

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON DECEMBER 19, 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, Fire Marshall Kent Liddiard and City Recorder Rachel Wright.

Citizens and Guests Present: Doug Cannon, Todd Castagno, Michael Parsons, Ann Parsons, Brittney Parsons, Gerald Hill, Ryan Murray, Kendyl Bell, Janine Gravitt and Lisa Christensen.

Mayor Marshall asked Todd Castagno to lead the audience in the Pledge of Allegiance.

PUBLIC HEARING:

- a. Annexation Petition filed by Jaci Cummings for 80 acres located directly west of the South Willow Ranches Subdivision.**

Mayor Marshall opened the public hearing to receive comments on the proposed annexation. No comments were offered and the Mayor closed the public hearing.

- b. Proposed concept plan for Subdivisions Inc. and Adam Nash on Ranch Road Phase 3 to develop 42 lots at 150 South 720 East in the R-1-8 zone.**

Mayor Marshall opened the public hearing to receive comments on the proposed concept plan. No comments were offered and the Mayor closed the public hearing.

- c. Proposed rezoning of 5.803 acres for MJC Holdings, LLC known as Lot #4 of the South Willow Subdivision Amendment #1 to go from an RR-5 zone to an RR-1 zone for the purpose of subdividing the lot into four (4) lots.**

Mayor Marshall opened the public hearing to receive comments on the proposed rezoning. Gerald Hill asked where the location of Lot #4 was located. The Council showed Mr. Hill the location on a map. Mayor Marshall asked for further comments, none were offered and the Mayor closed the public hearing.

- d. Proposed minor subdivision for Jaime & Evan Topham and Pegasus Event Center to divide 85.037 acres of land at approximately 291 N Race Street into four (4) lots. This property is located in a CD (commercial development) zone.**

Mayor Marshall opened the public hearing to receive comments on the proposed minor subdivision. No comments were offered and the Mayor closed the public hearing.

- e. Proposed amendment to Chapter 14 Use Table to allow animal use in the RR-5 zone as a permitted use versus a conditional use.**

Mayor Marshall opened the public hearing to receive comments on the proposed amendment. No comments were offered and the Mayor closed the public hearing.

Approved

f. Proposal from DBC Enterprises, LLC to amend and extend Anderson Ranch Phase 4A to divide two (2) three-acre lots into five (5) lots and add an additional lot located to the west of the current Phase 4A.

Mayor Marshall opened the public hearing to receive comments on the proposal from DBC Enterprises. No comments were offered and the Mayor closed the public hearing.

AGENDA:

1. Youth Awards.

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

- Brittney Parsons
- Chanele Gravitt
- Andrew Harrell
- Jeremiah Harding

2. Summary Action Items:

- a. Approval of Minutes (none)
- b. Approval of Bills in the sum of \$435,012.32.
- c. Personnel Matters (none)

Motion: Councilman Tripp made a motion to approve the bills in the sum of \$435,012.32. Councilman Colson seconded the motion. All voted in favor and the motion carried.

3. Review and Consideration of 2011-2012 Independent Audit Report.

Michael Kidman with Jones Simkins P.C. was present and presented the 2011-2012 fiscal year independent audit report. He stated that there were no exceptions that needed to be reported. He commented that the City received a clean opinion. He stated that the City gets audited according to governing accounting standards. He remarked that the first section is about internal controls. He stated that there was one finding that was minor concerning booked journal entries. He stated that his company has worked with Gary Keddington and is not worried about booking journal entries in the future. He stated the other finding was being over revenue being over 18%. Councilman Tripp inquired how far the City is over the 18%. Mr. Keddington commented approximately \$600,000.00. He stated that in the next year language will be put in the resolution approving the transfer into a capital facilities account. Councilman Tripp commented that he would like to have the audit report sooner in the future so they can read it before it is discussed.

