

Approved

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

Appointed Officers and Employees Present: Brett Coombs, Christine Webb, and Sgt. Mike Jones.

Citizens and Guests Present: Steve Howe, Norma Polk, Austin Allred, Jack Allred, Chad Slichter, Derek Dalton, Michael Jones, Barry Bunderson, Susan Johnsen, Doug Kinsman, Josh Schultz, and Travis Taylor.

Mayor Marshall asked Tyler Pearson from Troop 161 to lead the audience in the Pledge of Allegiance.

AGENDA:

1. Public Hearing:

- a. **Proposed conditional use permit and related site plan for Integrated Builders Group, Inc. to build a financial institution with drive-thru facilities located at 458 East Main Street in the CD zone.**

Mayor Marshall opened the public hearing for comments.

Blaine Boyer stated he was representing his mother, Helen Boyer. He reported that he emailed a letter to the Council Members with their concerns. He confirmed with the Council Members that they follow the Grantsville City Code. Mayor Marshall answered yes, that is what the City follows. Mr. Boyer said the Main Street runoff is set up with the slope already sloping into his mother's driveway and sidewalk. He is concerned about the potential for flooding her home and basement. He pointed out the property runoff is diverted directly to Mrs. Boyer's fence. He said they have two (2) ponds for the water to drain to, which he felt will be an eyesore and will attract insects. He added that the additional water would possibly cause more water damage to her home. Mr. Boyer commented on the privacy fence. He reported Integrated Builders Group was planning to use the existing fence, which is a three-rail fence. He said the proposed privacy fence is only for the length of her house. He explained his family suggests putting in a stem wall and a privacy fence the whole length of the property. Mr. Boyer stated the planned landscaping is for three (3) trees to deflect noise and lighting from the financial institution into her bedroom and living room windows. He expressed his concerns about the location of the ATM machine and the lights from vehicles using the ATM shining into her bedroom. Mr. Boyer stated each one of their concerns references the Grantsville City Code and the letter he sent to the Council Members has the codes highlighted. He said there is a storm drain in the middle of the field. He is sure that people are not aware of it. He reported it is located right where they are planning to

build the building. Mayor Marshall asked if there is a culvert that goes under the road. Mr. Boyer answered there used to be, but it is only a French drain now. Mr. Boyer said that as a citizen of Grantsville City, he thinks we have fallen away from making people accountable for keeping their yard clean. He commented that they are planning to use only 154 feet of the property; that leaves the back half of the property. He asked who would maintain it and keep the weeds down. He said he could bring up several examples on that if needed.

Councilwoman Allen remarked that Mr. Boyer said he could give examples. She asked him for an example about the maintenance in the back being an issue for some properties. Mr. Boyer answered fire and weeds. He stated Dean Mathews mows it every year and they mow their back yard every year. He told the Council to look behind the Family Dollar.

No further comments were offered and the public hearing was closed.

- b. Proposed rezoning of 16.66 acres of land at approximately 550 West Apple Street for Edward and Karen Watson and Alexi Leonelli to go from an A-10 zone to a R-1-21 zone.**

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

- c. Proposed minor subdivision for Norma Polk dividing 19.87 acres of land from one (1) lot into three (3) lots at 225 East Pear Street in the R-1-21 zone.**

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

- d. Proposed minor subdivision for the SR112 Development Group dividing 4.94 acres of land from one (1) lot into four (4) lots at 490 North Burmester Road in the RR-1 zone.**

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

- e. Proposed final plat amendment on the K&L Minor Subdivision for Kolten and Melinda Kinsman at 652 South Quirk Street to move Lot 101 in a more southerly direction.**

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

- f. Proposed moratorium on new major and minor subdivisions.**

Mayor Marshall opened the public hearing for comments.

