

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON OCTOBER 7, 2015 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, Mike Colson, Scott Stice, and Neil Critchlow. Councilman Tom Tripp participated in the meeting by telephone.

**Appointed Officers and Employees Present:** Christine Webb, Joel Linares, Michael Jones, and Kevin Turner.

**Citizens and Guests Present:** Krista Sparks, Jewel Allen, Michael Jones, Kent Liddiard, and Melanie Kimber.

Mayor Marshall welcomed Scout Troop 855 and asked Shane Haycock to lead the audience in the Pledge of Allegiance.

**AGENDA:**

**1. Public Hearing:**

- a. **Proposed rezone of 80 acres of land located south of Nygreen in the southeast area of the City for Clark Realty, LLC to go from an RR-1 zone to an R-1-21 zone.**

Mayor Marshall opened the public hearing for comments. No comments were offered and the Mayor closed the public hearing.

**2. Public Comments.**

There were no comments offered.

**3. Summary Action Items.**

- a. Approval of Minutes from the September 16, 2015 City Council Meeting.
- b. Approval of Bills in the amount of \$390,722.48.

Councilman Colson asked if the Staker Parsons bill was the total asphalt bill. Mayor Marshall answered it is not, it is strictly the labor and some of the cost of asphalt. Councilman Colson explained to the scout troop that the money paid out tonight is only about half of the cost for the pavement on the streets. Mayor Marshall stated it costs about a dollar and a half (\$1.50) per square foot to put pavement down. Councilman Stice asked about the Tooele Applied Technology. Mayor Marshall commented that was for the BRC (Business Resource Center). He said it was already pre-approved.

**Motion:** Councilman Johnson made a motion to approve the summary action items. Councilman Critchlow seconded the motion. The vote was as follows: Councilman Stice, "Aye", Councilman Critchlow, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilman Johnson, "Aye". The motion carried.

**4. Consideration of Ordinance 2015-14 amending the Official Zoning Map of Grantsville City by rezoning 80 acres of land located south of Nygreen in the southeast area of the City for Clark Realty, LLC to go from an RR-1 zone to an R-1-21 zone.**

Mayor Marshall explained Joe Cange could not make it to the meeting but provided a letter. There were no public comments in the Planning Commission Meeting. Councilman Johnson asked if the developers in that area are aware we have a sewer issue. Mayor Marshall replied they are aware. Councilman Critchlow mentioned there is a plan to include a park. It was agreed Mr. Cange does a good job. Mayor Marshall stated he made a very nice development when he was here before. Councilman Colson announced this is in compliance with our General Plan and the surrounding areas are the same type of zone. The Planning Commission voted four to one to approve. Councilman Stice commented an acre really is too big. Councilman Johnson added a lot of subdivisions with acre lots end up with weeds. Councilman Colson remarked that an acre is too small to have a horse.

Councilman Tripp remarked he does not necessarily disagree with this rezoning. However, he does not think we should rezone just because the adjacent property is zoned as such. Mayor Marshall clarified they were referring that it is just consistent with some of the other zoning in the area. He pointed out there is still a lot of A-10 zoning in that area. Councilman Tripp specified he just doesn't want to see a domino rule that somehow gets applied willy-nilly. He would like to look at each parcel and decide if it's good to change the zoning.

**Motion:** Councilman Stice made a motion to approve Ordinance 2015-14 amending the Official Zoning Map of Grantsville City by rezoning 80 acres of land located south of Nygreen in the southeast area of the City for Clark Realty, LLC to go from an RR-1 zone to an R-1-21 zone. Councilman Johnson seconded the motion. The vote was as follows: Councilman Stice, "Aye", Councilman Critchlow, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilman Johnson, "Aye". The motion carried.

**5. Presentation by JRCA Architects for a Justice Building.**

Mayor Marshall stated this presentation is part of the contract we had with JRCA Architects. Mayor Marshall turned the time over to Chief Turner. Chief Turner explained that what was sent out were copies of the footprint. Chief Turner said he would send the Power Point Presentation to Councilman Tripp. Jim Childs from JRCA presented it. Mr. Childs reviewed the goals of the proposed building. The combined Police / Justice Court has a gross area of 13,500 square feet. The proposed site is to the north of the recreation center. Mayor Marshall pointed out the rec building was left in place. Mr. Childs commented they left it to be used as a garage type of storage. He said the cost to move the solar panels would need to be considered if the building was removed. The footprint was designed for the least amount of impact on the surrounding buildings and rodeo grounds. Councilman Colson asked about the range of time for use. Mr. Childs answered they aimed for twenty to thirty years of growth. He felt we would have to triple the court capacity before outgrowing the new building. It will accommodate a

growth rate of four to five (4 ó 5) officers every ten years. The total project costs are projected to be \$3,934,908. The construction cost subtotal is \$3,026,459. Mr. Childs explained they factored in an inflation factor for the cost. Mayor Marshall mentioned the Library is 15,000 sq. ft. and cost around two million dollars to build. The projected costs of the site plan do include the cost of the parking lot.

