

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON JUNE 1, 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 and Council Members Present:** Mayor Brent Marshall and Council Members Mike Colson, Tom Tripp, James Vera, Todd Castagno and Mike Johnson.

**Appointed Officers and Employees Present:** Attorney Ronald Elton and Deputy City Recorder Christine Webb.

**Citizens and Guests Present:** Colleen Brunson, Kent Liddiard, Scott Snelson, Gary Straquadine, Missy Bird and Rick Phelps.

Mayor Marshall asked Councilman Mike Colson to lead the audience in the Pledge of Allegiance.

**AGENDA:**

**1. Summary Action Items:**

- a. Approval of Minutes from the May 18, 2011 Special Meeting and the May 18, 2011 Regular City Council Meetings.
- b. Approval of Business Licenses for SBB Pharmaceutical LLC, Pinnacle Security and Clear Comfort Heating and Air Conditioning.
- c. Approval of Bills in the sum of \$55,533.34 (Invoices dated June 1, 2011.)
- d. Personnel Matters (none)

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

**2. Consideration of approving final plat for the Stansbury Shadows Subdivision Phase II, PUD at 105 South Liberty Landing. (Rick Phelps)**

**Motion:** Councilman Castagno made a motion to approve the final plat for the Stansbury Shadows Subdivision Phase II. Councilman Mike Johnson seconded the motion. All voted in favor and the motion carried.

**3. Presentation from the TATC concerning their new building to be constructed next to Utah State University in Tooele (Scott Snelson).**

Scott Snelson attended the City Council Meeting on behalf of the Tooele Applied Technology Center (TATC). Gary Straquadine attended as a representative of Utah State University. Mr. Snelson explained that the new TATC building would not be constructed next to Utah State University building in Tooele City and it would be built on property owned by Utah State University. Mr. Snelson reported on the success of a Custom Fit Program that had been conducted in Grantsville City for the Senior Citizens Center teaching basic computer skills. Mr. Snelson indicated the training was attended and completed by fifteen students. Mr. Snelson stated the State Legislature had appropriated funds for the construction of a 67,000 sq. ft. facility to be built for the Tooele Applied Technology College which will be shared with Utah State University. Mr. Snelson stated that the project manager would be Darrell Hunting from the State Division of Facilities and Construction Management (DFCM). Mr. Snelson gave

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an account of the timeline for planning and construction. He also expressed interest in having local subcontractors being used to assist in the construction of the facility. Mr. Snelson and Dr. Straquadine inquired about the best methods of communication regarding this project between the Mayor and City Council and TATC representatives. In addition, Mr. Snelson stated they would like as much input as possible to insure they will meet the needs of the community. Dr. Straquadine reported USU plans to build other facilities on the 54 acres of land located south of the Community Learning Center as part of their master plan. Mr. Snelson thanked Mayor Marshall for the assistance he provided with the legislature in obtaining funding for this project.

Mayor Marshall stated he has received high reviews from those who have received training from the TATC. The Mayor also indicated plans are in process for other Custom Fit Classes to be held in Grantsville.

Ron Elton asked if there are any public hearings scheduled in regards to the design and plans for construction of the new TATC facility. Mr. Snelson indicated they are not required to have public hearings, however information is available through the TATC website, scheduled meetings and the DFCM website. Dr. Straquadine stated there are two advisory boards, USU has an advisory board for the Tooele Campus and there is a board of directors for the TATC, which will provide input. Councilman Vera asked about representation from Grantsville on the advisory boards. Mr. Snelson stated Karen Nelson from the Tooele County School District is a member of the board of directors. However, the board is mostly made up by those in business and industry in order to assure that their needs are being met. Councilman Vera expressed appreciation for the cooperation of the two schools in their efforts to offer education opportunities for local citizens.

Councilman Mike Colson stated he would prefer informal regular updates on the project.