Susan Johnsen encouraged the Council to consider carefully having a moratorium for now on new major and minor subdivisions. She believes we are snowballing forward in one direction. Mrs. Johnsen commented that this has been brought up before and looking at the master plan to determine what we want Grantsville to become. She felt it should be considered whether we want Grantsville to be a bedroom community or if we want to keep the nature of Grantsville, which attracted many people to the community. She stated that one of the things that attract most people to Grantsville is the agricultural, small town feel. Mrs. Johnsen said as we add unbridled growth, we will become like any other suburb in any other city anywhere in the USA. She added that we should look at being something different.

Barry Bunderson asked if the moratorium was due to impacts to the sewer treatment plant as being to capacity. Mayor Marshall answered that is not what this is about. Mr. Bunderson asked if it was more for planning for the community growth. He stated he wondered what we are doing with impact fees if this is an infrastructure problem.

No further comments were offered and the public hearing was closed.

2. Public Comments.

No comments were offered.

Mayor Marshall welcomed Scout Troop 161.

3. Summary Action Items.

- a. Approval of Minutes from the September 20, 2017 City Council Meeting.
- b. Approval of Bills in the amount of \$166,707.07.

Councilman Tripp stated the bill for Aqua Engineering had two parts. He asked if that was just for the planning and zoning. Mayor Marshall answered some of the bill is for subdivisions so it is a pass through. Councilwoman Allen asked how much they charged for consultation. Mayor Marshall answered that he thought their fee was \$150/hour.

Councilwoman Sparks asked what the radios are for the water. Mayor Marshall answered they are used to read the water meters as they drive by. He explained we replace old meters and we buy them in bulk because we get a better price.

Motion: Councilman Tripp 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. Discussion on Master Plan Consulting.

Ben Levenger joined the meeting by phone and skype. He went over a power point presentation. He reviewed the existing plan and its weaknesses. He felt his company could help the city to develop a General/Master Plan. He stated that Councilwoman Allen had talked to him about a

Wasatch Front Regional Council funding assistance. There are a few processes to update the General Plan.

Councilwoman Allen thanked Mr. Levenger for preparing for and presenting at this meeting. She asked what is the ballpark range for a master plan revamp of this size. Mr. Levenger answered it would be in the range of \$28,000 - \$33,000. Councilwoman Allen asked how you get all of the stakeholders together in a meeting. Mr. Levenger said it takes a lot of coordination and usually takes a couple of weeks. They like to take input from the citizens and make it a multi-faceted process.

5. Consideration of a 120-day final plat extension request for Kirk Young on the Carriage Crossing Subdivision, Phase 4.

Doug Young was present. He stated this is their first request for an extension. He said they will not be able to hit asphalt in four months so they may need a second extension. They plan to install all of the underground this winter.

Motion: Councilman Tripp made a motion to approve a 120-day final plat extension request for Kirk Young on the Carriage Crossing Subdivision, Phase 4. 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.

Mr. Young wished the City good luck on their Master Plan. He suggested doing an economic study to pinpoint the commercial areas. He felt the City has been wonderful to work with.

6. Consideration of a conditional use permit and related site plan for Integrated Builders Group, Inc. to build a financial institution with drive-thru facilities located at 458 East Main Street in the CD zone.

Chad Slichter was present. He stated he understands there are some concerns from the Boyers. Mayor Marshall reported there were concerns from other residents as well. Mr. Slichter explained the purpose of the project is to put a new branch for American United Credit Union and they would like to be a good neighbor. He said the property has been surveyed and no French drain was shown. They would appreciate any information regarding the drain. They will work through what is needed on the swales on the east side of the property. Mr. Slichter reported that currently accepts runoff from the Boyer's property and by installing a privacy fence, that water will not be able to leave their property. Councilman Tripp pointed out the curb and gutter will force the drainage to the Boyer property. Mr. Slichter stated that UDOT has indicated that they do not want curb and gutter put in.

Mayor Marshall suggested looking at the concerns one by one. He said he lives at the end of a "T" intersection, so he knows what it is like to have lights shining directly into his home. He suggested adjusting the layout of the building. The Mayor and Mr. Slichter discussed the location of the ATM. Mr. Slichter explained they could address the lights with fencing or

landscaping, etc. or a combination of both. The Mayor said he still felt they could change the direction of how they come into the ATM.

