

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON JULY 6, 2016 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.**

**Mayor and Council Members Present:** Mayor Brent Marshall and Council Members Tom Tripp, Krista Sparks, Jewel Allen, and Neil Critchlow. Mike Colson participated by phone.

**Appointed Officers and Employees Present:** Mike Jones, Sherrie Broadbent, Joel Linares, and Christine Webb.

**Citizens and Guests Present:** Wayco and Rachael Cowan, Ryan and Sherrie Broadbent, Todd Castagno, Kent Liddiard, Travis Daniels, Michael Jones, Susan Johnsen, Michael Palmer, Dave Helm, Brent Williams, Jay Weyland, Steve Allred, Dee Mair, Brad Sutton, and Craig Anderson.

Mayor Marshall asked Sergeant Michael Jones to lead the audience in the Pledge of Allegiance.

**AGENDA:**

**1. Public Hearing:**

**a. Proposed rezoning of 27.05 acres of land at the southwest corner of Hale Street and the north boundary line of Grantsville City for Wayco and Rachael Cowan to go from an A-10 zone to an RR-5 zone.**

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

**b. Proposed rezoning of 13.63 acres of land located at 445 East Clark Street for John Clay and David Helm to go from an A-10 zone to an RR-1 zone.**

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

**c. Proposed rezoning of 1.34 acres of land located at approximately 1200 East SR 112 for Grantsville Property, LLC and Todd Castagno to go from an A-10 zone to a CS zone.**

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

**d. Proposed minor subdivision for Brad and Heather Sutton and Spring Meadow Properties, LLC dividing 2.17 acres of land from one (1) lot into three (3) lots at 350 West Durfee Street in the RM-7 zone.**

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

**e. Proposed amendment to the Land Use Management and Development Code amending the use table in Chapter 16 regulating the allowed development of on-site power generation in each zone.**

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

**2. Public Comments.**

Mayor Marshall asked if there were any public comments.

Ryan Broadbent thanked the City Council for the opportunity to express his concerns about the proposed variance to the noise ordinance on the agenda. He expressed appreciation to the Grantsville Performing Arts Council for their efforts to bring these productions to our community. He had three concerns about granting the noise variance: (1) the possibility of setting a precedence of the City approving a variance for a use that may not be allowed based on the current zoning of the property, (2) the statement of variance does not sufficiently capture the impact to the surrounding residents, and (3) public safety concern with the lack of parking on the property which leaves people parking on the City streets which are not well lit. Last year there was a lot of noise for up to an hour after the performances. Mr. Broadbent stated the property has been billed as a historic farm to the neighbors around it. He commented that while most farmers enjoy being entertained, they tend to do it at an appropriate time. He did not feel that the historic farm is acting in good faith to the neighbors of the farm by placing the burden of their property on the neighbors surrounding it.

Jay Weyland stated he is a member of the Sons of the Utah Pioneers. He spoke on the funding for the Donner-Reed Museum repairs. He explained that this is not his field of work; he does not have a lot of knowledge and isn't sure of the regulations or who has jurisdiction over seismic problems. He commented he expects that the large costs on the repair of this building are due to seismic issues. He researched who has jurisdiction over the Museum. He did find some information from Oregon. They realized that there is a problem of risk vs. funding on a lot of repair projects. They developed the idea that if the repairs are small enough (less than a third of the entire building) and the operation of the building is not changing, and the amount of exposure to the visitors of the facility is taken into consideration when determining the need for seismic repairs. He stated the Donner-Reed Museum is a wonderful place for the public. It is a valuable asset to our community.

No other comments were offered.

**3. Summary Action Items.**

- a. Approval of Minutes from the June 15, 2016 City Council Meeting.
- b. Approval of Bills in the amount of \$262,950.84.

Councilman Tripp explained there are two items on the Summary Actions list: the minutes from the last meeting and the bills that stand for approval. He said he has reviewed them.