Motion: Councilman Stice made a motion to approve the 2011-2012 independent audit report. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

4. Report from Finance Director.

Finance Director Tom Hammond was present. He expressed appreciation to the auditors for their professionalism and their efforts. He commented that the audit report contained minor deficiencies with no material weaknesses which can result in a negative impact to the City. He stated that the audit report shows that the books are in order. He stated that the City has made significant progress which has taken a combined effort with the employees to make it happen. He stated that Wal-Mart was sent a final check to close the RDA, as a result Tooele County will receive property taxes which should be around \$150,000.00 in revenue to Grantsville City. He stated monthly reports are given to the department heads who are using them as a tool keeping the City within budget and cash

flow. He remarked that the 4th of July celebration went well and was a great success. He stated that they have been maintaining financial records for the library. The Council expressed appreciation to Finance Director Hammond and Gary Keddington for their hard work.

5. Consideration of a recycling program.

Mayor Marshall stated that he would like to know if the Council would like to put out a Request for Proposals (RFP) for a recycling program. Councilman Stice stated that he thinks it is a good idea. He commented that it makes sense to pull waste from the normal flow where it may be able to be reused. Mayor Marshall stated that it would reduce tipping fees paid to the landfill. Councilman Stice commented that the numbers were not consistent with Stansbury Park. Councilman Tripp stated that he concerned with the opted-out program. He stated that he is concerned that if a person doesn't opted-out they are in the system forever. Mayor Marshall commented that a comment in the RFP could be made that a person should be able to opted-out anytime. Attorney Linares stated that with the RFP there will be exact amounts that can be looked at. Mayor Marshall stated that \$.50 was suggested for an administrative fee. Councilman Tripp stated that he has heard that a lot of people are in favor of a recycling program. Councilman Colson stated that he thinks it is a good idea to put out a RFP.

Motion: Councilman Tripp made a motion to put out a request for proposals for a recycling program in Grantsville with rules for an opted-in and opted-out program as well as fees for weekly and biweekly pickup. Councilman Colson seconded the motion. All voted in favor and the motion carried.

6. Consideration of partnering with the Business Resource Program.

Mayor Marshall stated that the Business Resource Program is requesting \$13,000.00 a year. He stated that he had conversations with Finance Director Hammond and the RDA money can be utilized. Recorder Wright stated that many people have come into the City to inquire about starting a business and she has referred them to the Business Resource Center. She commented that it has been a nice resource to have especially for businesses just starting out and needing some assistance. Councilman Stice verified that the funding does not come out of the general fund. Mayor Marshall stated no that it come out of the City's RDA account. Councilman Critchlow stated that more businesses means more taxes which is better for the community. Ryan Murray with the Business Resource Program stated that they will meet again in October to make sure that the Business Resource Program is meeting the needs of the community. He stated that their budget it on a calendar year.

Motion: Councilman Critchlow made a motion to partner with the Business Resource Program for \$13,000.00 for the 2013 calendar year. Councilman Stice seconded the motion. All voted in favor and the motion carried.

7. Consideration of Ordinance 2012-19 granting Annexation Petition filed by Jaci Cummings for 80 acres located directly west of the South Willow Ranches Subdivision.

Todd Castagno was present representing Jaci Cummings. He stated the property is located directly west of Hale Street and falls within the City's current annexation plan. He stated that there has been a major discussion by the owners of the Carriage Crossing Subdivision regarding the continuation of Nygreen from Hale Street to the Mormon Trail. Councilman Tripp inquired if you are a Grantsville citizen why would you be in favor of this annexation, how does it benefit them? Mr. Castagno stated that it falls within the annexation plan and opens future development. He stated that recently a large amount of land was annexed into the City's limits for commercial business those that work for those companies will need a place to live. Mayor Marshall stated that it is just an annexation request and doesn't have anything to do with development. He commented that it reverts taxes from going to the County and the North Tooele Fire District. Councilman Tripp stated that once the property is in the City limits the property can be developed and obligates the City to spend money. Mayor Marshall stated that the developer has to pay for the development. Councilman Tripp stated that the property tax does not cover residential expenses. Mr. Castagno stated that none of the residences do. Councilman Johnson commented that

rooftops bring possibilities of commercial establishments. He stated that the annexation is legal and according to the annexation plan. Councilman Colson remarked that one day Tripp's house was annexed into the City limits. Councilman Stice stated that he likes the annexation request that eventually it will tie into the South Willow Subdivision and the Mormon Trail. Councilman Tripp asked how it will be zoned. Mr. Castagno stated that it was requested on the annexation petition to have a RR-1 zoning designation to match the zone in the South Willow Ranches Subdivision.

