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MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON OCTOBER 5, 2016 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:05 P.M.

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

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

Citizens and Guests Present: Robbie Critchlow, Travis Daniels, Susan Johnsen, Preston Shepherd, Brandon Parr, Don Archer, Jeff Goodsell, Oakley Goodsell, Steven Tomich, Allen Palo, Gavin Archer, Gary Dalton, Morgan Swensen, Mike Johnson, and Barry Bunderson.

Mayor Marshall asked Oakley Goodsell to lead the audience in the Pledge of Allegiance. Mayor Marshall welcomed Scout Troop 1139.

AGENDA:

1. Public Hearing:

a. Proposed minor subdivision for Preston and Wendy Shepherd dividing 40.01 acres of land from one (1) lot into four (4) lots at 1259 West Cortland Road in the A-10 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.

Mike Johnson stated he missed the public hearing on item #8 (Consideration of Ordinance 2016-15 amending the Official Zoning Map of Grantsville City, Utah by rezoning 21.1 acres of land at 176 West Clark Street for Lazy Heart Livestock Corporation and Adam Nash to go from an A-10 zone to a R-1-21 zone). He expressed his concerns as far as Mr. Nash saying the neighbors were all in favor of this. Mr. Johnson said that he is absolutely not in favor of the proposed subdivision. He reported Mr. Ratcliffe is not. Mr. Johnson explained Gary Dalton had spoken with Mr. Ratcliffe and he is not in favor. He added the Rydalch family is not in favor of it either. Mr. Johnson commented the sewer system would be a lift station. He spent eight years on the Council trying to get rid of lift stations due to the cost and liability of them. He cautioned the lift station would definitely have to be maintained by the HOA and home buyers would have to be notified when they purchase lots that they will be liable for it. Mr. Johnson addressed the idea that they want to add twenty-nine (29) houses on the property with only one ingress/egress and have all of the homes at the top and have a conservation easement at the bottom. Mr. Johnson commented all a conservation easement is, is a weed patch. Another issue he has with this, is the water line. He reported on Clark Street it is a six-inch (6") line. As it goes down Clark and Hale, it

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is a four-inch (4") water line. He suggested having some engineering done on the water pressure for twenty-nine (29) homes.

3. Summary Action Items.

- a. Approval of Minutes from the September 21, 2016 City Council Meeting.
- b. Approval of Bills in the amount of \$176,159.91.

Councilwoman Allen expressed appreciation for Recorder Christine Webb's hard work on the minutes. She pointed out the minutes from the last meeting had a lot of conversations to capture. She reported the minutes looked good. Councilman Tripp added he read them closely and didn't find any problems. Councilwoman Allen added there was a typo that was corrected. Councilman Tripp commented the bills looked unremarkable.

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

4. Consideration of Ordinance 2016-13 adopting the 2015 International Fire Code for the City along with changes outlining the City Council and Mayor serve as the Appeals Board and residential dwellings not exceed 3,000 square feet shall be provided by the available fire flow and augmented by the Fire Department.

Mayor Marshall stated a modification would need to be made to the presented ordinance because the Mayor and City Council cannot serve as the Appeals Board. Councilwoman Allen asked who proposed the ordinance and which ordinance the Council was considering. Attorney Linares explained there were four (4) versions. One was provided by the Fire Marshal, one by the Fire Department, and two from the State. He provided one from the State for discussion and to generate the conversation. The Council confirmed Appendix B addresses the square footage requiring fire sprinklers. Councilwoman Sparks asked Attorney Linares if they would be required to adopt all four of the appendices. She wondered if they had to adopt Appendix B to put in a sprinkler ordinance or could it be separated. Attorney Linares answered that the way the State Code is written; it says you have to adopt the Appendices. He added the way the Appendices are written; A, C, and D have nothing to do with sprinklers. He felt if they were to adopt a sprinkler and adopted Appendix B with it, then it would qualify. Councilman Tripp inquired if they adopt Appendix B, wouldn't they have problems and possibly be constrained in certain ways. Councilman Critchlow answered, yes, if they adopt the whole thing. Attorney Linares explained it is a give and take; they will gain the benefit of one thing and lose the benefit of others. Councilwoman Allen asked what they will lose. Councilwoman Sparks answered they will lose flexibility. Attorney Linares pointed out they will also create a more rigid standard. Councilman Colson added the City may not be able to meet the more rigid standard. He asked if the Council needed to adopt Appendix B in order to set a square footage requirement; if they don't adopt Appendix B, can they still adopt a square footage amount for a sprinkler system? Chief Deputy Fire Marshal, Ted Black, felt they could adopt a sprinkler ordinance setting a square footage amount without adopting Appendix B.