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

**4. Consideration of Ordinance 2016-10 amending the Official Zoning Map of Grantsville City, Utah by rezoning 27.05 acres of land located at the southwest corner of Hale Street and the north boundary line of Grantsville City for Wayco and Rachael Cowan to go from an A-10 zone to an RR-5 zone.**

Mayor Marshall explained this is strictly a rezone of property. Councilman Critchlow stated there were no negative comments from the Planning and Zoning Meeting. Councilman Tripp asked about the maps and a road listed on the maps. One has the property on the side of the road and the other has it straddling the road. Rachael Cowan explained the road may have been proposed at one time but in actuality the road is where it is supposed to be and it does not go into their property. Mayor Marshall remarked the property will need to be surveyed when they decide to develop.

**Motion:** Councilwoman Sparks made a motion to approve Ordinance 2016-10 amending the Official Zoning Map of Grantsville City, Utah by rezoning 27.05 acres of land located at the southwest corner of Hale Street and the north boundary line of Grantsville City for Wayco and Rachael Cowan to go from an A-10 zone to an RR-5 zone. Councilwoman Allen seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried.

**5. Consideration of Ordinance 2016-11 amending the Official Zoning Map of Grantsville City, Utah by rezoning 13.63 acres of land located at 445 East Clark Street for John Clay and David Helm to go from an A-10 zone to an RR-1 zone.**

Mayor Marshall said this piece of property was rezoned at one time and for some reason, not all of the property was rezoned.

John Clay explained when he originally subdivided the property for Bart Hamatake and the parking lot, the zoning was divided. This ordinance is to correct the zoning so it all matches. Councilman Tripp asked if this is adjacent to City owned property. Mayor Marshall confirmed this is the property to the east of Mr. Clay's home, so it does not have anything to do with the City.

**Motion:** Councilman Tripp made a motion to approve Ordinance 2016-11 amending the Official Zoning Map of Grantsville City, Utah by rezoning 13.63 acres of land located at 445 East Clark Street for John Clay and David Helm to go from an A-10 zone to an RR-1 zone. The motion was seconded by Councilwoman Sparks. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilwoman Sparks, "Aye", Councilman Tripp, "Aye", and Councilman Colson, "Aye". The motion carried.

**6. Consideration of Ordinance 2016-12 amending the Official Zoning Map of Grantsville City, Utah by rezoning 1.34 acres of land located at approximately 1200 East SR 112 for Grantsville Property, LLC and Todd Castagno to go from an A-10 zone to a CS zone.**

Todd Castagno stated this is to correct a rezone from years ago. He explained they had overlaid two future proposals and this corner got clipped out of the proposed rezones. This property is a triangular piece of land. Councilman Tripp commented he has fond memories of this area. There have been people who have come in requesting a rezone so it may bring a big box store to the area.

**Motion:** Councilwoman Allen made a motion to approve Ordinance 2016-12 amending the Official Zoning Map of Grantsville City, Utah by rezoning 1.34 acres of land located at approximately 1200 East SR 112 for Grantsville Property, LLC and Todd Castagno to go from an A-10 zone to a CS zone. Councilman Critchlow seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilwoman Sparks, "Aye", Councilman Tripp, "Aye", and Councilman Colson, "Aye". The motion carried.

**7. Consideration of a minor subdivision for Brad and Heather Sutton and Spring Meadow Properties, LLC dividing 2.17 acres of land from one (1) lot into three (3) lots at 350 West Durfee Street in the RM-7 zone.**

Mayor Marshall reported there were no problems with this at the Planning and Zoning Meeting. He stated it was complete and everything was correct.

Councilwoman Allen asked for clarification on the size of the lots. Two lots will be approximately 0.8 acres and one lot will be approximately 0.7 acres.

**Motion:** Councilman Critchlow made a motion to approve a minor subdivision for Brad and Heather Sutton and Spring Meadow Properties, LLC dividing 2.17 acres of land from one (1) lot into three (3) lots at 350 West Durfee Street. Councilman Colson seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried.

**8. Consideration of a final plat approval for Carriage Crossing Phase 3 which contains five (5) lots for Carriage Crossing Grantsville, LLC.**

Mayor Marshall explained this is to the east of the gate on the property at the corner of Worthington and Durfee Streets. There were no issues at Planning and Zoning. Brent Williams was present for Carriage Crossing Grantsville, LLC. He stated they will remove the wall behind the five properties and move it to the back of those lots. Mayor Marshall asked that they install a stop sign at the exit at the east gate on Worthington Street. Mr. Williams answered he would have it put in.

