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**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON MARCH 1, 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, Krista Sparks, Mike Colson, Neil Critchlow, and Tom Tripp.

**Appointed Officers and Employees Present:** Lt. Erik Bailey, Joel Linares, and Christine Webb.

**Citizens and Guests Present:** Tina Estrada, Jeff Butler, Guy M. Haskell, J. Whitney Cook & kids, Michael Jones, and Todd Stewart.

Mayor Marshall asked Councilwoman Jewel Allen to lead the audience in the Pledge of Allegiance.

**AGENDA:**

**1. Public Hearing:**

**a. Proposed new Impact Fees for culinary water and wastewater.**

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

**b. Proposed concept plan for Grantsville, LLC and Guy Haskell on the Deseret Highlands Subdivision at approximately 800 North Highway 138 for the creation of one hundred thirty-six (136) lots in the RM-7 zone.**

Mayor Marshall opened the public hearing for comments. Jeff Butler said his comments would be directed to both of the developers in the public hearings. Mayor Marshall stated he could relay his comments to both. No other comments were given and the hearing was closed.

**c. Proposed amended concept plan for Adam Nash and Mountain Vista Development on the Hinckley Park Subdivision at 410 South Cooley Street for the creation of forty-three (43) lots in the R-1-21 zone.**

Mayor Marshall opened the public hearing for comments.

Jeff Butler stated he is an adjoining property owner to this development. He addressed Mr. Nash and Mr. Haskell, stating neither of them are residents of Grantsville. He felt they are worried about money and do not care what happens in this town. Mr. Butler stated they do not worry about their impacts on this community. He commented when they start these developments, that they are required to take Grantsville City Irrigation. He said when they do that, they are putting the farmers in the community at risk of not having the amount of water they need. Mr. Butler reported he leases his water out to a farmer in Grantsville and it is a big problem for that farmer to find the water now. He felt the water used to be prevalent until these developments started coming in. He expressed his concerns about new residents complaining about the wrecking yard and the farm animals. Mr. Butler commented that Mr. Nash's

developments have no open spaces. He remarked on the condition of Center Street and the additional wear the road will receive from the development. He pointed out the area this development is on is a wrecking yard. Mr. Butler stated Mr. Nash admitted there was a surface contaminant problem found in one of the soil samples. Councilman Tripp asked when that statement was made. Mr. Butler answered the statement was made at the last Planning and Zoning Meeting. Councilwoman Sparks added it was in the minutes. Mr. Butler said he thinks Grantsville City needs to rethink their stance on just letting these big developers run rampant.

Wayne Butler stated he is a longtime resident and former City Council Member. He expressed appreciation for the Council Members' service. He said they pulled the RM-7 section out of this development. He pointed out that would be the only RM-7 zone south of 400 South in Grantsville. He felt it would be a spot zone. His idea would be to put a park on the RM-7 parcel. He commented that Phases 3 and 4 don't have any open space. Mr. Butler declared that when he was on City Council they pushed back on developments until they got the size of the lots and open space they felt was necessary. He commented on Center Street and the structural capability of the road. He felt that street is not capable to handle a lot of traffic, especially big trucks. He stated we have a master plan and we should stick to it. He expressed concern about a possible change to the zone in that area. Mr. Butler hoped someone at the City reviewed the trace element report regarding the wrecking area. In closing, he thanked the Council and told them they are doing a good job.

## **2. Public Comments.**

Mayor Marshall asked if there were any public comments.

There were no comments offered.

## **3. Summary Action Items.**

- a. Approval of Minutes from the February 15, 2017 City Council Work Meeting, February 15, 2017 City Council Regular Meeting, and the February 21, 2017 City Council Special Meeting.
- b. Approval of Bills for \$134,463.79.

Councilman Critchlow asked what blow sand is. Mayor Marshall stated it is wash sand. Councilman Colson asked a question about the bill from Wicked Motorsports for a motor pump repair for the Fire Department. Councilman Critchlow answered it was a repair on the Brush truck. He said the pump went out on it.

**Motion:** Councilwoman Sparks made a motion to approve the summary action items. 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.