Deputy Fire Marshal Black stated the body of the Code, in chapter five, is what dictates the ability to set fire flow. He said if the Council wanted to say they were going to provide that with the available

equipment in the City, then he felt they could do that. He added they could use 1142 as their justification without necessarily adopting Appendix B. Deputy Fire Marshal Black asserted they would have to justify and quantitatively justify what they have done. He emphasized that Appendix B is a great tool. It draws a line for developers on the requirements, but it will take away some of the flexibility the Fire Marshal currently has to make it happen. Attorney Linares asked Deputy Fire Marshal Black about Table 105.1. Under the table, if you have a minimum of 1,000 gallons per minute for fire flow, a home under 3,600 sq. ft. is not required to have a fire sprinkler system. He added, according to the table if you have 500 gallons or less per minute of fire flow, then all houses with 0 to 3,600 sq. ft. will be required to have a sprinkler system. Mr. Linares pointed out our Fire Department reported that none of our fire hydrants are pumping more than 500 gallons per minute. He said if we adopt this, we are potentially saying sprinkling systems would have to go in every home; even ones built right next to a fire hydrant. Chief Deputy answered that is what you are saying. He went on to say, if the Council adopts 3,000 sq. ft., that would take precedence if Appendix B is not adopted. He explained even if Appendix B is not adopted, it then serves as a guide. Mayor Marshall believed Fire Marshal Kent Liddiard uses Appendix B as a guide. Deputy Fire Marshal Black felt Kent is very wise; Kent has reviewed how he uses it.

Councilman Colson asked if the Council adopts the short proposed ordinance, would that add Appendix B? Attorney Linares and Deputy Fire Marshal Black agreed the Council would adopt verbiage without adopting Appendix B. The Council discussed which sentences to remove from the proposed ordinance and what they would like to add. It would be titled "Fire Flow for Single Family Dwellings".

Councilwoman Sparks asked if what we're currently doing is broken. Mayor Marshall answered no, it is not. Councilwoman Sparks asked if our current policies are causing us grief or if we are having major issues. She wished to know why they were adopting something just to adopt something. Councilman Critchlow answered we want to stay more consistent. He stated as Robbie explained, there was a man who had his house signed off which was studied with five gallon buckets and yet somebody else has to put in a tank that costs \$9,000 that we don't want anyway. Councilman Colson felt by coming up with a square footage amount, that would eliminate work for Fire Marshal Liddiard. Councilwoman Allen asked Councilman Critchlow what the inconsistency was in terms of square footage and what the issue was. Councilman Critchlow answered the first house was bigger than the second house. Councilman Tripp asked if there have been a lot of inconsistencies or if this was just an example. Councilman Critchlow answered any inconsistency as far as this goes bothers him a lot. He remarked we should have something that says if you are under 4,000 or 3,000 square feet, then you don't have to sprinkle your house. Councilman Critchlow was okay with homes above that having to go through the process.

