

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON NOVEMBER 7, 2012 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 Johnson, Tom Tripp, Scott Stice, Mike Colson and Neil Critchlow.

Appointed Officers and Employees Present: City Attorney Joel Linares, Chief of Police Kevin Turner, Fire Marshall Kent Liddiard and City Recorder Rachel Wright.

Citizens and Guests Present: Todd Castagno, the Layne Daybell Family, Nikki Turner, the Tuckett Family, Keith Smith and Lisa Christensen. Mayor Marshall welcomed Scout Troop 903 to the meeting.

Mayor Marshall asked Kevin Turner to lead the audience in the Pledge of Allegiance.

Keith Smith asked to speak to the Council with some urgent business. He stated that a group of volunteers are trying to help the people on the East Coast that suffered from Hurricane Sandy. He stated that temperatures continue to drop and people are without electricity. He stated that they have sent some body warmers, but more people are requesting them. He stated that Cabelas has given a discount on the body warmers and there are volunteers ready to help when the shipment arrives. Mr. Smith asked to get the word out and see what help can be done to get more body warmers to those in need on the East Coast.

AGENDA:

1. Youth Awards.

The following students were recognized for their accomplishments and were awarded certificates and gifts by the Mayor and City Council:

- Taylor Wright
- Jeff Tuckett
- Cameron Potter
- Max Daybell
- Danny Haynie

2. Presentation by the Tooele County Board of Health regarding the tobacco survey.

The Tooele County Board of Health had a conflict and asked for the presentation to be moved to the December 5th City Council Meeting.

3. Summary Action Items:

- a. Approval of Minutes of the October 17, 2012 City Council Meeting.
- b. Approval of Bills in the sum of \$108,327.54.
- c. Personnel Matters (none).

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

4. Consideration of Cloud Seeding.

A representative for cloud seeding was present and addressed the Mayor and City Council. He stated that cloud seeding has been done in Tooele County since 1972. He remarked that with the financial difficulties that the County is experiencing they are no longer able to pay for cloud seeding. He stated that they are asking that all the entities that benefit from the Cloud Seeding help with funding the program. He stated that the cloud seeding costs \$24,000.00. He commented that the Board of Water Resources covers 50% of the cost leaving the total for Tooele County entities at \$12,000.00. He remarked that they are asking the entities to put in between \$1,500.00 - \$2,000.00 to help fund the Cloud Seeding program. He stated that cloud seeding enhances the snow pack about 15% resulting in 10% gain in stream flow and ground water. Councilman Tripp asked if they were planning on adding any ground stations. The cloud seeding representative stated that they are planning to put more ground stations throughout the valley. Mayor Marshall commented that there is funding available in the General Fund to cover the cost.

Motion: Councilman Johnson made a motion to approve \$1,750.00 to help fund the Cloud Seeding Program and to put funding in the upcoming budget for the cloud seeding as well. Councilman Colson seconded the motion. All voted in favor and the motion carried.

5. Consideration of City Recorder's Notice of Certification of Annexation Petition filed by Jaci Cummings and authorization to provide legal notice of annexation.

Recorder Wright stated that after the City Council's initial acceptance to consider the annexation petition the petition was given to Tooele County representatives where the plat was determined that it met the following requirements of law:

- The petitioner's property covers a majority of the area listed in the petition.
- Petitioner's property is equal in value to at least 1/3 of the value of the private property within the area proposed for annexation.
- The map is accurate and recordable.
- The property is not part of another pending annexation petition that has not been acted upon.

Motion: Councilman Stice made a motion to approve the City Recorder's Notice of Certification of Annexation Petition filed by Jaci Cummings and authorize providing legal notice of annexation. Councilman Critchlow seconded the motion. All voted in favor and the motion carried.

6. Reconsideration of minor subdivision for Gary Christley at 274 S. West Street to divide one (1) lot into four (4) lots in the RM-7 zone for single family development.

Gary Christley was present. Councilman Critchlow stated that he talked to Mr. Christley and he met with the previous City Attorney and explained the other subdivision situation. Mr. Christley commented that his intention is to bring a conclusion to his other subdivision situation. Councilman Critchlow stated

