

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON JANUARY 4, 2017 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 Jewel Allen, Mike Colson, Neil Critchlow, Krista Sparks, and Tom Tripp.

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

Citizens and Guests Present: Mike Johnson, Todd Stewart, Dave Helm, Gary Dalton, J. Whitney Cook, Josh Moynes, and J. Karabatsos.

Mayor Marshall asked Former Councilman Mike Johnson to lead the audience in the Pledge of Allegiance.

AGENDA:

1. Public Hearing:

- a. Proposed rezoning of 21.08 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 RR-1 zone.**

Mayor Marshall opened the public hearing for comments.

Mike Johnson spoke against this. He has concerns about the infrastructure. He listed the six-inch (6") water line and the four-inch (4") water line on Clark Street and Hale Street. Mr. Johnson did not feel this was a good fit for the area.

No further comments were offered and the hearing was closed.

- b. Proposed concept plan for J. Michael and Sheri Johnson on the Cooley Lane Estates Subdivision at approximately 650 North Cooley Street for the creation of three (3) lots in the RR-2.5 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.

No comments were offered.

3. Summary Action Items.

- a.** Approval of Minutes from the December 21, 2016 City Council Meeting.
b. Approval of Bills for \$70,752.08.

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Motion: Councilman Colson made a motion to approve the summary action items as presented. Councilwoman Sparks seconded the motion.

Councilwoman Allen asked what the \$10,000 donation to the West Desert Fire is. Mayor Marshall answered that it comes from mitigation money. We receive the mitigation money because of the fire fighters and then we give them \$10,000 back. The fire fighters use the money to foster their brotherhood, retention and recruitment, and service projects. Councilman Tripp added there are some restrictions; it cannot be used for making political donations.

Motion: Councilman Colson made a motion to approve the summary action items as presented. 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.

4. Consideration of Ordinance 2017-01 amending the Official Zoning Map of Grantsville City, Utah by rezoning 21.08 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 RR-1 zone.

Adam Nash provided some various maps of the sewer and water systems of the City for the Council to review. He also provided a portion of Utah Administrative Code, which he explained went into effect on November 1, 2016, and identifies proper line sizes in cities and differs from what it was in the past.

Mayor Marshall commented he was confused because the agenda item was a rezone. Mr. Nash stated the request for a rezone complies with the Master Plan, as it did the last time he applied. He reported the Master Plan of the City is up to two (2) lots per acre and this application at the RR-1 zone in a conservation subdivision would give just slightly more than one (1) lot per acre. He stated from the aspect of zoning, it complies with the plan. Mr. Nash stated the City is well covered in water and sewer; there are three (3) zones of water. He explained this development is in zone one (1). He described the purposes of water. Mr. Nash plans to explore a conservation easement for this subdivision, which would leave about ten (10) acres of the site as agricultural under the use easement and the balance would be developed for single family residences. He went on to talk about sewer, stating there was some discussion the last couple of meetings about no sewer and the need for lift stations. Mr. Nash reported this is not the case. There is a northwest interceptor that goes from the Wal-Mart Distribution Center to the sewer ponds. Mr. Nash added when they get to the subdivision application, Craig Neeley will do modeling to provide what they will need to do to comply with the ordinance. He addressed the concerns of the neighbors with large lots by explaining a large portion of the property will be left undeveloped due to the conservation easement.

Councilman Critchlow stated during the Planning Commission Meeting there were a lot of negative comments about this concept plan. He remarked the property owners directly bordering this development, which are the Rydalches and the Ratcliffs, have said they will not give Mr. Nash an easement to go through their property. Councilman Critchlow asked where Mr. Nash will run the sewer. He added that he did not understand why they were having this discussion before that part was fixed. Mayor Marshall reiterated this is a zone change. Councilman Critchlow asked what changing the zone would do. Mr. Nash answered it would give them the opportunity to process an application for a subdivision. Councilman Critchlow stated the Rydalch and Ratcliff families are pretty adamant that Mr.

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Nash won't go across their land. Mr. Nash stated money and access to utilities often changes that once they understand what it is.