#### **4. Consideration of awarding lease(s) for Recreation Center Building.**

Grantsville City had received one proposal for the private use of the Recreation Center Building. The bid was received from Ken's Gymnastics. Ken Goodworth was in attendance at the City Council Meeting. Mr. Goodworth stated he had added everything he could think of to his proposal. Mayor Marshall asked if problems would occur with the construction of a 20ft by 20 ft storage room in the recreation building. Mr. Goodworth proposed the City staff use the storage room already located in the building which is available and the size is comparable to that which was suggested. Mayor Marshall indicated that he had spoken with the Public Works Director and believed the roof had previously been repaired. Mr. Goodworth invited the Mayor to visit the building during a rain storm, indicating that leaks continue to be a problem. Mayor Marshall stated he will have the roof looked at. The Mayor also stated the heating system will be appraised and improved as necessary.

**Motion:** Councilman Tripp made a motion to award the lease of the Recreation Center Building to Ken's Gymnastics per the written proposal, except that the Mayor be authorized to negotiate terms related to additional secured storage for the City and additional heating. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

#### **5. Consideration of Appeal from decision of Planning Commission, denying a Conditional Use Permit for a recreational vehicle park at 653 East Main Street (F. McKay Winkel).**

Mayor Marshall listed the information and materials that had been previously provided to the City Council and Boulder Ranch LC. Boulder Ranch was represented by McKay Winkel and F. McKay Winkel. The Mayor

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indicated that the Planning Commission had denied Boulder Ranch's application to construct an RV park with twenty-nine spaces within the area known as the Village Trailer Park and listed the reasons that they denied the request.

Mr. McKay Winkel addressed the Council and explained the advantages of allowing an RV park in Grantsville City. Mr. Winkel then addressed the Planning Commission's reasons for denial of their application for a Recreation Vehicle Park under a conditional use permit (CUP). He stated the application for the CUP has now been completed, but that the Zoning Administrator would not allow them to file it with the City, because the appeal had been filed and the matter was now before the City Council. Mr. Winkel then discussed the issues of non-compliance. Mr. Winkel stated it was unfair to deny the CUP application because the original conditions for the Village Trailer Park had not been complied with. He said the original conditional use permits were issued to Gary Fawson in 1983 and 1996 and Boulder Ranch LC as the current owner was not even aware of these conditions when they purchased the property. Mr. Winkel then reviewed the three areas that were stated as not being in compliance with the previous CUPs. The first was a landscaped one acre park. The second was a storage compound and the third was two points of ingress/ egress for the property. He described their current plans for two smaller parks to be located at each end of the property. He stated that the parks would probably be 30 feet by 30 feet in size and they planned to install playground equipment in these parks with equipment that had already been purchased. Mike Johnson indicated that the original CUP required a one acre park which would be significantly larger than the ones that were planned. Mr. Winkel stated the solution to the long term storage for residents would be for the residents to use the professionally run storage facility located adjacent to their property. Mr. Winkel addressed the issue of two points of ingress/egress by stating that they do in fact have two. He stated that the second exit point located at the northeast corner of the property which is a chain link break-away fence and goes onto an adjoining property. The City Council members expressed concerns regarding the adequacy of a break-away fence providing a second means of ingress and egress to the property and that the applicant didn't have a legal right of way across the neighboring property.

Mayor Marshall then opened the meeting up for public comment. Kent Liddiard, the Fire Marshall, stated any development with more than thirty units are required for public safety purposes to have a second entrance/exit that meets the City's definition of a road. No other comments were made and Mr. Winkel was given three minutes to re-address the Council.

The Mayor then gave the Council time to discuss the issue. Councilman Castagno indicated he would like to see an RV park in Grantsville, however, he felt the Village property was the wrong place for one. Councilman Johnson stated he had driven through the area and he gave a report on what he saw. Councilman Johnson expressed his belief there is a definite safety problem. Councilman Colson was in agreement and added the additional units could be taxing on the current utilities in the area. Councilman Vera was also in agreement that the proposal would not be appropriate on the Village property. Councilman Tripp agreed as well. The City Council felt that because the property has been owned by the current property owner since 2005 and very little has been done to bring it into compliance with the conditional use permit; it would not be in the best interest of the City to allow the additional twenty-nine recreation vehicle units.