Motion: Councilman Stice made a motion to approve Ordinance 2012-19 granting the annexation petition filed by Jaci Cummings for 80 acres located directly west of the South Willow Ranches Subdivision. Councilman Tripp stated that the ordinance reads that the zoning designation for the property is A-10. Councilman Tripp made a motion to annex the property with an A-10 zoning designation. The amended motion failed due to lack of votes. Councilman Stice made a motion to approve the annexation request with a RR-1 zoning designation. Councilman Stice, Critchlow, Colson and Johnson voted in favor of the motion. Councilman Tripp voted against the motion. The motion carried.

8. Consideration of a concept plan for Subdivisions Inc. and Adam Nash on Ranch Road Phase 3 to develop 42 lots at 150 South 720 East.

Mayor Marshall stated that the concept plan comes forward from the Planning Commission with a favorable recommendation. Councilman Tripp stated that there have been some issues with the Ranch Road Subdivision. He stated that the subdivision changed owners and during that change the obligation to maintain the park somehow did not get passed on to owner. He stated that the City then had to take on the responsibility of maintaining the park. He commented the weed control is horrible. He stated that many trees and gardens were lost from the grasshoppers. He stated that Phase 1 and 2 has not sold 70% of the lots. He stated that the conditions that were put on Phase 1 and 2 were not followed. He stated that Phase 3 should not be approved until they have reached their obligation of selling 70% of the lots.

Motion: Councilman Tripp made a motion to defer the consideration of a concept plan for Subdivisions Inc. and Adam Nash for Ranch Road Phase 3 until they have reached their obligation of 70% of the lots being sold. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

9. Consideration of Ordinance 2012-20 rezoning 5.803 acres of land for MJC Holdings, LLC known as Lot #4 of the South Willow Subdivision Amendment #1 to go from an RR-5 zoning designation to a RR-1 zoning designation for the purpose of subdividing one (1) lot into four (4) lots.

Todd Castagno was present representing the Cummings Family. He stated that they are asking to match the zoning destination of adjoining property. Mayor Marshall stated that the request is just for a rezone and not approval of a subdivision. Councilman Tripp stated that a person has the right to ask for a rezone but it is not an obligation to rezone property to the zone of adjacent properties. He stated that he thinks that the diversity of zoning is not an exclusive right.

Motion: Councilman Johnson made a motion to approve Ordinance 2012-20 rezoning 5.803 acres of land for MJC Holdings, LLC known as Lot #4 of the South Willow Subdivision Amendment #1 to go from an RR-5 zoning designation to a RR-1 zoning designation. Councilman Critchlow seconded the motion. All voted in favor and the motion carried.

10. Consideration of minor subdivision for Jaime & Evan Topham and Pegasus Event Center to divide 85.037 acres of land located in a CD (commercial development) zone located at approximately 291 N. Race Street into four (4) lots.

Approved

Mayor Marshall stated that the minor subdivision received a favorable review from the Planning Commission. Attorney Linares stated that they are looking to build a home on the property. Councilman Johnson stated that it is making 4 commercial lots. Councilman Stice suggested tabling until the property owners are available to talk too.

Motion: Councilman Stice made a motion to table the minor subdivision. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

Jaime & Evan Topham arrived at 8:30 p.m. **Motion:** Councilman Critchlow made a motion to reconsider. Councilman Stice seconded the motion. All voted in favor and the motion carried.

Mrs. Topham stated that they are going to use 2 acres for a single family residence. Councilman Johnson asked if they intended on rezoning the property. Mrs. Topham stated that they do not have any intentions on rezoning. Attorney Linares stated that in order for them to build a house they have to subdivide because only 1 house can be on a lot.