**Motion:** Councilman Critchlow made a motion to approve the final plat for Carriage Crossing Phase 3 containing five (5) lots for Carriage Crossing Grantsville, LLC. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried.

**9. Consideration of Ordinance 2016-09 amending the Land Use Management and Development Code by amending the Use Table in Chapter 16 regulating the allowed development of on-site power generation in each zone.**

Councilman Critchlow reported the only comments made at the Planning and Zoning Meeting were to zone to keep the gigantic windmills out of our community. Attorney Linares stated they tabled that aspect, so it was removed from the ordinance being presented.

Attorney Linares explained what started this was that Maverick would like to install solar panels on top of the canopy over the gas pumps. The solar panels will not be seen at all, but our use tables did not allow it at all. Councilwoman Allen asked about the permitted areas and if there are regulations. Mr. Linares answered they would still have to get building permits for the zones with permitted use; the conditional use zones would have to apply to the Planning Commission for approval. Mr. Linares clarified this ordinance addresses commercial zones, not residential zones. He stated once the wind generated power is addressed, it will go to the Planning Commission for approval, and then we will address residential zones.

Councilman Tripp expressed concerns about the residential areas. He stated there are a lot of scams going around with solicitors selling homeowners solar panels and telling them they will get free power. He reported the economic incentive is not what it is sold as. Councilman Tripp pointed out a correction in the title and section one for the term “on sight” to be changed to “on site”.

**Motion:** Councilwoman Allen made a motion to approve Ordinance 2016-09 amending the Land Use Management and Development Code by amending the Use Table in Chapter 16 regulating the allowed development of on-site power generation in each zone with the correction requested. Councilman Critchlow seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried.

**10. Discussing and consideration of the Donner-Reed Museum repairs to the north wall.**

John Lambert with Abstract Masonry was present. Councilman Critchlow asked if their company was the one that did the repairs on the old First Ward Church/Wanberg home. Mr. Lambert answered they are. He stated his company was the only contractor to bid on the Donner-Reed Museum repairs. He felt the bid request was not completely clear and they were uncomfortable with the bid. He explained adobe restoration is not accurately biddable. There is a lot of mystery. He suggested contracting with an historical adobe contractor and a structural engineer. They understand the Council needs a firm idea of the cost. On September 10, 2015, they put together a document stating they felt the project would cost about \$75,000 but cannot give that as an exact number that will not be exceeded. They think the wall is repairable. They anticipate wrapping around the east and west walls to repair the north wall. Mr. Lambert explained the process to repair the wall. Councilman Tripp asked about a worst case scenario. Mr. Lambert answered they would have to wrap farther around the other walls. They will try to minimize the impact. Mayor Marshall reported they have removed a cement sidewalk that was causing problems with the foundation. The southeast corner is beginning to crack and will need to be repaired. Mayor Marshall asked if they could issue a contract with a limit not to exceed. Mr. Lambert proposed a certain amount of trust that their estimate of \$75,000 is correct and move forward; they can give daily

reports on where they are and costs. If it looks like they are going to go over the estimate, they will immediately let the city know and the city can determine if they wish to continue. Councilwoman Allen asked how much the bid was over the budgeted funding. Sherrie Broadbent answered we have \$40,000 in grant money right now. Councilwoman Allen asked if it would be better to build a replica building. Councilman Colson felt it would be best to table this until we have more information on the cost to build a replica building.

Councilman Tripp thanked Abstract for coming. He also thanked them for the work they have done on this project to present.

**Motion:** Councilman Tripp made a motion to table this item. Councilman Colson seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried.