**6. Consideration of approval for an exception of height requirement on a headstone for a total height above thirty-six inches (36") at the cemetery for Melanie Kimber (Eyrelynn Kimber).**

Melanie Kimber, the mother of Eyrelynn Kimber, was present. She reported she has received funding from the State Crime Victims Reparations for a headstone for Eyrelynn's grave. Ms. Kimber is planning for a sixty inch (60") headstone with an angel. She stated the Russells have one that is the same size. Attorney Linares explained Ms. Kimber will have to sign a waiver stating if anything happens to it, the City is not liable for it. Mayor Marshall remarked the Russell one referred to is not a headstone, it is a monument. Councilman Tripp suggested looking at a standard for requests of this nature. Councilman Johnson replied this is the third one requested. Councilman Tripp asked if the Council Members want to do a lot of variances or change the standard. Councilman Johnson said maybe when we go to the Clark Farm; we will have to buckle down on a standard.

**Motion:** Councilman Critchlow made a motion approve an exception of height requirement on a headstone for a total height above thirty-six (36) inches at the cemetery for Melanie Kimber for Eyrelynn Kimber. Councilman Colson seconded the motion. The vote was as follows: Councilman Stice, "Aye", Councilman Critchlow, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilman Johnson, "Aye". The motion carried.

**7. Presentation by Archiplex for the Clark Farm property.**

Mayor Marshall provided the Council Members with some schematic drawings. He noted the far north area has soccer fields. As you move south, there are four baseball fields, a parking lot, etc. The Mayor explained this is a long term plan. Councilman Colson asked if Archiplex has completed their services. Mayor Marshall answered they have. The Council Members commented that nothing is shown as far as the cemetery. The Mayor explained the hay field is the proposed area for the cemetery. Councilman Johnson asked about the possibility of purchasing the field to the west. Mayor Marshall will inquire. Councilman Johnson expressed concern about whether the property is wide enough to accommodate four baseball fields. Councilman Stice felt the baseball diamonds could be for the Babe Ruth League.

**8. Consideration of a Dispatch Agreement with Tooele County.**

Mayor Marshall stated he and Chief Turner have met with County officials to discuss the agreement. The Council agreed this is better than what they were originally presented. Councilman Johnson asked if this is negotiated as far as it can be. Chief Turner felt that it has but he expects the cost to keep going up from year to year. The Council discussed the contract and notice of termination. It was mentioned that you can get cheaper service but that does not necessarily mean it is better service.

**Motion:** Councilman Colson made a motion to approve the proposed Dispatch Agreement with Tooele County. Councilman Stice seconded the motion. The vote was as follows: Councilman Stice, "Aye",

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Councilman Critchlow, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilman Johnson, "Aye". The motion carried.

**9. Consideration of Resolution 2015-14 requesting the recertification of the Grantsville City Justice Court.**

Mayor Marshall stated it is time to recertify the Justice Court. This is a housekeeping matter. Councilman Tripp commented it comes down to whether we want a court or not. He was in support of providing a court for our citizens. Attorney Linares stated the State has changed the classification of drug charges. The charges that used to be felonies are now misdemeanors; so what used to go to the County is now ours but they must be filed in District Court. Attorney Linares stated we need to meet with our representatives because if they are going to make us take all of those cases, they need to be prosecuted in our court. He explained that historically when they prosecuted those cases, they would confiscate large amounts of money and it would be forfeited to the prosecutorial agency. This brings up the question of whether the money will still go to the County and State or if we will get it for prosecuting the cases. If we get the confiscated money, it could work in our favor and possibly help pay some of the costs for a new Justice Building.