Motion: Councilman Tripp made a motion to approve the minor subdivision for Jaime & Evan Topham and Pegasus Event Center to divide 85.037 acres of land located in a CD zone located at approximately 291 N. Race Street into four lots. Councilman Colson seconded the motion. All voted in favor and the motion carried.

11. Consideration of amending the Grantsville City Land Use Management and Development Code Chapter 14 Use Table to allow animal use in the RR-5 zoning district as a permitted use versus a conditional use.

Mayor Marshall stated that amendment came forward as not recommended by the Planning Commission. He stated that it gives up regulatory power. Councilman Johnson stated that not all lots are in 5 acre zones.

Motion: Councilman Colson made a motion to deny amending the Grantsville City Land Use Management and Development Code Chapter 14 Use Table to allow animal use in the RR-5 zoning district as a permitted use versus a conditional use. Councilman Stice seconded the motion. All voted in favor and the motion carried.

12. Consideration of proposal from DBC Enterprises, LLC to amend and extend Anderson Ranch Phase 4A.

Doug Cannon representing DBC Enterprises was present. He stated that originally they had some people interested in 3 acre lots. He stated that they ended up purchasing lots elsewhere so they would like to split the properties to make them smaller to fit the rest of the neighborhood. Councilman Stice inquired if they were responsible for the private drives. Doug stated no.

Motion: Councilman Tripp made a motion to approve amendments of the Anderson Ranch Phase 4A subdivision. Councilman Colson seconded the motion. All voted in favor and the motion carried.

13. Consideration of Beer License for AAH Express, DBA: Shooterz located at 453 W. Main Street.

Mayor Marshall stated this is the last step of the process. Shooterz has received a permit from Department of Alcoholic Beverage Control and just needs approval from the Council for their beer license. Councilman Stice expressed concern that Shooterz was not represented. Councilman Stice stated he thinks this is important enough they needed to be here.

Motion: Councilman Tripp made a motion to approve. Councilman Johnson seconded the motion. Councilman Stice voted to oppose. Councilman Critchlow, Councilman Tripp, Councilman Colson, and Councilman Johnson voted to approve and the motion carried.

14. Declaration of surplus property and method of disposition.

The following items were presented for surplus: 1996 Ford F-350, 1994 Ford F-150, 2000 Grasshopper 225, 1970 Red Arrow Engine Hoist, HP Printer, two E Machines Computer with keyboard, Doctor weight scale, two Nordic Track Treadmill, two Olympic Bars, a Step Climber, eight different weighted dumbbells, a bench, a Vision Fitness Elliptical Cycle, two fans, a punching bag, a Universal Gym, two Gym weight Plate racks, five Gym plates of varying weight, a mini trampoline, a Weslo Cardio Glide, a Nordic Track Climber, Gym floor mats and an Octane Fitness Elliptical Machine.

Motion: Councilman Stice made a motion to declare the items as surplus and add these to the other items and schedule date and include in the utility billing. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

15. Consideration of library construction issues.

Mark Brown from Interwest Construction was present. Mr. Brown stated they had assigned a local superintendent but he has since been replaced by John Stout. We also have Roy Wright who will be the new project manager. He will make sure John gets the support he needs. The new superintendent will take care of the subcontractors. Completion shows January 20th. Mr. Brown is aware that it needs to be done right. Mayor Marshall stated the replacements have been great to work with. He would encourage the Councilmen to look at the facility during the day. The Mayor stated if they see something, contact Mike to put these things on a list. Mr. Brown committed to finishing the project and provide quality.

16. Mayor and Council Reports.

Mayor Marshall announced that he attended the Rocky Mountain Power Task Force meeting with Shauna Kertamus. He stated we are working towards possible site selection of substations in our community.

The Mayor stated he attended the library construction meeting with Interwest Construction and the architects from Blalock and Partners. Mark Brown, CEO of Interwest, introduced the new project manager Roy Wright who is taking Eric Swenson's place and he has been brought up to speed on where we are in this project and what we need to correct. Mayor Marshall stated he went to lunch with Roy Wright, John Stout and Attorney Linares concerning the library and the issues that have not been addressed or corrected. Roy said that they were going to back up and correct issues so that they could move forward. Since these two changes, it has been a much different atmosphere at the library. The Mayor announced things are getting straightened out.