Mr. Slichter said they will look into the French drain and the retention swales. Mr. Slichter explained they have oversized the retention swales for years with large amounts of water. They do not want to push water onto the Boyer's property. Mr. Slichter asked if the City requires sub-surface drainage. Councilman Colson stated the credit union would have to provide engineering for how they are going to handle the water. Mr. Slichter said they have engineering for their swale. Councilman Tripp requested they provide a markup drawing to the Boyers.

Mayor Marshall said the Boyers would like larger trees. Mr. Slichter said they have planned for trees that are on the City's list and they plan for a 2" caliper.

The maintenance of the back of the property will be taken care of by the credit union. The driveway will extend through the property to the south. Councilwoman Allen asked about Barbara Grygierczyk's ingress/egress concerns. Mr. Slichter answered they had planned for two separate ingress and egress but UDOT shut them down. He reported that UDOT is trying to minimize the number of entrances onto the highway.

Motion: Councilman Tripp made a motion to direct Integrated Builders to markup a drawing so the interested parties can view it, come to an agreement, and address this at the next meeting.

After some discussion about this motion, Councilman Tripp suggested a possible amendment to the motion.

Motion: Councilman Tripp made a motion for Integrated Builders to mark up the drawing so it can be communicated clearly to the interested parties along the lines of what was discussed, and if Mayor Marshall conferring with the interested parties and our engineers agree, then they cede the authority to Mayor Marshall to make the approval and move forward. 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.

Mr. Slichter asked if Mayor Marshall was available to meet the next day. The Mayor answered that he would be available and would plan to meet with them.

7. Consideration of Ordinance 2017-13 amending the official zoning map of Grantsville City, Utah by rezoning 16.66 acres of land at approximately 550 West Apple Street for Edward and Karen Watson and Alexis Leonelli to go from an A-10 zone to a R-1-21 zone.

Mayor Marshall stated this is a zone change. Councilman Critchlow said everything in this area going west is zoned R-1-21 over to Cherry Grove. Councilman Tripp commented this is the landowner, not a developer.

Motion: Councilman Tripp made a motion to approve Ordinance 2017-13 amending the official zoning map of Grantsville City, Utah by rezoning 16.66 acres of land at approximately 550 West Apple Street for Edward and Karen Watson and Alexis Leonelli 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.

8. Consideration of a minor subdivision for Norma Polk dividing 19.87 acres of land from one (1) lot into three (3) lots at 225 East Pear Street in the R-1-21 zone.

Doug Kinsman with Ensign Engineering represented this item. Mayor Marshall stated it was his understanding that all they were doing was dividing the property, but nothing is currently planned. Mr. Kinsman answered that Ms. Polk is in the process of selling the two and a half acre piece; she is retaining the rest.

Motion: Councilman Critchlow made a motion to approve a minor subdivision for Norma Polk dividing 19.87 acres of land from one (1) lot into three (3) lots at 225 East Pear Street in the R-1-21 zone. 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.

9. Consideration of a minor subdivision for the SR112 Development Group dividing 4.94 acres of land from one (1) lot into four (4) lots at 490 North Burmester Road in the RR-1 zone.

Barry Bunderson with Civil Proj-Ex represented for SR112 Development Group. He reported Aqua Engineering has approved this plat. It is a minor subdivision. They are planning to extend the water main to the subdivision, which is not generally required on a minor subdivision. Mayor Marshall explained the Council had approved the upsizing cost of the water line.

Motion: Councilwoman Sparks made a motion to approve a minor subdivision for the SR112 Development Group dividing 4.94 acres of land from one (1) lot into four (4) lots at 490 North Burmester Road in the RR-1 zone. 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. Consideration of a preliminary plat on ten (10) lots of the Clover Meadows Subdivision for Hawthorne House Investments, LLC and Ginger Built, LLC.

This item was removed from the agenda.