that if they attach his other subdivision to the requested subdivision that it isn't going to change anything that it will just hold up the minor subdivision which will affect other people. He stated that Mr. Christley is going to give the land to his children to build on. Councilman Critchlow suggested approving the subdivision and Mr. Christley will continue to work on fixing the other subdivision situation. Councilman Stice asked what it would take to get the other subdivision finalized and taken care of. Mr. Christley stated money. Councilman Johnson asked if a lot was sold before the subdivision was recorded and finalized. Mr. Christley stated that it was not fully paid for. Mr. Christley commented that the metal building is the problem. Councilman Colson asked if an individual paid him money for the lot and asked Mr. Christley what his intentions are for the subdivision. Mr. Christley stated that his intention is to subdivide the property and give the person who paid him a lot. Councilman Johnson asked Mr. Christley if the property is in his name. Mr. Christley stated that he is working towards getting the property into his name. He stated that he would've had the subdivision completed a couple of years ago, but with the downturn of the economy he has been unable to finish the subdivision due to money. Councilman Johnson asked who pays the taxes. Mr. Christley stated that he pays all the taxes. Councilman Johnson asked what the timeframe was on the findings of the Court. Councilman Critchlow commented that it was left open ended. Attorney Linares stated that it is a civil action, it is a different proceeding. Mayor Marshall stated that when Mr. Christley talked to him last time that money was still owed to Hale Estates. Mr. Christley stated that yes he still owes one partner some money. Councilman Johnson asked if there are any liens on the property. Mr. Christley stated he doesn't think so. Councilman Tripp asked what is holding back the subdivision. Mr. Christley stated that when he had a title search done that it comes back as not a clear title. Councilman Colson asked if there are any problems with property lines and building requirements. Gary stated no. Attorney Linares stated that it hasn't been approved so it hasn't been determined. Councilman Johnson asked who is in the building located on the property now. Mr. Christley stated Mr. Goodsell. Attorney Linares stated that legally the Council can let him proceed with the requested minor subdivision or make it contingent that he resolves the other subdivision issues before approving. Councilman Johnson stated that he knows that the minor subdivision is being divided for his children, but does think that he needs to fix the issues with the other subdivision before approving the minor subdivision. Councilman Colson remarked that Mr. Christley could clean up the subdivision issues, he could refund the money to the person that paid for a lot then he wouldn't need to subdivide the property. Mr. Christley stated that his intentions are to pay the original contract to Hale Estates, subdivide, and then offer the lot to the person that paid some on a lot. Councilman Colson remarked that he does not think the Council should approve the minor subdivision until his other subdivision issues are fixed. Councilman Critchlow asked if it is the City's responsibility to be in the middle. Attorney Linares stated that it can prevent it from happening again. He commented that hypothetically if Mr. Christley doesn't decide to give the property to his children another mess could be created. Councilman Critchlow commented that they are separate issues. He stated that holding up the minor subdivision just holds Mr. Christley's children hostage. Councilman Johnson remarked that it sets precedence. Councilman Critchlow commented that holding up the minor subdivision will not speed up the process with Mr. Christley's other subdivision. Councilman Johnson stated that if the property has a clear title then it could be subdivided now and things would not be held up. Mr. Christley commented that the property is still in Hale Estates name that he owes them the balance of the property. Mr. Christley stated that he does not know the ins and outs of real-estate, but does know that he gets the tax notice. Councilman Critchlow commented he would like to see Mr. Christley look into the title issue. Councilman Johnson remarked that they need to do what is best for the City. Mr. Christley stated that he will work on the subdivision issues and will stay in contact with the Mayor to let him know when he would like to be on the agenda again for consideration of the minor subdivision.

7. Consideration of reduction of engineering review & inspection fee for Anderson Ranch Phase 5. (TP Development)

Welles Cannon was present representing TP Development. He stated that they would like to ask for a reduction of fees for the engineering review and inspection fee for Anderson Ranch Phase 5. He stated that when they were first discussing the subdivision with City staff the fee was brought up because it seemed high. Mr. Cannon commented that the Public Works Director advised them that it may be negotiable and that he thought 3.5% would be adequate for the project. Mayor Marshall stated that the fee has come up in the past for two other subdivisions. He stated that the lower fee was granted to two other subdivisions, but neither recorded their final plats. Councilman Tripp stated that if the fee is lowered then it will set precedence and the fee will have to be lowered for everyone. Attorney Linares stated that staff was in the process of conducting a fee study when the market collapsed. Mr. Cannon stated that they are building a good community. He commented that every little bit helps. Councilman Johnson stated that without a study he cannot see how the City can cut the fee. Councilman Tripp remarked that a study could be done and if it is high the City could rebate money back. Mr. Cannon commented that the Public Works Director had eluded that a couple of subdivisions paid below the 5% fee. Mayor Marshall stated that both were large projects and neither recorded their final plats. Councilman Johnson stated that until a study is done is isn't fair to lower the fee. Mayor Marshall agreed and commented that some tracking needs to be done in-house from start of a project to completion. Councilman Stice stated that an ordinance could be looked at that if after the study it is found that the fee should be lowered then a rebate issued back. Councilman Johnson stated there has to be a time limit if an ordinance is made. Mayor Marshall stated that the City staff will work on accomplishing a study.