**Motion:** Councilman Johnson made a motion to uphold the Planning Commission's denial of the requested conditional use permit for a recreation vehicle park based upon the reasons specified by the Planning Commission, staff's recommendations and the reasons identified by the Council at this meeting and that staff prepare formal

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findings and a decision for the Council to review and approve at the next meeting. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

**6. Consideration of Comcast Cable Television Franchise Agreement.**

Scott Dansie, Director of Franchising, from Comcast was present and provided information regarding the request for an extension of the current cable television franchise agreement. Ron Elton indicated that the request was for a renewal of the agreement entered with Comcast's predecessor which had expired. He said he had reviewed recent Comcast franchise agreements with other Utah Cities and that the proposed agreement was similar to all of the others. Mr. Elton specified that five percent is the maximum amount allowed under Federal Law for the franchise fee. Mr. Elton stated he had spoken with Joel Kertamus, Grantsville City Public Works Director about this agreement. Mr. Kertamus had indicated that Comcast is a low impact user of the City's rights of way and they have fully complied with City regulations.

**Motion:** Councilman Colson made a motion to approve the Comcast Cable Television Franchise Agreement as presented. Councilman Vera seconded the motion. All voted in favor and the motion carried.

Mr. Dansie inquired about the length of the agreement.

**Motion:** Councilman Johnson made a motion to set a term of 10 years for the agreement. Councilman Colson seconded the motion. All voted in favor and the motion carried.

**7. Consideration of Ordinance 2011-16, an ordinance amending the Grantsville City Land Use Management and Development Code by enacting a new Chapter 10b in order to provide for and regulate recreational vehicle parks.**

**8. Consideration of Ordinance 2011-17, an ordinance amending the Grantsville City Land Use Management and Development Code by allowing recreational vehicle parks in the RM-7, RM-15, CD and CG zoning districts as conditional uses.**

Ron Elton indicated that Ordinances 2011-16 and Ordinance 2011-17 had been proposed to address the lack of any regulations allowing recreation vehicle parks in the City.

**Motion:** Councilman Tripp indicated that the agenda was long and that he wanted more time to consider these two proposed ordinances. He then made a motion to table consideration of Ordinance 2011-16 and Ordinance 2011-17. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

**9. Consideration of Ordinance 2011-18, an ordinance amending the Grantsville City Land Use Management and Development Code by allowing commercial outdoor recreation uses in the A-10 zoning district as a conditional use.**

Mayor Marshall explained this ordinance was drafted in order to allow Seabase, which was recently annexed into the City, to continue with outdoor recreation activities that they have previously conducted. The Mayor reported that the Planning Commission had recommended approval of this ordinance.

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It was reported that the Police Department has not encountered problems with the outdoor recreation activities at Seabase with the exception of a few heat related and dehydration problems that attendees had experienced.

**Motion:** Councilman Colson made a motion to approve Ordinance 2011-18 to allow commercial outdoor recreation uses in the A-10 zoning district as a conditional use. The motion was seconded by Councilman Vera. All voted in favor and the motion carried.

**10. Consideration of Ordinance 2011-19, an ordinance amending the Grantsville City Street Master Plan by designating new routes for future collector roads.**

Mayor Marshall stated that the proposed ordinance creates a plan for a belt route around the City. Mayor Marshall described the locations for these planned collector roads.

Councilman Johnson inquired whether this plan would affect the Tooele County Mid-Valley Highway. The Mayor stated this should not have any effect on that plan since the Mid-Valley Highway would be located in the Sheep Lane area. Councilman Vera asked if the City would be able to make sure that building permits are not issued in the areas that may block the proposed roads. The Mayor assured him that City staff is very efficient in that regard and they would be able to maintain the rights of way for the proposed collector roads.

**Motion:** Councilman Johnson made a motion to approve Ordinance 2011-19 to amend the Grantsville City Street Master Plan by designating new routes for future collector roads. The motion was seconded by Councilman Colson. All voted in favor and the motion carried.

