

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON APRIL 4, 2018 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, Scott Stice, Tom Tripp, Jewel Allen, and Neil Critchlow.

**Appointed Officers and Employees Present:** Brett Coombs, Christine Webb, Kristy Clark, and Chief Enslin.

**Citizens and Guests Present:** Steve Howe, Susan Johnsen, Todd Castagno, Debra Spilman, Guy Haskell, and Todd Stewart.

Mayor Marshall asked Susan Johnsen to lead the audience in the Pledge of Allegiance.

**AGENDA:**

**1. Public Hearings**

- a. **Proposed Concept Plan for Grantsville Property, LLC and Todd Castagno on the Oquirrh Estates Subdivision at 1193 East SR112 for the creation of ninety-nine (99) lots in the RM-15 zone.**

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

**2. Public Comments.**

There were no comments were offered.

**3. Summary Action Items.**

- a. Approval of Minutes from the March 21, 2018 City Council Meeting.
- b. Approval of Bills for the amount of \$72,968.06.

Councilman Stice asked about a bill for salt for snow removal. Mayor Marshall said that we did throw salt out this winter and the purchased salt will replace the salt that was used.

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

**4. Consideration of a concept plan for Grantsville Property, LLC and Todd Castagno on the Oquirrh Estates Subdivision at 1193 East SR112 for the creation of ninety-nine (99) lots in the RM-15 zone.**

Todd Castagno represented on this item. He explained he was present with the concept plan for the single-family dwellings. He reported this is what was proposed back in 2008 by the previous developers. Mr. Castagno stated this was originally proposed as one big project with commercial, multi-family, and single-family. He said they plan on developing this in four phases. The first phase will have an LDS Church site planned. He commented that the road at the east side of the development will eventually line up with Lamb Lane, so they changed the name of the road to reflect that. Mr. Castagno said they are proposing that Phase 1 will be accessed with a single access point. They have submitted paperwork to UDOT on the accesses. He believes they can operate with one access through Phase 1 and possibly into Phase 2, but they will need to add the second access point for Phase 3 or when the church site is built. Mayor Marshall asked if they have acquired the other entrance into SR112. Councilman Tripp commented there was active correspondence with UDOT regarding the application. They have had several meetings with UDOT and are waiting for approval.

Mayor Marshall inquired about the names of the streets. Mr. Castagno answered they kept the names proposed by the original developers. Mayor Marshall suggested changing the names to correspond with areas in Grantsville. Mr. Castagno agreed, and commented that he would prefer to change the name of the subdivision to something other than Oquirrh Estates. Councilman Critchlow recommended changing the name of Lamb Lane, because it is confusing. Mr. Castagno pointed out that in the future it will most likely line up with the current Lamb Lane. The Council discussed various streets and how they line up.

Councilwoman Allen asked if the red items on the engineer's report had been corrected. Mr. Castagno answered that he just received the report today. He felt they were Mr. Neeley's notes. Councilman Tripp said this is a concept plan. He explained before this subdivision moves forward, there are sewer and water issues that will need to be addressed, and highway access will need to be resolved.

Councilman Critchlow and Mayor Marshall felt the cul-de-sacs should be changed to through streets. They agreed that cul-de-sacs are difficult for emergency vehicles to maneuver. The Council Members discussed the effects of having cul-de-sacs in the development.

Councilman Stice asked about secondary water for this subdivision. He stated the concept plan says they plan to have irrigation. He asked if there is irrigation water available to this area. Mr. Castagno answered that there is an irrigation line that runs down under the street listed as Big Canyon Road and goes east down the fence line. Mayor Marshall reported the roads would need to be widened to meet the current street standard. There was discussion about Lamb Lane and the plan to asphalt only half of the road. The Council felt it would be best if the road is completed.

Brett Coombs, Grantsville Attorney, explained that if the roads are widened through the process that may change the lot sizes, etc. He said the concept plan is presented for approval so the

Council can see the overall plan. Councilman Stice commented on the small amount of open space and encouraged Mr. Castagno to increase it as the plan moves forward.