8. Consideration of lease agreement for recreation center. (Nikki Turner)

Nikki Turner was present. She stated that she is a small business owner that would like to lease a space in the recreation center for her business Down & Dirty CrossFit. She stated that they worked out an agreement with Ken's Gymnastics to use 10% of the space. She stated that she is offering to pay \$200.00 per month including utilities. Mayor Marshall stated that Ken's Gymnastics' contract does not allow them to sublease the recreation center. Councilman Tripp stated that he is fine with approving the lease agreement, but would like someone from the City to contact Ken's Gymnastics to work out all of the details. Attorney Linares stated that he would make contact with the owner. He also stated that it is in Ken Gymnastics' contract that the City can sublease the building. Councilman Stice inquired about liability insurance. Mrs. Turner stated that she will carry her own liability insurance for one million dollars.

Motion: Councilman Tripp made a motion to approve the lease agreement for the recreation center for Down & Dirty CrossFit and asked the City Attorney to contact Ken's Gymnastics to verify that the owner understands the agreement. Councilman Colson seconded the motion. All voted in favor and the motion carried.

9. Consideration of leasing vehicles for the Police Department.

Chief of Police Kevin Turner was present. He stated that they are asking the Council to consider leasing 2 more vehicles. He stated that the dealership is willing to give the month of November free on the lease which will save between \$3,000.00 - \$4,000.00 including projected maintenance costs.

Motion: Councilman Stice made a motion to approve leasing 2 additional dodge ram trucks for the police department fleet. Councilman Colson seconded the motion. All voted in favor and the motion carried.

10. Consideration of Ordinance 2012-18 adopting Title 15 Chapter 3 Special Events. This legislation creates a permit procedure, permit requirement and fee schedule for special events held in/on city property and/or requiring city personnel to conduct.

Attorney Linares stated that the ordinance has different levels of events from renting the park pavilion to holding a large event. Councilman Stice commented that the ordinance discusses single events and second events, he remarked that the Little League can have more than 150 people at any given time. Attorney Linares stated that the City Council has the ability to waive a fee for nonprofit organizations. Attorney Linares commented that he has been working on the ordinance for a long time, he commented that he has looked at many other City's special event ordinances. Councilman Colson commented that the ordinance needs to be kept simple. Councilman Tripp asked for the following changes: page 2 of 6 asked to put the wording "no direct cost to the City" on "Level 2 Event" and page 3 of 6 suggested decreasing the amount of days of advance notice from 45 to 7.

Motion: Councilman Stice made a motion to approve Ordinance 2012-18, an ordinance adopting Title 17 Parks and Recreation Chapter 3 Special Events of the Grantsville City Code by creating a permit procedure, permit requirement and fee schedule for special events with the suggested changes. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

11. Consideration of Resolution 2012-13 amending Grantsville City Policies and Procedures to bring meal reimbursement amounts for employees traveling on behalf of the City in accordance with current costs and to clarify procedures for reimbursement.

Mayor Marshall remarked that majority of the policies and procedures have stayed the same, he commented that most of the changes involved money allowed to employees for traveling on behalf of the City. He remarked that receipts will still be required for reimbursement. He commented that the current policies and procedures did not define what times breakfast, lunch or dinner was. He stated that new policies and procedure streamlines the timeframes. He stated that the maximum daily allowance will be \$40.00 per day. Councilman Johnson commented that he thinks the amount is too high that the employees have to eat anyways. Attorney Linares remarked that majority of the employees eat at home so when they travel for the City it is an added expense to the employee. Councilman Johnson stated that he is fine paying the money, but feels it is a lot of money for one day. He remarked that it could create an option for abuse. Attorney Linares stated that other cities give a full \$40.00 a day without showing receipts. He stated the policy requires the employee to bring in a receipt to get reimbursed. Councilman Stice stated that his pet peeve is allowing reimbursement for alcohol. Attorney Linares stated that he can add language prohibiting reimbursement for alcohol. Councilman Tripp commented that he is worried

about the term “per diem”. Attorney Linares stated that it means per day. Councilman Tripp stated that the State has reimbursable charts. Attorney Linares suggested tabling the resolution so he could look at the State’s reimbursable chart. Councilman Tripp suggested having some type of authorization form authorizing the employee to travel.

12. Consideration of Appeal by Van Anderson regarding Conditional Use Permit Application.

Mayor Marshall stated that Van Anderson met with him after the Planning Commission regarding some limitations that the Planning Commission put on his Conditional Use Permit. He stated the limitation that Mr. Anderson is concerned about is in the Findings which state “no animal’s traps used and no animals or animal by-products (carcasses, fur, etc) to be kept on site”. Mayor Marshall commented that the City Council is the appeal board for the Planning Commission. Mayor Marshall stated that Mr. Anderson raises rabbits to eat and would like to continue raising them. Mr. Anderson stated that he put fur on his business license name because he wanted to be able to put his name on a professional hunting list. Attorney Linares stated that the Federal Government regulates furs and traps.