**11. Consideration of Ordinance 2011-12, an ordinance amending the Grantsville City Street Master Plan by revising the street designation of Picadilly Street from a collector to a local street classification.**

**Motion:** Councilman Mike Colson made a motion to approve Ordinance 2011-12 to amend the Grantsville City Street Master Plan by revising the street designation of Picadilly Street from a collector to a local street classification. Councilman Vera seconded the motion. All voted in favor and the motion carried.

**12. Consideration of Ordinance 2011-20, an ordinance amending Section 14.5(4) of the Grantsville City Land Use Management and Development Code by reducing the RR-1 zoning district setback requirements.**

Mayor Marshall explained this proposed ordinance had been recommended for approval with a 2 foot rear yard and a 4 foot side yard setback requirement. The Fire Marshall, Kent Liddiard, indicated that this ordinance would not result in a violation of the Fire Code, provided all buildings were constructed with the appropriate fire ratings. Councilman Castagno expressed his reservation of amending the setback requirements for the entire RR-1 zone, when the problem was for lots smaller than one acre that had been allowed in South Willow Ranches subdivision under a PUD approval. Councilman Castagno stated changing the setbacks for these specific half acre lots would be acceptable to him but he wasn't sure of applying it to all RR-1 lots.

**Motion:** Councilman Tripp made a motion to send the proposed ordinance back to the Planning Commission with a recommendation for it to consider limiting the ordinance to the specific conditions that applied to the applicant requesting this amendment rather than to all property in the RR-1 zone. The motion was seconded by Councilman Vera. All voted in favor and the motion carried.

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Upon further discussion Councilman Colson made the following motion.

**Motion:** Councilman Colson made a motion to approve Ordinance 2011-20 to amend Section 14.5(4) of the Grantsville City Land Use Management and Development Code by reducing the RR-1 zoning district setback requirements to 2 feet for the rear yard and 4 feet for the side yard and to reverse Councilman Tripp's motion to refer this matter back to the Planning Commission. Councilman Vera seconded the motion. Mike Colson, James Vera, Todd Castagno and Mike Johnson voted in favor of the motion. Tom Tripp voted against the motion. The motion carried and the ordinance as revised was passed.

### **13. Open and Public Meeting Law Training.**

Ron Elton provided training on open and public meeting law. Mr. Elton provided and went over check lists for open meetings, closed meetings and electronic meetings. Mr. Elton explained the purpose of electronic meetings and that if the Council would like to consider having electronic meetings that an ordinance establishing parameters for these types of meeting would need to be adopted. It was suggested that the Council consider such an ordinance but that it not be a priority item.

### **Mayor and Council Reports.**

Mayor Marshall reported he met with Ryan Murray from Tooele County Outreach. Mr. Murray will be available at City Hall to answer questions and provide support to businesses and anyone wishing to open a business on June 7 from 11:00 a.m. - 1:00 p.m. The Mayor stated that he had met with Jason Burningham, the City's financial advisor for the new library and that he had completed the application to borrow funds from the Community Impact Board. The application was filed earlier today. Mayor Marshall reported on the abnormal runoff as a result of unusually heavy snow pack and covered flood concerns and contingency plans.

Councilman Johnson stated he expects that high ground water levels will be a problem in the north end of the City.

Councilman Colson asked about the number of sand bags available. Mayor Marshall reported that the sand bags have been moved to the Clark Farm and there are 10,000 sand bags available throughout the City.

Councilman Vera reported he will be drafting a new charter regarding an ongoing purpose for the Library Committee and would accept suggestions from the Council.

Councilman Tripp complimented those involved in planning and execution of the Memorial Day Services. Councilman Tripp reported that the mosquito season would be severe in light of the precipitation and expanded areas of surface water, but that the Mosquito Abatement District would be working full time to control the problem. He also stated he received a request for a service project for 50 people. Mayor Marshall indicated he would explore projects for the group.

### **14. Adjourn.**

**Motion:** Councilman Vera made a motion to adjourn. Councilman Colson seconded the motion. The meeting was adjourned at 9:06 p.m.