Councilwoman Allen asked Mr. Nash to explain what he meant about the conservation easement and leaving a large part of the land open. Mr. Nash answered there is a provision in the Grantsville City Code that allows, in this zone, on parcels that are over ten acres in size to develop under a conservation development easement. He explained in that zone, you take a minimum of forty percent (40%) of your ground and put it into a dedicated open space. They are proposing an agricultural easement so the property would be used for agricultural grazing or crops. The balance of the property would then be developed as single family residential. Councilwoman Allen pointed out when asked at the Planning Commission Meeting, Mr. Nash stated they plan to have about twenty (20) homes built in the subdivision. She asked how that would work with acre lots. Mr. Nash explained how the code is written and that the homes will be clustered on smaller lots.

Councilwoman Allen clarified the Council will have the opportunity to review the plan for the subdivision before anything takes place. Mayor Marshall answered the Council will have that opportunity.

Councilwoman Allen commented this seems better than the last request. Councilman Tripp stated that while this was allowable under the Master Plan, they are not required to change any zoning.

Councilwoman Sparks expressed her concerns about rezoning the property. She did not feel that the zone request would fit with that area of town.

Councilman Colson said during his time on the Planning Commission and since, he has not come across a conservation easement. He did not like the concept of having quarter acre lots down there. Attorney Linares suggested the Council review conservation easements. Mr. Nash suggested the City look at their own ordinance as this is a permitted use as the ordinance stands. Councilman Critchlow felt it would be best to table this ordinance until they could complete some research on the conservation easement.

Motion: Councilman Critchlow made a motion to table Ordinance 2017-01 and review the conservation easement ordinance and the Master Plan. The motion was seconded by Councilman Colson.

Councilman Tripp asked if they really wanted to table this or let it die for a lack of a motion to approve. Councilman Critchlow felt they should table it and check out the restriction and what can be asked on this. Mr. Nash stated he has just gone through this with Murray City and the State Land Use Ombudsman and the Council cannot not take an action. Attorney Linares explained if the City took no action, it would be treated as a denial.

Motion: Councilman Critchlow made a motion to table Ordinance 2017-01 and review the conservation easement ordinance and the Master Plan. The motion was seconded by Councilman Colson. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Nay", Councilman Tripp, "Nay", Councilman Colson, "Aye", and Councilwoman Sparks, "Nay". The motion failed.

Motion: Councilman Tripp made a motion to deny the zoning request. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, “Nay”, Councilwoman Allen, “Nay”, Councilman Tripp, “Aye”, Councilman Colson, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried and Ordinance 2017-01 was denied.

Mr. Nash commented that with the denial, they have a clear path of what they can do.

5. Consideration of a concept plan for Robert and Pamela Lamoreaux and Adam Nash on the Lookout Ridge Subdivision at 500 East Durfee Street for the creation of twelve (12) lots in the R-1-21 zone.

Adam Nash provided information on this concept plan. One plan showed the hammerhead turn and the other showed the cul-de-sac option. Mr. Nash stated Craig Neeley advised them to install the knuckle and the Fire Department would like them to have a temporary opportunity to turn around. He added the Planning Commission did not like the knuckle. They would prefer a permanent hammerhead and see the last lot have a dead end.

Mayor Marshall explained the Code states if a street ends at a lot, as in this case, then a cul-de-sac needs to be installed. Mr. Nash argued that the Code states you have to end in a bowl, but it does not say that you have to install the whole portion of it. He explained they have worked out an emergency vehicle turn around with the Fire Department or they could just have that end in a private lane.

Councilman Critchlow reported the Fire Department talked about the options of the hammerhead and the knuckle. He wasn't sure they liked either one of them. He asked if the hammerhead would be deep enough to get a quick turn around. Mr. Nash answered it should be because it meets City requirements. Mayor Marshall asked if there was an issue with putting both there. Mr. Nash answered there was not, that was what they were proposing.

Motion: Councilman Critchlow made a motion to approve a concept plan for Robert and Pamela Lamoreaux and Adam Nash on the Lookout Ridge Subdivision at 500 East Durfee Street for the creation of twelve (12) lots in the R-1-21 zone with the hammerhead turnout between lots 10 -11 and the addition of half cul-de-sac facing lots 11 - 12. 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 concept plan for J. Michael and Sheri Johnson on the Cooley Lane Estates Subdivision at approximately 650 North Cooley Street for the creation of three (3) lots in the RR-2.5 zone.

J. Michael Johnson presented a concept plan for three (3) lots. He explained that at Planning Commission, he asked for a waiver on the asphalt. He stated there are no swales on Cooley Street; the engineer drew them in.