Motion: Councilman Critchlow made a motion to strike number 5 of the Findings from Van Anderson Conditional Use Permit “no animal’s traps used and no animals or animal by-products (carcasses, fur, etc) to be kept on site”. Councilman Stice seconded the motion. All voted in favor and the motion carried.

13. Consideration of awarding bid for the library soft seating furniture.

Recorder Wright stated that KI Company was the low bidder for the library soft seating furniture and recommended awarding the bid to KI to supply the library soft seating furniture.

Motion: Councilman Tripp made a motion to award the bid for the library soft seating furniture to KI Company. Councilman Stice seconded the motion. All voted in favor and the motion carried.

14. Consideration of library construction issues.

Mayor Marshall stated that the contractor poured the sidewalk corner in front of the library. Councilman Stice inquired how much Interwest Construction is going to give the City in books. Mayor Marshall stated that they are going to figure it out and haven’t given the City an amount yet.

15. Consideration of canceling or rescheduling the November 21, 2012 City Council meeting.

Motion: Councilman Colson made a motion to cancel the November 21, 2012 City Council meeting in recognition of the Thanksgiving Holiday. Councilman Stice seconded the motion. All voted in favor and the motion carried.

16. Mayor and Council Reports.

Mayor Marshall announced that he attended the following meetings: the Regional Growth Council, a Tooele County meeting regarding the library, a meeting with BLM officials on wild land fires and the concerns of fireman and BLM firefighters and lack of having a County Fire Warden, the library

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construction meeting, a meeting regarding cloud seeding, District Court, served on the Wasatch Front Regional Council budget committee, met with Ron Bird about sewer laterals, a meeting with Key Bank reviewing the City's accounts and fees, a Rocky Mountain Power Task Force meeting, a meeting with Kendall Bell from Allied Waste regarding the City's garbage service and a recycling program, attended the dedication of St. Marguerites' Catholic School and reception, met with Brandon Nay about recovery rights on Quirk Street, a meeting with Henriksen & Butler regarding the library furniture, the CJC fundraiser, the Tooele County Chamber of Commerce meeting, and a meeting with Gary Buhler regarding the sewer project. Mayor Marshall stated that he spoke at the Grantsville Jr. High during Red Ribbon Week regarding the effects of drugs, alcohol and violence. He stated that he presented Rocky Mountain Power with the City's claim for repair expenses. Mayor Marshall commented that he spoke to Kilgore regarding the Hale Street Project to try to have asphalt put down before Friday. He announced that the Santa Parade will be November 24th at 3:00 p.m. He commented that performance evaluations are in his office if any of the Council Members wanted to look at them. Mayor Marshall asked the Council if they would like the architects to design a donor wall for \$5,000.00. He commented that they will donate a \$1,000.00 to the donor wall making it \$4,000.00. The Council agreed not to have the architects design the donor wall. Mayor Marshall stated that the South Willow Ranches would like to see if the City is willing to take back the open space as well as 4 shares of irrigation shares and enter into a Memorandum of Understanding that they will maintain the open space. The Council agreed to look at the issue.

Councilman Stice stated that he is going to work with Shaden in a couple of weeks and asked if there is any area to focus on in the Cemetery. Mayor Marshall stated he would leave it up to Councilman Stice. Councilman Stice stated that there is a weed issue on Booth and Hunter Way. He commented that he attended the annual Mosquito Abatement meeting in Moab where they learned about the West Nile Virus.

Councilman Critchlow announced that the Planning Commission is tomorrow. He stated that he has been telling people about the light parade.

Councilman Tripp stated that Dr. Straquadine is going to be replaced. He commented that they had an interviewee from Dixie College that is looking at taking his place. He stated that they are looking at building a new building because the current facility is maxed out. He remarked that Utah State University will start construction in 2014 on a new expansion. Councilman Tripp stated that as he read through the minutes a drainage basin was approved. He stated it can be a good or bad thing because some turn into big weed piles. He stated that the City Council Meeting minutes need to be updated on the City website.

Councilman Colson inquired about West Side Auto, he stated that there are a lot of junk vehicles on the roadway. He suggested looking into a Main Street ordinance.

Fire Marshall Kent Liddiard commented that there are some pot holes on the north end of Cooley Street.

17. Adjourn.

Motion: Councilman Stice made a motion to adjourn. Councilman Critchlow seconded the motion. All voted in favor and the meeting officially adjourned at 9:45 p.m.