**Councilman Critchlow asked for a break. Recorder Webb changed the battery in the recorder.**

#### **11. Consideration of a temporary relief of noise restriction for the Clark Farm Musical.**

Michael "Bubba" Palmer was present to request a temporary relief of noise restriction to 11:00 p.m. for their musical. He estimated the production to have a two to two and a half (2 – 2 ½) hour run time. He explained the reasons for the later start. Councilwoman Allen commented on the start time. Councilman Tripp asked about the City Code. Councilwoman Allen expressed appreciation for the comments from Ryan Broadbent. She stated she has wondered about how the neighbors felt about it. She remarked about the difference of other venues having dedicated parking. Mr. Palmer said that was one of their concerns; getting people to their cars after a show safely. He gave a few of the options they have considered. Councilman Tripp suggested they have people park at the Park N' Ride lot to help with the parking on the streets and in front of neighboring residences. Mr. Palmer stated they had signs directing people to the Park N' Ride lot last year. Councilwoman Allen asked if they can control the parking better. Mr. Palmer answered he felt they can do a better job this year. They plan to have people out directing traffic rather than just signs. Councilwoman Allen said she had attended an event somewhere recently where no parking was allowed along the venue. They asked the neighbors if the parking is the main concern. The Broadbents explained the late nights were hard and if the Council grants the noise variance, this will go later. With most of the performances taking place during the week, it makes it hard to go to work the next day and be productive. Councilman Tripp suggested moving the dates of the performances to later in the year when the sun sets earlier. Mr. Palmer said they do not want to have their play at the same time as the play at the Benson Grist Mill or when school is starting. Councilmembers felt keeping the start time at 7:00 p.m. should not affect the performance. The Council requested Mr. Palmer to make an announcement to those in attendance that they be mindful of the neighboring residents by keeping the noise level down and to have the production over by 10:00 p.m. Attorney Linares suggested they make a motion to grant a temporary relief of noise restriction and that they need to start at 7:30 p.m. so if it does go past 10:00 p.m. they won't get in trouble but at the same time, they would have narrowed it to as close to 10:00 as possible. Councilman Critchlow told Mr. Palmer to have it over by 10:00 p.m.

**Motion:** No motion was made. The temporary relief of noise restriction for the Clark Farm Musical died for a lack of motion.

**12. Consideration of Resolution 2016-14 appointing a commissioner to the Grantsville Planning Commission.**

Mayor Marshall submitted the name of Gary Pinkham. He explained Mr. Pinkham has served a couple of terms but felt his experience was valuable. Councilman Critchlow stated Mr. Pinkham brings so much information and expertise to the Planning Commission. Councilwoman Allen stated she agreed and felt he has done a really good job. She said her reasons for voting against this last time was because she agreed with Councilman Tripp about serving too lengthy a term. She would like to be sure we are rotating those who serve. Councilman Colson stated he served with Gary on the Planning Commission and never saw anyone more knowledgeable in that position.

Councilwoman Allen expressed appreciation to the Mayor for looking at other candidates.

**Motion:** Councilman Colson made a motion to approve Resolution 2016-14 appointing Gary Pinkham to the Grantsville Planning Commission. Councilman Critchlow seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried.

**13. Consideration of Resolution 2016-17 naming Warm Springs Road located in the north west area of Grantsville turning off Old Lincoln Highway at approximately 1300 North.**

Mayor Marshall stated a family is planning to build a home in this area. This is an unnamed road that now needs to be named.

**Motion:** Councilman Tripp made a motion to approve Resolution 2016-17 naming Warm Springs Road located in the north west area of Grantsville turning off Old Lincoln Highway at approximately 1300 North. Councilwoman Allen seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried.

**14. Consideration of Resolution 2016-18 naming Cortland Road located in the north west area of Grantsville beginning at the end of Warm Springs Road, just north of and running parallel to approximately 1300 North Old Lincoln Highway.**

Mayor Marshall explained his reasoning for choosing these names.

**Motion:** Councilman Critchlow made a motion to approve Resolution 2016-18 naming Cortland Road located in the north west area of Grantsville beginning at the end of Warm Springs Road, just north of and running parallel to approximately 1300 North Old Lincoln Highway. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried.

**15. Consideration of awarding a contract for the 2016 Streets Project.**

Approved

Mayor Marshall stated Staker Parsons' bid was \$364,227.90 with the addition of fabric in the Old Church Subdivision. Black Forest Paving's bid was \$367,519.10. The other bids received were not compliant with the terms of the RFP. The Council Members discussed street repairs and the streets in the City needing repairs.

