

MINUTES OF THE SPECIAL AND REGULAR MEETINGS OF THE GRANTSVILLE CITY COUNCIL, HELD ON JANUARY 19, 2011 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 6:00 P.M.

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, Scott Stice, Kent Liddard, Stacey Prestwich, Dean Prestwich, Christine Webb and Scott Snelson, Terry Linares and Dan Johnson.

SPECIAL MEETING AGENDA:

Mayor Marshall called the meeting to order at 6:00 p.m.

1. **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.**

Attorney Elton stated that there are four separate provisions in the proposed ordinance. He stated the proposal is to clarify and amend the current ordinance. Councilman Vera stated that he does not like the idea that a developer or property owner has to wait two years before submitting an application that has previously been denied. He stated that a person could work with neighbors and resolve the issues to everyone's satisfaction and should then be able to apply for the change without waiting two years. Attorney Elton stated that the second portion of the ordinance allows an applicant to ask for the same zone change with a specified different use without waiting two years. Councilman Vera stated he would be okay with the ordinance, if the second portion is adopted allowing an applicant to submit an application within the two-year timeframe, if the proposed use has been changed. Attorney Elton stated the third portion of the ordinance stated that the application could be approved on condition that the actual use proposed for the property is limited to the use requested in the application. Councilman Colson asked how the City can regulate this. Attorney Elton stated that the specified use would be recorded on the property with notice to subsequent property owners. Attorney Elton stated the fourth section of the ordinance specifies appeal procedures for the applicant and those affected by the application. Councilman Castagno stated that anyone can claim they are affected by an application. Mayor Marshall, however, stated there is a specified timeline for an appeal. Attorney Elton stated the council could define an affected party and limit those who could file an appeal.

Motion: Councilman Tripp made a motion to approve Ordinance No. 2010-24, an ordinance amending section 3.18 of the Grantsville City Land Use Management and Development Code, by revising the regulations related to repetitive applications to amend the zoning map and zoning regulations, providing for zoning map amendments conditioned upon specific proposed uses and new appeal procedures. Councilman Vera seconded the motion. All voted in favor and the motion carried.

2. **Consideration of Ordinance 2011-01 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 includes other changes.**

Attorney Elton stated that the ordinance includes substantial changes from the previous ordinance. Councilman Tripp stated the ordinance makes all uses conditional. Councilman Colson asked the rationale of making all uses conditional. Attorney Elton stated that the thought was that if the uses were conditional it would allow the Planning Commission to place conditions on a use that otherwise may not be appropriate in a particular area. Those uses could include times the business was open, numbers of customers, noise and light issues etc. He stated that in the current code there is a provision for a site plan review and approval but typically that cannot regulate operational issues. Mayor Marshall suggested to table this ordinance because of its complexity and to consider it at a later date. He recommended prior to the meeting that the Council look over each use and decide whether or not it should be a conditional use or a permitted use.

Motion: Councilman Tripp made a motion to table Ordinance No. 2011-01 for a future meeting to allow further time to go over each use. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

3. **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 inquired about a garage and how it would be regulated by the proposed ordinance. Attorney Elton stated that if it is an accessory building to a residence like a garage it is currently allowed. He said there are other accessory uses not incident to a residence which also would be allowed if they are incident to another permitted use such as a barn for grazing and keeping of animals. Councilman Tripp asked why it matters when the accessory building is built. Attorney Elton stated the current ordinance has been interpreted by the City to allow an accessory building to be built before the primary use. The proposed ordinance would require the primary use to be established before the accessory building unless the accessory building was approved as a conditional use. Councilman Colson stated that location of an accessory building on a lot may also need to be addressed. Councilman Tripp stated that some individuals may want their garage in front of their residence. Attorney Elton stated that the current ordinance allows a property owner to build whenever they like, but it limits the size. Councilman Castagno stated that if a structure meets the setback requirements then why regulate it further. He stated that he thinks that the only thing left out of the ordinance is what color the building needs to be. He stated it is the right of a property owner to use their property as they deem appropriate within reason. Councilman Vera stated that he is more comfortable with the old ordinance than the proposed ordinance. He stated that the City should not have that much control over a property owner.

Motion: Councilman Vera made a motion not to pass Ordinance No. 2010-27. Councilman Castagno seconded the motion. Councilman Vera and Councilman Castagno voted in favor of the motion. Councilman Colson, Councilman Johnson and Councilman Tripp voted against the motion. The motion did not carry, and the proposed ordinance was not adopted.