## **4. Consideration of Ordinance 2017-03 amending new Impact Fees for culinary water and wastewater.**

Mayor Marshall explained this was discussed a couple of months ago. The proposed Impact Fees for culinary water for a single family residential was \$2,545 per ERC and \$1,907 per ERC for multi-family

residential. For a non-residential (indoor use) the proposed Impact Fee was \$127 per fixture unit and for non-residential (outdoor use) is was \$73 per fixture unit per acre. The proposed Impact Fees for wastewater for single family residential was \$3,257 per ERC and \$2,442 per ERC for multi-family residential. For non-residential, the proposed Impact Fee was \$162 per fixture unit. Councilman Colson asked if we still have Aqua Engineering working on these Impact Fees. Mayor Marshall answered this is it. Councilman Tripp said they were going to talk about what needs to be included as current participation and future participation. He would like to set some standard for basic water pressure. He felt the Impact Fees ought to be higher. He would like to review the fees again in three months. We need to correct the amount of the fees to account for the impact.

**Motion:** Councilman Colson made a motion to approve Ordinance 2017-03 amending Impact Fees for culinary water and wastewater with the plan to continue to look at these Impact Fees to make sure we are collecting the amount to protect Grantsville City. Councilwoman Allen seconded the motion.

Councilman Tripp stated he wouldn't mind having a second opinion from another experienced engineering firm. He would like to move in that direction. Councilman Critchlow asked if we have to wait a certain amount of time before changing the Impact Fees again. Attorney Linares, Mayor Marshall, and Councilman Tripp answered you would have to follow the proper procedures.

**Motion:** Councilman Colson made a motion to approve Ordinance 2017-03 amending Impact Fees for culinary water and wastewater with the plan to continue to look at these Impact Fees to make sure we are collecting the amount to protect Grantsville City. 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.

**5. Consideration of a concept plan for Grantsville, LLC and Guy Haskell on the Deseret Highlands Subdivision at approximately 800 North Highway 138 for the creation of one hundred thirty-six (136) lots in the RM-7 zone.**

Guy Haskell presented this item. He stated they have tried to follow the ordinances strictly for the requirements in that zone. He reported there were some requests made by City and staff to accommodate storm water and they have made all of those adjustments.

Councilman Critchlow reported on the issues from Planning and Zoning. The detention basins will be deeded to the lots next to them. The second access will not be necessary until a later phase. The second access will be a hard surface road, but not paved. Mayor Marshall explained that access cannot be a dirt road after thirty lots have been developed. The Council suggested the improvements be required to approve. UDOT has requested a traffic study. Mr. Haskell stated they have completed the traffic study and have provided it to UDOT. The Council discussed acceleration and deceleration lanes and the impact they will have on the lots.

Mayor Marshall pointed out this is a concept plan.

Councilwoman Allen suggested discussing the water use and the issues brought up by Mr. Butler. Mr. Haskell said irrigation is not available in this area. They will use culinary water for the outdoor water. The Council discussed the impact of the water use. Councilwoman Allen read the minutes from the

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January 12<sup>th</sup> Planning and Zoning Meeting. She asked about comments from Zoning Administrator Jennifer Williams made about the number of homes up to at least a 4,500 elevation so we know where we stand for water capacity for this project. Attorney Linares explained originally the concept plan only had twenty-five (25) lots on it and they knew this development was going to be much larger. The City asked them to submit the entire development to determine the needs.

Mr. Haskell asked if they do have some desert landscape or xeriscape, could they provide less water. Mayor Marshall answered the outdoor water requirements are determined by the lot size. Councilman Colson asked about roads with sidewalks, curb, and gutter. Mr. Haskell replied they have complied with the City guidelines, which he believed had curb, gutter, and sidewalk on both sides. Attorney Linares said it would be required. This is just concept, so it doesn't show it yet.

Councilwoman Sparks stated her concern is the green space and open space. She felt the Council needs to look at the number of lots and require a certain amount of open space. The Council discussed their concerns about the retention ponds and the options.

Councilwoman Allen asked if there was a poster child in Grantsville of a good neighborhood with open space and retention ponds. The Council felt that Anderson Ranch has done a good job with the open space. Attorney Linares stated South Willow has water retention on the front of each lot and it is the responsibility of the homeowner. Councilwoman Allen asked if Mr. Haskell has considered developing a park. She pointed out there are a lot of houses. She asked where people will take their children to recreate. Mr. Haskell answered he has thought about that, but he does not want to have an HOA where the residents will have to pay to have it maintained. Councilwoman Sparks indicated a park may be hard to maintain without irrigation water.