**Motion:** Councilman Tripp made a motion to award a contract for the 2016 Streets Project to Staker Parsons. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried.

**16. Consideration of Ordinance 2016-13 requiring facilities, buildings, or portions that are hereafter constructed or moved into Grantsville City be located within 600 feet from a fire hydrant on a route approved by the Fire Marshal or be equipped with an automatic sprinkler system.**

Mayor Marshall stated he would like to table this item for a couple of weeks.

**Motion:** Councilman Tripp made a motion to table Ordinance 2016-13. Councilman Colson seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried.

**17. Mayor and Council Reports.**

Mayor Marshall attended the Transcom meeting at the Wasatch Front Regional Council. He met with Randy Sant concerning a tenant in the Reckitt building. He attended the Tooele County Economic Development Meeting, the Ritchie Brothers auction, the Change of Command at the Tooele Army Depot, and the COG meeting concerning the dispatch fees. Mayor Marshall announced our library was named in the Utah State Library Quarterly for earning the official "full initial certification". He congratulated the library and the many involved in the endeavor. The Mayor met with the AG's Office concerning the roads that go into the surrounding mountains. He met with Trent Bristol from the Dept. of Natural Resources about SB122 which allows municipalities to enter cooperative agreements with the State for wildland fire management. There are costs associated with this but we can do in kind service for our cost. Mayor Marshall announced the American LaFrance engine passed two of the three pumping tests. He explained what this means. We have a total pumping on the three trucks of 2750 gpm which exceeds our ISO requirements. The LaFrance truck is useable. We have set up a PTIF account which will be restricted for the purchase of a new truck. Mayor Marshall attended all of our 4<sup>th</sup> of July activities. He chose the word "spectacular" as the one word to describe the celebration. He extended a big thank you to all who were in charge of an event. The float awards were as follows: for best business, Mountain West Medical Center's Healthcare Heroes; for best theme, Tooele Springs/Calvary Chapel; most creative, Goff Firewood; most original, the gymnastics with Debra Hall; best in show, Tooele City's Heroes on the Home Front; and most patriotic, Grantsville Senior Citizens. Mayor Marshall reported he will attend the CIB meeting Thursday, July 7<sup>th</sup> on the Public Safety Building. There will be a Flag Retirement ceremony on Friday, July 8<sup>th</sup> at 7:00 p.m. Everyone is invited to attend.

Approved

Councilwoman Sparks stated she cooked hot dogs for the soccer tournament with Councilman Critchlow. Tooele Valley Meats donated the 600 hot dogs and Soelberg's donated the buns, etc. The Mayor and Council thanked them for their donations. Councilwoman Sparks received some complaints about the Grand Marshals being tucked away in an enclosed car. She suggested a covered horse drawn carriage might be better for them to be seen while being in some shade. Attorney Linares commented we have realized the need for the magnetic signs for the Grand Marshals.

Councilman Tripp said he received two positive comments about the parade route. They were about the roads being left open longer for people to get where they wanted to watch the parade.

Councilman Colson received many positive comments on the 4<sup>th</sup> of July. He sent his thanks to the staff and everyone who helped.

Councilman Critchlow thanked the staff and expressed appreciation for their efforts. He had great reception on the bouncy balls; not the beads as much. He enjoyed the 4<sup>th</sup> of July activities. The car show was fantastic.

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

**Motion:** Councilmember Sparks made a motion to go into a closed session to discuss Imminent Litigation. Councilmember Critchlow seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried and the Council went into a closed session at 8:59 p.m.

Those in attendance were: Mayor Marshall, Councilwoman Sparks, Councilwoman Allen, Councilman Critchlow, Councilman Colson, Councilman Tripp, City Attorney Joel Linares, and City Recorder Christine Webb.

**Motion:** Councilmember Allen made a motion to go back into an open session. Councilmember Tripp seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilwoman Sparks, "Aye", and Councilman Colson, "Aye". The motion carried and the Council went into an open session at 9:06 p.m.

#### **19. Adjourn.**

**Motion:** Councilmember Sparks made a motion to adjourn. Councilmember Critchlow seconded the motion. The meeting was adjourned at 9:07 p.m.