Mayor Marshall participated in a nominating committee conference call for the WFRC to nominate all the positions for the WFRC. He also helped prepare the Christmas dinner for the City employee's and their partners at the Firemen's Museum. Mayor Marshall declared a good evening was had by all that attended.

Approved

The Mayor attended the pre-legislative meeting with Senator Peter Knutson and the County Commissioners. They discussed the Bills that have been proposed for the upcoming session starting January 28th and their status. They want to have a couple of caucus meetings during the session as well as the pre-session breakfast meeting with all our representatives.

Mayor Marshall, Shauna and Joel Kertamus, Attorney Linares and Mike Haycock met with Alan Johnson and his attorney, Joe Cartwright concerning the Quirk Street Recovery Rights and the dollar amount of the unfinished items in the South Willow Ranches Phases #1 and #2. The Mayor stated Mr. Johnson will bring his contract with him and they will meet again on January 3rd.

The Mayor attended a luncheon meeting with MMSP about the master meters where the waterlines enter. Mayor Marshall stated MMSP representatives wish to have a meeting with the County Commissioners about this cost. They understand why we want this and they agree it needs to be done. Their concern is who is going to pay for it.

Mayor Marshall attended the Tooele County Chamber of Commerce Luncheon at their facility. The Tooele County Chamber of Commerce will be accepting nominations for: Citizen of the Year, Business of the Year, Volunteer of the Year, Customer Service Award, Come Together Award, Lifetime Achievement Award and one new Award that will be done by the City Council and Mayor which can be for a business, department, organization, etc.

Mayor Marshall announced he held a meeting with Commissioner Hurst, Chief Deputy Duke North, Lt. Harrison, Attorney Hogan, Attorney Linares, Judge Butcher and Court Clerk Jolene Sturzenegger concerning assessing the administrative costs associated with transporting a defendant who has been charged with a Class A, B or C Misdemeanor from another county. Currently the City is paying these expenses at the benefit of the defendants. The Mayor stated this ordinance will be presented to the City Council in a couple of weeks. The Judge can order these expenses be reimbursed to the City so this would be paid for by the defendants. The County will help by notifying us of costs and are looking to implement a similar program to recover their costs.

Mayor Marshall announced the following: he attended the farewell of Commissioner Johnson, police officer, Dave Aagard is retiring December 31st (we will have a replacement to present for approval on January 2nd), the Light Parade will take place December 20th with Christmas Carols following at the high school and meetings will begin after the first of the year to plan for the 4th of July. The Mayor stated he will need help from the City Council this year. Finance Director, Tom Hammond, will be out for three weeks in January for his bone marrow transplant.

Mayor Marshall reported he attended the Truth in Taxation Meeting for Tooele County and provided the information from the presentation. He also asked if the Council wished to purchase some more of the City pins. He stated the pins cost \$1.10 per 1,000 and they had previously cost \$1.25. The City only has one full bag at this time.

Approved

The Mayor stated information regarding South Willow Ranches and the 4th of July Ordinance had been provided in the back of the packets the Council should read. He said the Ordinance will be presented at the January 2nd City Council Meeting and the South Willow Ranches information will not come forward until the Judgment lien has been taken care of and released.

Councilman Stice stated he has been sitting in his chair for a year and he has enjoyed working with the Council.

Councilman Critchlow stated while sitting in the Planning and Zoning Meetings, he has noticed many developers who have been approved and have not completed the developments are coming back to revisit their plans. He asked how the Council would like to handle those situations. It was agreed that developers will need to begin the process over.

Councilman Tripp commented on the audit report. He stated he would like to have a list of business licenses put together for the Council to review. Councilman Tripp stated he liked the idea of having the Grantsville City pins. He asked if the Mayor was still thinking about changing the logo. Mayor Marshall stated if we change the logo, we will need to change it everywhere and that may be very costly.

17. Adjourn.

Motion: Councilman Stice made a motion to adjourn. Councilman Colson seconded the motion. All voted in favor and the meeting officially adjourned at 8:55 p.m.