Councilman Tripp asked what they are locking in when they pass a concept plan. Attorney Coombs answered they are locking in the layout and the density. He added that if the road width shifts the plan, then the density will go down, not up. The general layout can be adjusted, but it cannot be changed from single-family to multi-family homes.

**Motion:** Councilwoman Allen made a motion to approve the concept plan for Grantsville Property, LLC and Todd Castagno on the Oquirrh Estates Subdivision at 1193 East SR112 for the creation of ninety-nine (99) lots in the RM-15 zone with the understanding that there are changes that need to be completed prior to preliminary approval. Councilman Stice seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

Mr. Castagno asked if they are vested in the name of the subdivision and streets, or if he can still change them. Attorney Coombs answered the names will be vested at preliminary approval.

Councilman Stice commented that Grantsville needs lots like this. He stated he likes this plan and it will provide housing in this range. He wished Mr. Castagno good luck.

**5. Consideration of a final plat approval for Grantsville, LLC and Guy Haskell on the Deseret Highlands Subdivision Phase 1 at approximately 800 North Highway 138 consisting of twenty-four (24) lots in the RM-7 zone.**

Guy Haskell was present for this item. Councilman Tripp asked what the ultimate size of this subdivision is. Mr. Haskell answered 165. Councilwoman Sparks reminded the other council members there is no open space proposed. Councilman Critchlow recalled they discussed open space, however, Mr. Haskell does not wish to have an HOA to maintain the open space. Mayor Marshall pointed out the retention swells had been made part of the landowners' property so they will be responsible to maintain the swells.

Councilwoman Sparks asked if everything had been worked out with UDOT. Mr. Haskell answered they have worked everything out with UDOT. He reported that he met with them yesterday on the second access for the next phase. Attorney Coombs inquired where the second phase will attach. Mr. Haskell explained that on the current concept plan it is set up on the other side with the access from the other entrance. He said the third phase will connect the first two phases.

**Motion:** Councilman Tripp made a motion to approve the final plat for Grantsville, LLC and Guy Haskell on the Deseret Highlands Subdivision Phase 1 at approximately 800 North Highway 138 consisting of twenty-four (24) lots in the RM-7 zone. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman

Allen, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

**6. Initial Consideration of Annexation Petition filed by Todd Castagno, William B. Castagno, Patricia M. Chatwin, and Robert John Castagno.**

Todd Castagno represented this item. He explained Tooele County discovered that in a previous annexation of Oquirrh Estates, they went to the section line, but the property crossed the section line by about thirty feet. Mr. Castagno stated this annexation will place all of the property into Grantsville City.

**Motion:** Councilman Tripp made a motion to approve the annexation petition filed by Todd Castagno, William B. Castagno, Patricia M. Chatwin, and Robert John Castagno. Councilman Critchlow seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

**7. Consideration of Ordinance 2018-01 amending Chapter 21 of Grantsville City Land Use and Management Code.**

Planning Commission Chairwoman, Jaime Topham, and Shay Stark with Aqua Engineering presented this item. Mr. Stark went over the proposed subdivision approval process. A developer would have the choice to submit a concept plan, but it would not be required.

The Council Members discussed, asked for clarification, and expressed their concerns about the proposed amendments for Chapter 21.

**Motion:** Councilman Tripp made a motion to approve Ordinance 2018-01, which amends parts of Chapter 21 of Grantsville City Land Use and Management Code.

Attorney Coombs stated he provided information from Shay Stark. Mr. Stark explained lots can be added to a plat through an amendment process, but the issue is that we do not have language clarifying if they do that, we may still need infrastructure. The update will send it back to the same requirements for a subdivision to be submitted if infrastructure is needed. Mr. Stark pointed out that in section 21.4.5 (1)(e) requires “proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months”. He reported there has been some discussion between Brett and Kristy about this, and the city only needs one copy.