Motion: Councilman Tripp made a motion to table Ordinance No. 2010-27 for consideration at a future work meeting. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

4. **Consideration of Ordinance No. 2011-02 amending Chapter 14 Use table, to delete "Agriculture Industry" as a conditional use in the A-10 zone and to amend Chapter 14, Use Regulation Table 14.1, to add goat dairies, not to exceed 500 goats and commercial greenhouses to the A-10 zone as conditional uses and to delete farms devoted to raising and marketing chickens, turkeys or other fowl or poultry, fish or frogs, mink and rabbits, including wholesale and retail sale from the Chapter 14 use table.**

Attorney Elton stated that the current ordinances allow all agricultural industries in the A-10 zoning district. He stated this proposed ordinance would allow the Council to pick and choose what they think are appropriate agricultural industries within the City. Councilman Vera stated that he is the one that proposed this ordinance for consideration. He stated that he worries about agricultural industries allowing intensive uses that may not be appropriate in some of the current A-10 districts. He stated that the City could allow certain agriculture uses in certain areas, but is opposed to all of the allowed intensive uses being conducted in the City limits. He stated that after further consideration he does not believe goat dairies should be allowed in the City. Councilman Tripp stated that previously he voted against the agricultural industry but it was for large feedlots not because of agricultural industry. Attorney Elton stated that small retail outlets are not considered agriculture industry. Councilman Tripp stated that the City recently annexed a large area north and west of the City limits and that area would be a good location for agricultural industry. Councilman Vera stated that the recent annexation does need to be taken into consideration. He stated that in the previous boundary of the City he does not feel intensive agriculture industry is appropriate. Attorney Elton stated the proposal for the newly annexed area is primarily MD and MG zoning with a small amount being A-10. Councilman Tripp stated that with the current A-10 district, if an individual wants a pig farm, the City would not be able to deny that use. Mayor Marshall stated that large dairies will not move into developed cities. Councilman Vera stated the Mayor was taking into consideration people with common sense, but if someone decides they want to locate a large agriculture industry in the City, the City would be required to allow it.

Motion: Councilman Johnson made a motion to table this item for further review. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

**REGULAR MEETING AGENDA:
CALL TO ORDER AND PLEDGE OF ALLEGIANCE.**

Mayor Marshall called the regular meeting to order at 7:00 p.m. and asked everyone to join with him in reciting the "Pledge of Allegiance."

Mayor Marshall welcomed Scout Troop 1278.

1. **Youth Recognition Award(s)** The following students were recognized for their accomplishments and were awarded certificates and gifts from the Mayor and City Council:

- Andrew Harrell
- Broxton Shoell
- Cassidy Gregory
- Bridger Evans
- Alivia McCluskey
- Mickayla Silcox

2. **Presentation and request to reconfigure traffic adjacent to the new Grantsville Elementary School. (Superintendent Terry Linares).**

Terry Linares and Dan Johnson from Tooele County School District were present. Mr. Johnson expressed appreciation to the City for facilitating the donation of 200 computers to the school district. He stated that the donation helped significantly with their budget. He stated they put the computers in Grantsville schools, which made a big difference. He presented the Mayor and City Council with a Certificate of Appreciation.

APPROVED

Ms. Linares talked about the community learning center and invited the City Council to visit the center. She stated that many students throughout Tooele County and Grantsville are enrolled in classes at the community learning center as well as adults.

Ms. Linares stated that with the building of the new Grantsville Elementary concerns have been expressed about traffic. She requested that the Council consider the following requests.

1. No left turns from Apple Street.
2. No parking on the east side of Apple Street and that the westbound traffic be limited to student drop off and pickup only.
3. No parking on the southbound side of Center Street and that the northbound traffic be limited to student drop off and pickup only.
4. That the south side of Main Street be limited to student drop off only.
5. No parking on either side of Park Street.
6. Additional crossing guards at the corner of Park and Peach Streets.

Mayor Marshall stated that through discussion with City staff it has been recommended that the City implement four way stop signs at Park and Center Streets where they meet Apple Street. He stated the City is planning on manning three crosswalks. He stated that Main Street is controlled by UDOT and the School District would have to gain permission from the State to regulate Main Street. He stated that the City would consider the requests and after school starts problem areas could be readdressed. He stated the Council would have to approve any no parking ordinances but they could consider the no parking regulations at the next City Council meeting on February 2nd. Ms. Linares thanked the Council for any consideration the City could provide in making the new school safer for the students.

- 3. Consideration of reconfiguring traffic adjacent to Grantsville Elementary School.**
This item will be considered at the February 2, 2011 City Council meeting.

