncheon on Thursday, January 6<sup>th</sup> at noon to honor them and invited the council members to attend. Councilman Vera stated that is an honor and would like the Public Works Department be recognized by the Council for their accomplishment.

**Motion:** Councilman Vera made a motion that the City Council recognize the staff of the Public Works Department for their accomplishment in achieving seven years of no lost time work related incidents. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

Mayor Marshall stated that several zoning items were tabled at previous meetings and asked how the Council would like to meet regarding them. The Council agreed to hold special meetings at 6:00 p.m. before the next regular meeting to discuss and decide on these tabled agenda items.

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**Motion:** Councilman Tripp made a motion to hold a special work meeting January 19, 2011 at 6:00 p.m. to consider the tabled zoning matters. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

Councilman Castagno stated that he has had some citizens state that they were concerned with not having the ambulance or its staff based in Grantsville City. Councilman Vera stated he would bring it up to Mountain West Medical Center.

Councilman Tripp stated that he has been impressed with the City's current year finances and the management of City budgets. He stated he would like to see a yearend report when it is finished. Councilman Johnson stated he has received a lot of positive comments about the Public Works Department's snow removal in Grantsville.

## **8. Adjourn.**

**Motion:** Councilman Colson made a motion to adjourn. Councilman Vera seconded the motion. All voted in favor and the meeting officially adjourned at 8:08 p.m.