Councilwoman Allen asked for Councilman Critchlow's perspective. He said if you created an HOA to help get a park that would be nice. Mr. Haskell expressed his concerns about developing homes to be as nice as possible with an affordable price.

**Motion:** Councilman Tripp made a motion to table the concept plan for Grantsville, LLC and Guy Haskell on the Deseret Highlands Subdivision until we see a better plan for storm water control and other things to make it more attractive. Councilman Colson seconded the motion.

Councilwoman Allen asked if the map presented was the first time this plan has been presented. Attorney Linares explained this project has been to Planning and Zoning twice. Mayor Marshall would like to see the report from UDOT on the acceleration and deceleration lanes. Mr. Haskell asked for direction on the retention ponds. Councilwoman Sparks felt it would be better to have the retention handled by more residents than just two (2).

**Motion:** Councilman Tripp made a motion to table the concept plan for Grantsville, LLC and Guy Haskell on the Deseret Highlands Subdivision until we see a better plan for storm water control and other things to make it more attractive. 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.

**6. Consideration of an amended concept plan for Adam Nash and Mountain Vista Development on the Hinckley Park Subdivision at 410 South Cooley Street for the creation of forty-three (43) lots in the R-1-21 zone.**

Adam Nash presented this amendment. He stated the Hinckley Park Subdivision was approved in 2012 or 2013. He commented many of the concerns have been addressed. One was the secondary access. They had a backup plan using the cattle guard road for that access. He explained since that time, they have acquired property to tie into Center Street. This necessitated them to re-organize their concept plan. He stated they are not adding lots to the lot count. They are re-organizing the phasing. Phase 3 would have been six (6) lots along the northeast corner. Mr. Nash commented now they have the secondary access to Center Street that they are going to combine Phases 3 and 5. Mayor Marshall clarified this is a revision of the phases. Mr. Nash confirmed this. He stated Phase 1 is complete and Phase 2 is almost complete. All of the lots in Phases 1 and 2 are sold or under contract.

Mr. Nash reported the portion zoned as RM-7 has been there since 1978. Attorney Linares explained that property was a part of the Bel Air development and if the map continued west over to Mormon Trail. He added it is not a part of this development. He said this application is to blend Phases 3 and 5 and build the road. Mayor Marshall asked where the road comes out. Mr. Nash answered it ties into Pear Street (400 South). Mr. Nash stated the road will be fully developed with curb and gutter. He addressed the question of water. The underground water rights have been banked with the City. Mr. Nash explained the City Code on mandated water and explained the way the requirements for water calculations.

Councilwoman Allen pointed out there is a comment in the notes from Planning and Zoning to make sure the motion states Parcel A will be made a part of lot 306 and maintained by the owner. Mr. Nash felt this would be a manageable detention pond. Councilman Critchlow clarified there will be enough water for this lot.

Councilwoman Allen commended Mr. Nash for sharing the information he has learned from our ordinances. Councilwoman Sparks expressed concerns about the impact on Center Street.

**Motion:** Councilwoman Allen made a motion to approve the concept plan for Adam Nash and Mountain Vista Development on the Hinckley Park Subdivision at 410 South Cooley Street for the creation of forty-three (43) lots in the R-1-21 zone with the provision that Parcel A will be made part of lot 306 and will be maintained by the owner. Councilman Colson seconded the motion.

Councilman Tripp asked about Mr. Nash's comment from the Planning and Zoning Meeting. He read, "Adam Nash stated there are some surface issues because it is an automotive use. They will have to scrape up and import some discolored soil." Councilman Tripp asked what color soil they are planning to import. Mr. Nash answered they will be exporting the soil. He explained they have done four (4) different soils analyses of this area since starting this project. They did sub-surface analysis, geo-technical analysis, and a national environmental assessment of the property. Mr. Nash stated they will have remediation remove the soil and dispose of it properly.