Councilwoman Allen commented that she was familiar with the area. She asked how the concept plan fits in with the rest of the neighborhood. Mr. Johnson answered most of the other lots are one and a half (1 ½) acres and there are some five (5) acre lots.

Mr. Johnson reported they talked about the sewer. He stated the forty-acres (40) south of him recently sold and he expects in the next few years a sewer line will be run there. These lots will be on septic tanks.

Councilwoman Allen confirmed the other Council Members were willing to waive the pavement of the road. Mr. Johnson stated the road has been road-base longer than he has been here. Councilman Colson commented he felt they needed to have the pavement put on based on his experience with the road he lives on. The Council discussed the road, sidewalks, and drainage. Mr. Johnson suggested he pay into the road fund so that when the time comes, money will be available to pay for the portion of road for this development.

Motion: Councilman Tripp made a motion to approve a concept plan for J. Michael and Sheri Johnson on the Cooley Lane Estates Subdivision at approximately 650 North Cooley Street for the creation of three (3) lots in the RR-2.5 zone with the provisions that we do not require the swales or culverts, and in lieu of paving the street, the developer will make a payment of \$13,818 to the City Street Fund for future development of the street. 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.

7. Consideration of a final plat approval for Helm Estates Subdivision which contains fifteen (15) lots for John Clay, Glenda Brafford, and Dave Helm.

Dave Helm, Jr. was present. Mayor Marshall reported they have complied with everything. He explained the sewer issues have been addressed. The mylar states: "Lots 7 thru 14 have shallow sewer service. Basements may require a sewer injector pump. Lots 11 & 12 will require a sewer injector pump." Councilman Tripp asked what a sewer injector does. Councilman Colson answered it is a small lift station located in the home. Councilman Tripp asked if this will eliminate the chance of flooding neighbors' homes.

Councilwoman Allen asked what the plan is for the north property line and if a fence will be required along the Buhlers' property. Mr. Helm answered it will be up to the individual property owners.

Motion: Councilman Colson made a motion to approve the final plat for Helm Estates Subdivision which contains fifteen (15) lots for John Clay, Glenda Brafford, and Dave Helm. 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.

8. Mayor and Council Reports.

Mayor Marshall attended the groundbreaking ceremony for the new Justice Center. He announced the Tooele County Chamber of Commerce will be having their awards and installation banquet on January 21st. Nominations are now being accepted and need to be submitted no later than the 16th of January. He has reserved a table for six (6). Mayor Marshall stated the TRT grants are due Monday, January 16th at 5:00 p.m.

Councilman Critchlow stated he would like to commend Officer Fields for her actions with the heart attack victim. He appreciated her efforts. The paramedics handled the situation and fought hard to save that individual's life. He also thanked everybody, including the Police Officers, for their efforts on his son's home fire.

Councilman Tripp asked about the lift station ordinance. Attorney Linares answered it would be on the next agenda. He stated he would not mind coming an hour early to accommodate Councilman Colson's attendance at his son's basketball games. Councilman Tripp stated he saw a Go-Fund-Me account has been set up for the Beacham family. Councilwoman Sparks commented people are donating like crazy. Councilman Tripp remarked as he was driving through the snow the other day, he noticed the City still has the Christmas lights up. He thought that was really nice.

Councilman Colson stated the Grantsville High School Basketball players wanted to attend the City Council Meeting to invite the Council Members to a fundraiser. They are having a spaghetti fundraiser at the Utah Motorsports Campus on Saturday, January 21st at 6:00 p.m. They provided each Council Member with one (1) complimentary ticket.

Councilwoman Sparks had someone comment on the sidewalks on Main Street. The homeowners are responsible to remove snow from the sidewalk in front of their house. Councilwoman Allen asked about linking people who want to do service up with those who need service. Councilman Colson said there is a Church Program. The Carriage Crossing Home Owners Association meeting is tomorrow at 6:00 p.m. at the library.

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

Motion: Councilwoman Allen made a motion to go into a closed session to discuss imminent litigation. 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 and the Council went into a closed session at 8:15 p.m.

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

Motion: Councilman Tripp made a motion to go back into an open session. 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.

10. Adjourn.

Motion: Councilwoman Allen made a motion to adjourn. Councilman Colson seconded the motion. The meeting was adjourned at 8:38 p.m.