Deputy Fire Marshal Black clarified that if a homeowner who built over 3,000 sq. ft. (or whatever the Council determines for the amount) and changed the construction type of the home and did some compartmentalization of the home, they could actually build a larger home and still meet the requirement. He explained the Council cannot specifically require sprinklers. He added if they set the number at 3,000 and someone wants to build a 5,000 sq. ft. home and the fire flow is set at x , and they can't meet it, then the Council would ask what options they want to propose to the City for the approval of the home. The homeowner could propose compartmentalization, a concrete home, or fire sprinklers as an equivalency to the requirement. Deputy Fire Marshal Black stated most will go with sprinklers because they are the most inexpensive. He stated the Council has to come up with something that is in the best interest of the City.

Councilman Critchlow felt we have the water, the expertise of the Fire Department, and the ability to supply the water to allow a home of 4,000 sq. ft. He reported he has gone over the 1142 and has calculated the rest he can, and for what the normal flow is, 4,000 meets what we have available at our Fire Department taking two vehicles. Councilman Critchlow expressed appreciation to Deputy Fire Marshal Black for the effort he put in. Mayor Marshall expressed his appreciation as well.

Councilman Critchlow said he liked the long version of the ordinance. Mayor Marshall felt we did not need to adopt the Urban Wild Interface because we don't have that. Councilman Critchlow commented on the paper versions of the ordinances provided, in the wild land section, it gives the Fire Chief the ability to go in to find out what the homeowner will do to mitigate a fire in the event a fire comes through the area. He cited fires from the past. Attorney Linares and the Council Members discussed their views and concerns on adopting the appendices and an ordinance.

Motion: Councilman Colson made a motion to approve Ordinance 2016-13 with the recommendations of adopting Appendices C, and D, striking sections 101.2, adding section 105.1.1 but keeping the verbiage of the minimum fire flow that comes from 105.1, and add the language from B103.3. The motion was seconded by Councilman Critchlow.

Councilwoman Allen confirmed that Councilman Critchlow was comfortable with waiting on a decision for the 4,000 sq. ft. Councilman Colson said he would be willing to revise the ordinance when he had the calculations. Councilwoman Sparks asked if there are any repercussions for this. Councilman Tripp stated he was a little uncomfortable with this because it felt this was a cut and paste ordinance. He would like to have a clean copy presented. He added they talked about inconsistencies or complaints about inconsistencies, but asked if anyone has ever appealed a decision ever. Councilman Tripp stated he was pretty comfortable staying where they were. Councilwoman Sparks agreed.

Motion: Councilman Colson made a motion to approve Ordinance 2016-13 with the recommendations of adopting Appendices C, and D, striking sections 101.2, adding section 105.1.1 but keeping the verbiage of the minimum fire flow that comes from 105.1, and adding the language from B103.3. The motion was seconded by Councilman Critchlow. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Nay", Councilman Tripp, "Nay", Councilman Colson, "Aye", and Councilwoman Sparks, "Nay". The motion failed.

5. Consideration of a minor subdivision for Preston and Wendy Shepherd dividing 40.01 acres of land from one (1) lot into four (4) lots at 1259 West Cortland Road in the A-10 zone.

Preston Shepherd represented this item. Mayor Marshall reported this meets all the City's ordinances and it's ready to be approved for a minor subdivision. Councilman Critchlow pointed out the conversation they just had affects the Shepherds. Mr. Shepherd commented it has been very interesting to listen to the discussion. Mayor Marshall reported that Mr. Shepherd had extended the water line and there is a fire hydrant. Mr. Shepherd specified he is not a developer. He and his wife wish to subdivide the property so their children will have the opportunity to build homes and farm with them. Mayor Marshall explained this was approved by the Planning Commission.

Motion: Councilwoman Allen made a motion to approve a minor subdivision for Preston and Wendy Shepherd dividing 40.01 acres of land from one (1) lot into four (4) lots at 1259 West Cortland Road in

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the A-10 zone. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

6. Consideration of a final plat approval for West Street Subdivision which contains three (3) lots for Hale Construction Corporation.

Barry Bunderson was present on this item. Mayor Marshall announced this has no issues. There were a few issues, but they have been resolved. Mr. Bunderson explained they have a clean memo. It has met all of the requirements.