**Motion:** Councilwoman Allen made a motion to approve the concept plan for Adam Nash and Mountain Vista Development on the Hinckley Park Subdivision at 410 South Cooley Street for the

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creation of forty-three (43) lots in the R-1-21 zone with the provision that Parcel A will be made part of lot 306 and will be maintained by the owner. Councilman Colson seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Nay", Councilman Colson, "Aye", and Councilwoman Sparks, "Nay". The motion carried.

**7. Consideration of the 2017 Municipal Election Agreement.**

**Motion:** Councilman Tripp made a motion to approve the 2017 Municipal Election Agreement. 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 the Tooele County Dispatch Service Agreement.**

Mayor Marshall explained Grantsville has a \$3 increase this year for Dispatch Services.

**Motion:** Councilman Tripp made a motion to approve the Tooele County Dispatch Service Agreement. 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.

**9. Consideration of a Cooperative Agreement between The Utah Division of Forestry, Fire and State Lands and Grantsville City.**

Mayor Marshall stated this is an agreement that is for our protection. Our cost is roughly \$34,000 and we can use in kind service. He explained if we have guys out mowing the weeds and track things the Fire Department does will calculate as in kind service, so it does not end up being a cash contribution. Councilman Critchlow said we talked about getting permission to keep the weeds down along the highways. Mayor Marshall replied that is the State's responsibility. He has talked to Brian Adams with the State who told him they are going to be better about mowing this year. Councilman Critchlow reported the Fire Department has already scheduled a red card register class, which is required with this program. He added they do enough hours for fire education and prevention.

**Motion:** Councilwoman Sparks made a motion to approve a Cooperative Agreement between The Utah Division of Forestry, Fire and State Lands and Grantsville City. 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. Mayor and Council Reports.**

Mayor Marshall met with Fireworks West to order the fireworks for our 4<sup>th</sup> of July celebration. He and other directors from the City met with the owners and representatives from Purple. The Mayor conducted interviews for the Police Chief position on two (2) different days. He attended the Justice Center construction meeting and the Deseret Peak Boy Scouts award banquet. The Mayor reported there were numerous boy scouts from Grantsville recognized for achieving the Eagle rank. He asked the

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Council Members to report if their spouses would be attending the Utah League of Cities and Towns Conference and if they were, which other activities they planned to attend. He reminded them to cancel their reservations if they were not travelling on Tuesday.

Councilman Critchlow stated his wife will be going to the conference with him but she will not be attending the luncheons or dinners. He will cancel his reservation for Tuesday night.

Councilwoman Allen stated her husband is not attending the conference. She reported on the Historical Preservation Commission Meeting. They have not heard anything on the status of their grant application for the booklets. They are moving forward as if they will receive it. Councilwoman Allen reported on the ULCT meeting she attended on Monday. She stated she is concerned about the subdivision ordinance. She would like to make a concrete plan for retention ponds, open space, etc. Attorney Linares said the developers have the requirements. Councilwoman Sparks commented that the Council has no discretion to say they want more open space because it is not written in the code. Attorney Linares explained they could review the current code and then draft an ordinance to change it. He will provide them with the Land Use Code.

Councilman Tripp said he would like to hear some accountability from the ULCT on the slush fund issues. He commented on the number of commercial brochures in the foyer. He did not feel we should have commercial stuff there. Councilman Tripp met with representatives from Senator Lee's office. They provided him with some leads to pursue funding for repairs on the Donner – Reed Museum. He reported he was driving down Worthington Street after someone told him to look. He said there is storm drainage going down the side that goes to a detention basin. They have gravel and dirt that is being pushed into those storm drains.

Councilwoman Allen expressed her thanks to Attorney Linares for his hard work. She appreciated his advice as a new Council Member.

Councilman Colson asked the Mayor if he had received information from Jeff Coombs, the Health Director for Tooele County. They want us to support and contact Senator Thatcher and Knudson on SB205, which is failing septic systems. Councilman Colson explained the bill.

Councilwoman Sparks stated she would like to move on the Land Use Code. She thanked Attorney Linares.

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

**Motion:** Councilman Colson made a motion to go into a closed session to discuss personnel and pending litigation. 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. The Council went into a closed session at 8:35 p.m.

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

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

## **12. Adjourn.**

**Motion:** Councilwoman Allen made a motion adjourn. Councilwoman Sparks seconded the motion. The meeting adjourned at 9:22 p.m.