**Motion:** Councilman Stice made a motion to approve Resolution 2015-14 requesting the recertification of the Grantsville City Justice Court. Councilman Tripp seconded the motion. The vote was as follows: Councilman Stice, "Aye", Councilman Critchlow, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilman Johnson, "Aye". The motion carried.

**10. Consideration of Resolution 2015-15 filing a protest against SITLA's application for 6,000 acre feet of water located in Rush Valley.**

Mayor Marshall said he and Attorney Linares have been researching and working on this protest for weeks. Most of the municipalities in the County have filed protests along with some of the water districts. Mayor Marshall stated the amount of water applied for is more water than Grantsville City owns. Attorney Linares reported the State has received sixty (60) protests as of yesterday at 5:00 p.m. Councilman Tripp asked if any of our wells would be affected. Mayor Marshall said our wells will be affected and there are about twenty six (26) well sites in the County that will be affected. Councilman Colson pointed out a typographical error in section three. Attorney Linares indicated this amount of water is just short of 2 billion gallons.

**Motion:** Councilman Johnson made a motion to approve Resolution 2015-15 filing a protest against SITLA's application for 6,000 acre feet of water located in Rush Valley. Councilman Critchlow seconded the motion. The vote was as follows: Councilman Stice, "Aye", Councilman Critchlow, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilman Johnson, "Aye". The motion carried.

**11. Consideration of Resolution 2015-16 adopting a Municipal Wastewater Planning Program (MWPP) to maintain effluent requirements contained in the Utah Pollutant Discharge Elimination System (UPDES) Permit.**

Mayor Marshall explained we have already adopted the resolution on this; however, we need to approve a few items for the Municipal Wastewater Planning Program. The City inspects the grease traps yearly. Mayor Marshall asked if the Council wishes to adopt a fee for this inspection. The other part is when there is a backup of effluent water. The item needing clarification is when there is a backup of effluent water and the homeowner does not contact the City. Mayor Marshall asked whether the Council wants to adopt an ordinance stating the City is only liable to reimburse up to the actual expenses incurred that the City would have paid and nothing more.

**Motion:** Councilman Stice made a motion to approve Resolution 2015-16 amending a Municipal Wastewater Planning Program to maintain effluent requirements contained in the Utah Pollutant Discharge Elimination System Permit. Councilman Colson seconded the motion. The vote was as follows: Councilman Stice, "Aye", Councilman Critchlow, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilman Johnson, "Aye". The motion carried.

## **12. Matters for review:**

### **a. Memo from Craig Neeley, Aqua Engineering, on the Anderson Farms Subdivision - Wastewater Capacity Analysis Revisited.**

The Council Members reviewed the memo from Craig Neeley. Mayor Marshall explained we need to look at the capacity and the upgrades we will need for future developments. This will need to be done along with the Main Street Project. Mayor Marshall stated he met with Mr. Neeley to discuss the Main Street Project and the Water and Sewer Project 2017. The Council also discussed a possible project to have the power lines moved underground along Main Street at the same time. Mayor Marshall stated we will have a work meeting on November 4<sup>th</sup> at 6:00 p.m. to discuss these issues.

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

Mayor Marshall attended the Elected Officials Training at the Tooele County Emergency Management Center with Councilman Tripp, COG meeting, a read-a-thon at the park, the U.S. Army Soldier Show, Cabela's ribbon cutting, and the Department of Natural Resources tour. He met with Abstract Masonry at the Donner Reed Museum to discuss the engineering to stabilize the building and a projection of the work involved. He met with Gary Fawson to plan the painting of eleven (11) trees. The Mayor participated in a charity golf tournament, the tree planting, and many of the homecoming events. He met with representatives from Rocky Mountain Power. They discussed the "brown outs" in the Anderson Ranch area, lines to move underground, and other ongoing projects. Mayor Marshall attended the Economic Development meeting, the Wasatch Front Regional Council budget meeting, and a meeting with Craig Neeley. The Mayor announced the paving projects are complete for this year. The baseball parking lot is also complete. The Council would like to have striping done at the baseball field parking lot. Mayor Marshall said Utah State University is looking for a donation of \$250,000 to have all of the money secured for the new science building. They would like to have the City donate \$25,000 each year for the next ten years. The Council would like USU representatives to come to the next City Council Meeting. Mayor Marshall commented the library is averaging visits of 160 people per day with 34,343 books in the collection. There are 5,000 books checked out at any given time.