4. Presentation by Tooele Applied Technology College.

Scott Snelson was present representing the Tooele Applied Technology College. He stated that the Tooele Applied Technology College provides focused, flexible and affordable training. He stated they do not award credits, but issue certificates of completion for a course. He stated they fill a void from high school to college in providing technical training. He stated they serve the entire Tooele County area. He stated they are open for feedback and would like to serve the residents of Grantsville City. He stated they are open year round and do not have semesters. He stated that a person can start on any given Monday of any given week. The individual can go as slow or as fast as they want. He stated that students work from textbooks and workbooks but the programs are mostly performance based. He stated that it is very affordable at \$1.50 an hour and tuition is free for high school students. He stated that additional information can be found on their website www.TATC.edu. He stated that they also offer custom fit training where a company can contact TATC about training that is needed. He stated that the training would be custom fit for the company. He stated that TATC would pay 60% of the training and the company would pay 40% of the training. He stated that they are seeking funding for a new facility. He stated that Mayor Marshall has been very supportive of their program and expressed appreciation for the support of the City.

5. Presentation and consideration of endorsement of Farmer's Insurance Special Needs Activities Program.

Stacey and Dean Prestwich were present representing Farmer's Insurance. Mrs. Prestwich stated that they asked to be on the City Council agenda to talk about their program of assisting individuals with special needs. She stated they would like to establish a program for individuals with special needs to be able to come together and have

opportunities. Mr. Prestwich stated that his business affords the opportunity to reach out to others through a website as well as through insurance. He stated that there are many programs for special need students, but once an individual graduates there is not very many opportunities for them. He stated they would like to facilitate a program for all special needs individuals where they can come together. He stated they are looking for places they could meet or activities they could be involved in. He stated that they want Grantsville to be a community of choice and recognize those individuals with special needs. Mayor Marshall suggested having a float in the Fourth of July parade. He stated that the Tooele County Senior Center has a dance floor. Mr. Prestwich stated they have a website at www.fisna.net, where they welcome input and suggestions.

6. Summary Action Items:

- a. Approval of Minutes of the December 28, 2010 and January 5, 2011 City Council Meetings.
- b. Approval of Business Licenses (none).
- c. Approval of Bills in the sum of \$290,081.00.
- d. Personnel Matters (none).

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

7. Consideration of Ordinance No. 2011-03 amending 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.

Councilman Castagno stated he is in favor of the ordinance but is unsure why the R-1-8 and RM-7 zoning districts were not considered as a part of the proposed ordinance. Attorney Elton stated that the Planning Commission did not consider these zones for inclusion.

Motion: Councilman Castagno made a motion to send Ordinance No. 2011-03 back to the Planning Commission to review adding in the R-1-8 and RM-7 zoning districts and to change the wording to allow small animals under 40 pounds. Councilman Vera seconded the motion. All voted in favor and the motion carried.

8. Consideration of formalizing agreement for Quirk Street Recovery Rights with South Willow Ranches LLC-Alan Johnson.

Mayor Marshall stated that with the current recovery right for Quirk Street improvements the owners of frontage on Quirk Street would be required to pay the entire fee. Some small lots would have recovery right payments of over \$10,000.00 and the City has been informed that these lots would not be developed under the current recovery right structure. He stated that the entire area of the Blake Mountain Subdivision benefits from the Quirk Street improvements. He stated that Alan Johnson, the representative for South Willow Ranches LLC, is in favor of the proposal to spread the recovery right fees for the frontage to all of the undeveloped lots in the adjoining Blake Mountain View Estates Subdivision Number 3. Councilman Colson stated that 17 lots have already been developed. He stated the remaining lots will have to pay more because of the lots that have been developed, the City will not be able to collect from. Attorney Elton stated the developed lots were built upon before Alan Johnson's recovery rights were approved. Councilman Castagno stated he agreed with Councilman Colson that it is unfair to make the remaining property owners pay recovery rights when the others were not required to. Councilman Castagno stated that some type of advance notice should be given to those thinking of purchasing a lot, if this proposal is approved. Mayor Marshall stated the question is whether to put the entire recovery right amount on two lot owners which front Quirk Street or on the remaining lots in the subdivision. Councilman

Colson asked if the recovery right amount can be divided among the 40 lots and then go after the developer or the bank. Attorney Elton stated that the City would not be able to recover from the lots that were developed before the recovery rights were approved. Councilman Tripp asked if there is a possibility of double recovery rights because of Mountain Vista. Attorney Elton stated it is a possibility, depending on the results of the pending lawsuit. Councilman Colson stated that he has a client that is in the process of building in this subdivision that does not front on Quirk Street. He stated that this will be an additional cost that was not figured into his budget. He stated that property owners or potential property owners should be given advance notice. Councilman Castagno suggested assigning the recovery right fee to successors of the lots who received them from the original developer and not to individual lot owners. Attorney Elton stated his opinion that the City would not be able to now distinguish between lot owners for a recovery right, based on how they acquired their interest in the undeveloped lots.