11. Consideration of a final plat amendment on the K&L Minor Subdivision for Kolten and Melinda Kinsman at 652 South Quirk Street to move Lot 101 in a more southerly direction.

Doug Kinsman represented this item. He explained when they did the minor they were going to sell the lot, but then decided to build on it. They decided they would like to move their house a little further away from the neighbor to the north. The Council Members discussed the fact that this is the one that avoids the frontage. Councilwoman Allen read the concerns from the Planning Commission.

Motion: Councilman Colson made a motion to approve a final plat amendment on the K&L Minor Subdivision for Kolten and Melinda Kinsman at 652 South Quirk Street to move Lot 101 in a more southerly direction. 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. Consideration of a final plat approval for Willow Springs Subdivision Phase 3, which contains twenty-four (24) lots, for IRA Services et al and Todd Castagno.

Doug Kinsman represented for Todd Castagno. Mayor Marshall reported that Planning and Zoning did not have any issues with this.

Motion: Councilwoman Allen made a motion to approve a final plat approval for Willow Springs Subdivision Phase 3, which contains twenty-four (24) lots, for IRA Services et al and Todd Castagno. Councilwoman Sparks seconded the motion.

Councilman Tripp inquired where the drainage goes. Mr. Kinsman answered there is a retention basin on Phase 3. He added that Phases 1 and 2 went into the detention basin near Main Street. Councilman Tripp expressed his concerns about it. He has driven by there after a big storm and it is not retaining, as it should. Mr. Kinsman said he would let Mr. Castagno know about it.

Motion: Councilwoman Allen made a motion to approve a final plat approval for Willow Springs Subdivision Phase 3, which contains twenty-four (24) lots, for IRA Services et al and Todd Castagno. 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.

13. Consideration of a final plat approval for Anderson Farms Subdivision Phase 2, which contains twenty-nine (29) lots for Gene Anderson, Rhett Marshall, and Todd Castagno.

Doug Kinsman represented Todd Castagno on this item.

Motion: Councilman Critchlow made a motion to approve a final plat approval for Anderson Farms Subdivision Phase 2, which contains twenty-nine (29) lots for Gene Anderson, Rhett Marshall, and Todd Castagno. Councilwoman Allen seconded the motion.

Councilman Critchlow said he wished they would put a trail to get kids to school. Mr. Kinsman stated they put in quite a bit of infrastructure for this subdivision. He suggested working with the City to get a Safe Routes to School grant.

Motion: Councilman Critchlow made a motion to approve a final plat approval for Anderson Farms Subdivision Phase 2, which contains twenty-nine (29) lots for Gene Anderson, Rhett Marshall, and Todd Castagno. 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.

14. Consideration of Resolution 2017-13 authorizing acceptance of the donation deed and conveyance of certain real property from Trejo Investments LLLP, Osborne Industries, LLC, Jenks Properties, LLC, Lake Baikal, LLC, and Veil Gluck Limited Partnership, authorizing the execution and recordation of certain documents in connection therewith; and providing further authority.

Mayor Marshall explained this is property near the City well. It will create the well protection zone around the north well. Travis Taylor got the appraisal on this piece of property. Attorney Coombs reported the original idea was for a land swap but after discussion, the road will be built into the neighborhood from Durfee Street and will be dedicated back to the City. By approving this land donation, the Council will approve the piece as a dedication for the road. The appraisal value is \$75,000.

Motion: Councilwoman Allen made a motion to approve Resolution 2017-13 authorizing acceptance of the donation deed and conveyance of certain real property from Trejo Investments LLLP, Osborne Industries, LLC, Jenks Properties, LLC, Lake Baikal, LLC, and Veil Gluck Limited Partnership, authorizing the execution and recordation of certain documents in connection therewith; and providing further authority. 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.

15. Consideration of Ordinance 2017-15 establishing a temporary land use regulation for all of Grantsville City by development of new subdivisions or any other planned unit development from obtaining development approval for a period of ninety (90) days.