Councilman Stice commented on the library. He said we spent two million dollars on it. Councilman Stice remarked it is one of the things the citizens can't do on their own; the City needs to fund. He feels

it is a great use for tax money and John Ingersoll is doing a great job of running it. Councilman Stice attended an event at the Miller Motorsports Park go-cart track. He spoke to about ten employees and every one of them would like to see it continue running. He went to the Annual Utah Mosquito Abatement Conference in Provo. He expressed his reservations of being appointed to the board but stated he is enjoying the meetings and learning about mosquitoes and West Nile Virus. Councilman Stice explained for every reported case of West Nile Virus, there are 150 cases that are unreported. He reported 80% of the people who get West Nile Virus show no symptoms and 20% have problems. It affects your liver and kidneys after having it. The State of Utah had fifteen reported cases this year. Some of the things they are trying to do to slow down and eliminate West Nile Virus are: radiating male mosquitoes so they cannot reproduce and dusting male mosquitoes with a pesticide. Councilman Stice cited research shows the hotter and dryer the climate, the more West Nile you get. And the wetter, the less West Nile you get. He commented the prediction for this winter is wetter than normal. We should see less West Nile next year.

Councilman Critchlow stated this weekend is the Honey Harvest Festival. He would like to present a fire prevention demonstration. He would like to get a fire truck down the east lane. The Mayor said he went down the east lane today and he thinks you would lose a truck, it is very wet. Councilman Critchlow indicated he would check to see how wet it is and if he has to, he will take the truck down through the gravel instead.

Councilman Tripp attended the County Board of Health Meeting by telephone on the 22<sup>nd</sup> of September. They discussed drinking water and a 1998 study done by the Utah Geologic Survey. The study reported there is a potential to contaminate drinking water wells by having too many septic tanks. The Board of Health discussed the number of septic tanks in the valley and the impact of limiting the number allowed. They discussed budget items. The County employees are taking a big hit on health benefits. They are asking for another \$177,000 from the County to help increase wages and benefits in the Health Department. The County is going to ask for a fourteen percent (14%) increase to help fund the Health Department. Councilman Tripp stated Commissioner Bateman had pointed out State law allows counties to impose a mill rate to fund health department stuff. It was not on the agenda and therefore could not be voted on at the time. They are seeking an additional six hundred thousand dollars annually in property tax by imposing the mill levy. A financial audit pointed out they have borrowed from restricted money funds and they need to pay it back. Councilman Tripp announced it is flu vaccine time again. They have been working on getting the school kids vaccinated. The State has expanded Medicaid with some restrictions. Councilman Tripp reviewed some of the other issues discussed at the Board of Health Meeting. Utah State University is still pushing ahead with the science building. They are looking for donations. Councilman Stice asked when the building will be up and running. It is scheduled for January. Councilman Tripp expects that it will be. The Council discussed the request of a donation. It will have to be budgeted. Mayor Marshall said they are willing to present at the next City Council Meeting. Mayor Marshall reported they are a quarter of a million dollars short of having the funding for the building. Councilman Tripp explained they will not have the upper division science degrees available at the Tooele County Campus. Attorney Linares asked if Tooele City had donated. Mayor Marshall answered Tooele City had donated 1.2 million dollars and Tooele County donated seven hundred fifty thousand dollars. Mayor Marshall will schedule Utah State University to present at the next City Council Meeting.

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Councilman Tripp suggested Councilman Johnson for the Mayor Pro Tempore at the next City Council Meeting. Councilman Johnson nominated Councilman Tripp. The Council determined Councilman Tripp will be the Mayor Pro Tempore for the next meeting.

Councilman Colson asked if the High School had contacted Mayor Marshall about putting in a maintenance building at the baseball field. The Mayor answered they had not. Councilman Colson said the school will be contacting the Mayor about it. Mayor Marshall commented they had contacted him about storing a mower but there isn't enough room in the building we have.

Councilman Johnson asked if the sale of Richard's has gone through. Mayor Marshall answered yes; it was bought by the owners of Hoopes Mortuary. Councilman Johnson stated about six months ago he gave Attorney Linares the Taylorsville regulations to clean up Main Street. Attorney Linares said he read through them. If the Council would like him to draft an ordinance on it, he will.

#### **14. Closed Session (Personnel, Real Estate, Imminent Litigation).**

There was no closed session.

#### **15. Adjourn.**

**Motion:** Councilman Stice made a motion to adjourn. Councilman Critchlow seconded the motion. The meeting was adjourned at 8:42 p.m.