Motion: Councilman Tripp made a motion to approve the final plat for West Street Subdivision which contains three (3) lots for Hale Construction Corporation. Councilman Colson seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

7. Consideration of a final plat approval for Hinckley Park Subdivision Phase 2 which contains fourteen (14) lots for Mountain Vista Development, Inc. and Adam Nash.

Brandon Parr was present. Mayor Marshall stated there were no issues with this. It was approved by the Planning Commission and is ready to be approved.

Motion: Councilman Colson made a motion to approve the final plat for Hinckley Park Subdivision Phase 2 which contains fourteen (14) lots for Mountain Vista Development, Inc. and Adam Nash. Councilwoman Allen seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

8. Consideration of Ordinance 2016-15 amending the Official Zoning Map of Grantsville City, Utah by rezoning 21.1 acres of land at 176 West Clark Street for Lazy Heart Livestock Corporation and Adam Nash to go from an A-10 zone to a R-1-21 zone.

Mayor Marshall reminded the Council Members this is a zoning change. He said a subdivision is proposed but the vote tonight is for a zone change. It was approved by the Planning Commission. Councilwoman Allen asked if the concerns brought up tonight by Mr. Johnson apply to this zone change. Mayor Marshall answered the concerns would come into play when the Council reviews the concept plan of the subdivision for approval.

Councilman Tripp stated the Council tabled this the last time it was on the agenda. He remarked it was tabled based on the representation by Mr. Nash that all of the neighbors were okay with this. He explained the Council has no obligation to approve a zoning change. He felt the Council does not have to approve zone changes just because someone asks. Councilman Tripp reported he does not plan to support a zone change.

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Councilman Tripp commented the surrounding area has larger lots. He felt if the proposed rezone was for larger lots, there may not have been opposition from the neighbors. Councilwoman Allen asked if larger lots would change the requirements for the infrastructure. The answer was yes. Councilwoman Sparks stated when she looks at this land and what's around it with just one access to all of the lots, she did not feel it's a section to have a residential area.

Motion: Councilman Tripp made a motion to deny Ordinance 2016-15 amending the Official Zoning Map of Grantsville City, Utah by rezoning 21.1 acres of land at 176 West Clark Street for Lazy Heart Livestock Corporation and Adam Nash to go from an A-10 zone to a R-1-21 zone. Councilman Critchlow seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilwoman Sparks, "Aye". The motion carried and Ordinance 2016-15 was denied.

9. Consideration of amending the Capital Facilities Plan.

Mayor Marshall stated he knew there were still some questions here, but he requested the Council consider amending the Capital Facilities Plan. And then those items they are not comfortable with can be worked on and be changed, but at least it starts putting some money in for the Main Street Project. Councilman Tripp explained he understood the Mayor's reasons and he would like to see funds accrue. Councilman Tripp reported he has looked at several other Capital Facilities Plans, particularly Herriman and Washington. He said the way they did it (Herriman specifically), they look at every project to determine if it is being done only because there is growth or because the facility needs some repair or upgrade. He explained if it is being done only because of growth, then it would be 100% impact fee. One of the categories in the evaluation was deficiency, so you could tell if it was only a growth project or a growth plus upgrade or repair. Councilman Tripp reviewed Washington's process. He felt that we should review and change our process of evaluating projects. Mayor Marshall commented on the Main Street Project.

Motion: Councilwoman Allen made a motion to approve amending the Capital Facilities Plan. Councilwoman Sparks seconded the motion.

Councilman Critchlow asked if the motion should be amended to add that it will be back on the agenda in a certain amount of time. Mayor Marshall said it will be back on the agenda before the end of the year.

Motion: Councilwoman Allen made a motion to approve amending the Capital Facilities Plan. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Nay", Councilman Colson, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

10. Consideration of Resolution 2016-24 approving an agreement with the Tooele County School District for a School Resource Officer.