Mayor Marshall provided a copy of a letter he sent to the Council Members earlier in the week. He had Mike Haycock, Building Inspector, and Kristy Clark, Zoning Administrator, put together a list of buildable lots currently available in the City. He said there are not very many.

Motion: Councilman Tripp made a motion to amend the proposed ordinance by deleting the first paragraph. Councilman Critchlow seconded the motion.

Councilwoman Allen asked why they were amending the ordinance. Councilman Tripp said he did not feel that was the purpose of this moratorium. Councilman Colson commented on the length of time being ninety-days because they could always shorten the time. He would like to amend it for six-months or 180 days.

Motion: Councilman Tripp made a motion to amend the proposed ordinance by deleting the first paragraph. 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.

Motion: Councilman Critchlow motioned to extend it to 180-days and approve the Ordinance 2017-15. Councilwoman Allen seconded the motion.

Councilman Tripp explained the Council is planning to clean up some things with the land use ordinances and development. He stated he did not think they would be able to do the General Plan in ninety-days or even 180-days. He felt they could address the most important things in ninety-days. Councilman Critchlow said he would rather have more time and if they get things completed as fast as they can, they will shorten the time. Councilwoman Allen asked about the fees and if the City will be okay. Councilman Tripp answered you will have a delayed effect so there may be a cash flow issue for some period. Councilman Colson added not in the short term; ninety-days will not even see a blip on it. Councilman Colson said this does not affect building permits or any development that has been approved for concept or beyond. Mayor Marshall added everything is in process; there is no subdivision on the desk waiting for approval.

Motion: Councilman Critchlow motioned to approve the Ordinance 2017-15 establishing a temporary land use regulation for all of Grantsville City by development of new subdivisions or any other planned unit development from obtaining development approval for a period of 180-days. Councilwoman Allen 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.

16. Reconsideration of Ordinance 2017-07 amending the official zoning map of Grantsville City, Utah by rezoning 5.05 acres of land at 300 South SR112 for the SR112 Development Group to go from a CS zone to a RM-15 zone.

Barry Bunderson was present for the SR112 Development Group. Councilman Colson asked Attorney Coombs if they could set a time frame on a table. Councilman Tripp stated if you go to our Planning and Zoning Code 3-22, the Board of Adjustments can only rule that the interpretation of the ordinance or the ordinance was misapplied. He added that 3-24-2 says that both participants, meaning the appellant and the City, should have due process. He did not believe they had grounds to vote again. Councilman Colson felt the Board of Adjustment did not give an answer. Councilman Critchlow stated he felt the original vote was affected by the recusal of Councilman Colson.

Councilwoman Sparks stated that it was her understanding this was tabled at the last meeting for the developers to come back with a PUD. Mr. Bunderson stated he had reviewed a copy of the minutes and that was part of the motion. He has reviewed the Land Use Management and Development Code. He shared his findings. Mr. Bunderson explained a PUD is a specific kind of a conditional use. A PUD provides some latitude for the City and the development to do some

things that may not be allowed in the code. Mr. Bunderson said it is a conditional use which implies that there are some detrimental impact to the community. He reported in Chapter 12, it states that it cannot change what is allowed in a zone. He looked up what is allowed in the CS zone and multi-family dwellings are not allowed in the CS zone, so a PUD cannot be approved for this zone. If the zone change were approved, then it would still require a CUP. Mr. Bunderson commended the Council for trying to keep the feel of the town. His opinion was that the rezone should happen with facts to support that opinion.

Councilman Critchlow reported he has talked to one of the residents in the area and they would prefer to have a field instead of commercial shopping. He said they felt they could live with apartments.

Councilman Tripp stated he was not sure they could vote on this, because there was a legal vote that denied this ordinance and based on the code, you cannot come back with a substantially similar plan for two years. Attorney Coombs reported this sent to the Board of Adjustment and they sent it back with a recommendation to reconsider. He explained one option was for the Council to send it back to the Board of Adjustment. Councilman Tripp felt an additional option would be to have Judge Elton review this and give his opinion.