Motion: Councilman Johnson made a motion to change the way Recovery Rights are applied for the Quirk Street improvements, consistent with the proposed Quirk Street Recovery Right Agreement and to authorize the Mayor to sign and implement the proposed agreement. Councilman Vera seconded the motion. Councilman Colson abstained. Councilman Johnson, Vera and Castagno voted in favor of the motion. Councilman Tripp voted against the motion. The motion carried and the agreement was approved.

9. Justice Court Report and Consideration of Bailiff.

Mayor Marshall stated that Judge Butcher had a death in his family and he would not be able to attend the meeting. Councilman Tripp asked to table these items until the Judge could be present.

10. Consideration of Justice Court Judge Pro Tempore.

Mayor Marshall stated that the City has occasion to need a Justice Court Judge to fill in for Judge Butcher when Judge Butcher is absent or has a conflict of interest. He stated that Judge Butcher would like the City to appoint Judge Keith Stoney to fill in when needed. Councilman Tripp suggested looking into Judge Butcher and Judge John Dow filling in for each other. Mayor Marshall stated he will explore the costs for a Judge Pro Tempore.

Motion: Councilman Tripp made a motion to appoint Judge Keith Stoney and Judge John Mack Dow as Grantsville City Justice Court Judge's Pro Tempore when Judge Butcher is not able to attend and to allow the Mayor to negotiate payments for these services. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

11. City Financial Report.

Finance Director Hammond was present. He presented the Council with a detailed report of the City's finances. He stated that revenue is better than was projected. He asked the Council to consider expenditures on a line item basis rather than the total expenditures. He stated that grants were received after the budget was set and these grants were spent showing a bottom line higher than originally projected. Attorney Elton stated that at the year end a budget adjustment will be necessary to account for the additional grant revenues and expenditures.

12. Mayor and City Council Reports.

Mayor Marshall stated that the meeting with State legislators and local officials regarding the upcoming legislative session was very productive. He stated he would like to have this meeting every year. He stated that the transparency bill is being reviewed. He stated that a recognition lunch was held for the Public Works Department employees for 7 years of no reportable incidents. He stated he met with Tooele Applied Technical College about working on a capital projects plan. He stated he met with the UDOT regional director concerning the light timing of the stoplight in front of Maverik. He stated they also discussed placing a flasher on the speed limit sign when the speed changes on SR 112 from 50 to 35 mph. He stated they also talked about increasing the speed limit on 1000 North in Tooele which is a speed trap for Grantsville residents. He stated he met with Tooele County Recorder about getting plat maps for the annexation area. He stated he attended the Wasatch Front Regional Council meeting where he was appointed as the Vice Chair. He stated he received an email from Greg Miller. The letter stated the Millers are going to build a land cruiser restoration shop at the Miller Motor Sportspark. He stated there will be a going away party for Recorder Rachel Wright on January 28th at noon, to wish her good luck on her military deployment to Kirghizstan.

Councilman Colson stated that the Planning Commission has a new chair, Colleen Brunson. He stated he met with Gary Fawson. Mr. Fawson is excited to revamp the Tree City program for Grantsville City. Councilman Colson stated he feels the City should consider offering the tree program again.

Councilman Tripp asked who took responsibility in obtaining the census computers. Mayor Marshall stated he and the City Recorder Wright did. He stated that at the junction of SR 138 and SR 136 a right turn light was added and drivers are unsure what to do. He stated it appears to be a right turn light but there isn't a lane for people to stop in. Mayor Marshall stated he would look into it.

Councilman Johnson stated his appreciation for Recorder Wright serving the Country and the community of Grantsville.

13. Consideration of Mayor's call for Special City Council Meeting on January 25, 2011.

Mayor Marshall stated that he would like to hold a special City Council meeting on January 25, 2011 at 7:00 p.m. to have a strategy session to discuss pending litigation with Tooele City, over the depot closure.

Motion: Councilman Castagno made a motion to approve holding a special City Council meeting on January 25, 2011 at 7:00 p.m. Councilman Colson seconded the motion. All voted in favor and motion carried.

Motion: Councilman Castagno made a motion to go into a closed session to conduct a strategy session concerning pending litigation and the scheduled special meeting. Councilman Colson seconded the motion. The City Council went into a closed session at 9:15 p.m. Mayor Brent Marshall, all the City Council Members, Finance Director Tom Hammond, Attorney Ron Elton and City Recorder Rachel Wright were present in the closed session.

Motion: Councilman Tripp made a motion to go back into an open session. Councilman Castagno seconded the motion. All voted in favor and the meeting reopened at 9:40 p.m.

14. Adjourn.

Motion: Councilman Vera made a motion to adjourn. Councilman Johnson seconded the motion. All voted in favor and the meeting officially adjourned at 9:41 p.m.