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Chief Turner reported the legislature adopted some different verbiage in the state code. It has now been reflected in the School Resource Officer contract. He explained this is more of a housekeeping formality with the new language from the state code.

Motion: Councilman Colson made a motion to approve Resolution 2016-24 approving an agreement with the Tooele County School District for a School Resource Officer. Councilman Tripp seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

11. Mayor and Council Reports.

Mayor Marshall attended a couple of meetings with Sherrie Broadbent for the Safe Route Grant for a sidewalk on Durfee Street from Hale Street to Quirk Street. He attended the EDC Utah Advisory Board Meeting where they discussed incentives and the audit of the corporation's finances. Mayor Marshall completed a deposition for the Attorney General's Office. He met with Adam Nash about the projects he is working on. The Mayor met with Representative Sagers about the Donner-Reed Museum. Representative Sagers is writing a bill for an appropriation to help cover the costs of the repairs for the north wall and the southeast corner. Mayor Marshall reported we are currently discharging effluent water out of the treatment plant.

Mayor Marshall announced Grantsville City was awarded the seventh safest city in Utah. He provided the criteria to the Council Members of the process to determine our standing. He presented Chief Turner with a certificate and congratulated him and the Police Department.

Councilman Critchlow stated he has talked to the Friends of the Clark Farm. They would like to use the asphalt road on the east side to get the vendors in for the Honey Harvest Festival. Mayor Marshall said that would be fine as long as they don't drive off the edge because it hasn't been filled in.

Councilwoman Allen asked about an email she sent the Mayor about a bike lane. Mayor Marshall requested to talk to her later about it. He explained UDOT is looking at a four inch (4") rotomill and a three inch (3") fill on the Main Street Project.

Councilman Tripp commented at the previous City Council Meeting, he proposed drafting an ordinance no longer allowing lift stations. He requested that Attorney Linares draft one. He reported ten days ago he hosted a natural resource visit from the legislature on Great Salt Lake issues. The lake is low.

Councilman Colson congratulated Chief Turner and the Police Department. They are doing a great job. He attended the Tooele County Health Department Meeting. He reported they gave him a checklist of the four different types of services for Aging Services. One type is the shuttles and there are four different types people can use to get around. Councilman Colson stated there is still a moratorium on septic tanks for subdivisions larger than four lots. He pointed out flu season is coming up. Flu shots are available from the Health Department. There will not be any flu mist this year because of its ineffectiveness last year.

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Councilwoman Sparks said she had someone ask about grant money for parks, bleachers, and equipment. She asked if we have used all of it. Mayor Marshall answered it has been used. He stated the bleachers are at the Cherry Street Park. They are a portable set and are located at the soccer fields. Mayor Marshall added the last of the rec grant money was used to install a pickle ball court at Hollywood Park. Councilwoman Sparks explained she was approached by someone who talked to her about the reservoir and making it more inviting by planting trees at the campground. She asked if that is in our jurisdiction. It is not, it is part of the county.

Attorney Linares asked about the vendors and when they are going to use the road for the Clark Farm. He stated they will have to drive off the road. Mayor Marshall said they will drive off at the north end of the road. Attorney Linares said we should probably fix a place where it is safe to drive off. Mayor Marshall commented they will be fine. Councilman Critchlow remarked they just want to be able to make a loop to get the vendors in and out.

12. Closed Session (Personnel, Real Estate, Imminent Litigation).

There was no closed session. Mayor Marshall stated he thought he might have the opportunity to give the Council an update. He did not have anything to update.

13. Adjourn.

Motion: Councilwoman Allen made a motion to adjourn. Councilman Colson seconded the motion. The meeting was adjourned at 8:19 p.m.

Councilwoman Sparks asked if they could have a light meeting next time. Mayor Marshall answered he will try. She has the final football game that night and is on the chain crew.

Motion: Councilwoman Sparks made a motion to move the October 19th City Council Meeting to 5:00 p.m. Councilman Colson seconded. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilwoman Sparks, "Aye". The motion carried.