Austin Allred addressed the Council. He explained that in the Board of Adjustment meeting, the Board was told to vote as if they were the City Council Members. He felt that is why this was sent back to the City Council. He said they have been lead down this path with the City Council and he would like to have a decision.

Attorney Coombs stated the City Council could send this back to the Board of Adjustment for clarification, or accept the recommendation and vote on it today, or table it. Councilwoman Sparks asked if they could vote on the ordinance today and then have Judge Elton look at it.

Motion: Councilman Tripp made a motion to refer this issue to Judge Elton, if he will accept it, to help the Council understand where they are at and what they can do and what they should do. Councilwoman Allen seconded the motion. The vote was as follows: Councilman Critchlow, “Nay”, Councilwoman Allen, “Aye”, Councilman Tripp, “Aye”, Councilman Colson, “Nay”, and Councilwoman Sparks, “Nay”. The motion failed.

Motion: Councilman Colson made a motion to approve Ordinance 2017-07 amending the official zoning map of Grantsville City, Utah by rezoning 5.05 acres of land at 300 South SR112 for the SR112 Development Group to go from a CS zone to a RM-15 zone and then send it to Judge Elton for his opinion on whether or not it is legal. Councilwoman Sparks seconded the motion.

Councilman Critchlow suggested sending this to Meg Ryan to review.

Motion: Councilman Colson made a motion to approve Ordinance 2017-07 and then send it to Judge Elton for his opinion on the legality. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Nay”, Councilman

Tripp, “Nay”, Councilman Colson, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

17. Mayor and Council Reports.

Mayor Marshall attended a hearing with City Attorney, Brett Coombs, Attorney, Jeff Gittins, and the residents of Ranch Road. The Mayor took part in the ATV ride commemorating HB82. He reported the Council received a thank you letter from the Tooele Education Foundation for the donation. He and Sherrie Broadbent are working on the DEQ sewer loan with Cheryl Parker and John Mackey. Mayor Marshall announced the pavement at the Justice Center will be installed next week.

Councilman Critchlow will not be able to make the October 17th meeting with P & Z. He invited everyone to the Honey Harvest Festival at the Clark Farm on October 13th and 14th. He will be out of town for the October 18th City Council Meeting, but he will call in. He and Councilman Colson painted some things at the elementary school.

The Council discussed the meeting on October 17th and determined they will begin at 5:00 p.m.

Councilwoman Allen went to the national Starbuck’s “Coffee with a Cop”. She reported it wasn’t largely attended but she thanked the officers from our department. She thanked Kristy Clark for the minutes from the last P & Z meeting. Councilwoman Allen thanked the Council for allowing Ben Levenger to present tonight. She would like to meet with the Mayor about the grant and put the general plan consultation on the agenda for an RFP. Mayor Marshall and Councilman Tripp pointed out we will need a scope of work to put out the RFP. The Council felt it would be good to meet with the Planning Commission. Councilwoman Allen asked if anyone knew what the Key Bank Building was purchased for. Mayor Marshall answered he does know and they will have to go through the UDOT process.

Councilman Tripp would like to have a voice for questions with Judge Elton.

Councilman Colson reported on the Board of Health Meeting. They made a determination on the wastewater issues. He stated October 7th is the Senior Expo at the TATC from 10:00 a.m. – 1:00 p.m.

18. Public Comments.

No comments were offered.

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

Motion: Councilman Colson made a motion to go into a closed session to discuss pending litigation. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Tripp, “Aye”, Councilman Colson,

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“Aye”, and Councilwoman Sparks, “Aye”. The motion carried and the Council went into a closed session at 9:35 p.m.

Those in attendance were: Mayor Marshall, Councilwoman Sparks, Councilman Colson, Councilman Tripp, Councilwoman Allen, Councilman Critchlow, Brett Coombs, and Christine Webb.

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

20. Adjourn.

Motion: Councilwoman Sparks made a motion to adjourn. Councilman Colson seconded the motion. The meeting was adjourned at 9:44 p.m.