Councilman Tripp withdrew his motion. Commissioner Topham reminded the Council that they planned to discuss the 300-foot notice. She reported that the Planning Commission felt there needed to be plenty of notice; therefore, they would not be opposed to increasing the area for noticing. Attorney Coombs stated that under Utah Code 10-9A-201(2) a municipality may by ordinance require greater notice than required under this part. The Council felt that 500-feet was reasonable.

Adam Nash commented on current Grantsville ordinances that he felt were inconsistent with state law. He stated our warranty bond is for twenty-four months, but state law says you cannot have it longer than twelve months. He reported Grantsville has adhered to the state requirements, but City Code is in conflict with it. He suggested changing the ordinance to reflect the practice. Mr. Nash pointed out that in the application packet, the school board has had to sign off on it, but that is actually prohibited by state law. He said that if the city wishes to provide notification to the school board that is fine. Mr. Nash explained that everything he was discussing is part of the Land Use Development Act.

Mr. Nash stated he deals with green space and parks in many municipalities. He said by state law it is considered an exaction. An exaction can be done on a proportional basis. Mr. Nash added that he does not prefer cul-de-sacs, but when they stub in a road to their property is it not a problem. When they do not own the adjacent property, they either have to contact the property owner and have them agree to provide the easement. The easement is considered temporary, but can go on for twenty – thirty years. He was concerned about taking his land and making it comply with the ordinance and still providing lots that are desirable to builders and homeowners.

Councilman Tripp suggested having Attorney Coombs go through our regulations and review the code about the issues brought up. Attorney Coombs agreed to do so.

Councilman Critchlow expressed his concerns about the possible rush with the end of the moratorium. He would like to add 5% development of open space for any major subdivision. Attorney Coombs explained any changes of that nature would have to go through the Planning Commission. They have not made recommendations on open space. Mr. Stark explained there is no definition of open space in the code and the Planning Commission is working on addressing this. Mr. Stark explained the potential problems with “fees in lieu of”. The Council Members discussed the need to have a plan in place for open space. Chairwoman Topham stated the Planning Commission plans to continue reviewing and updating the code regarding subdivisions, they do not consider this complete.

Councilman Tripp congratulated the Planning Commission for the good work they have done on this project. He urged them forward with consideration of parks and open space.

**Motion:** Councilman Tripp made a motion to approve Ordinance 2018-01 with amendments to section 21.3.2 (j) from 300 feet to 500 feet; section 21.8.1 with the amendments provided by Mr. Stark, and 21.4.5(1) (e) from two copies to one copy, and further the attorney will look into the issues brought up by the audience tonight to take care of subsequently. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

## **8. Mayor and Council Reports.**

Mayor Marshall attended the Tooele Advisory Council Meeting, the hearing with the Planning Commission, a meeting on the exploratory well, and the Tooele County Board of Health Meeting. He attended the C.O.G. meeting. He met with Reid Dixon on the Ashlynn Meadows Subdivision. Mayor Marshall stated he would like to schedule a meeting with a closed session to discuss personnel matters on April 18, 2018 at 6:00 p.m.

Councilman Critchlow expressed appreciation to the Planning Commission for their work on the updates. He attended the Republican Caucus' Meet and Greet event. He was impressed with the format and felt we should have something like that for our municipal election. Councilman Critchlow announced Baby Animal Days has been changed to Barnyard Babies and will be held the last Saturday in April and the first Saturday in May. He encouraged all to attend.

Councilwoman Allen thanked Mayor Marshall for the repairs on South Street done by the Maintenance Department. She commented that there was what looked like a construction truck going west on South Street as she was driving east. She said the other driver straddled the shoulder and sped through. She inquired if we could lower the speed limit on that street.

Councilman Tripp noticed some side by sides that were unlicensed going down Main Street. He recommended notifying residents about Main Street being a state road and need to be licensed. He suggested looking at the Capital Facilities Plan again. He would like to be sure we have proper water pressure and appropriate impact fees. Councilman Tripp reported the Mosquito Abatement is moving to the RFQ stage and looking for contractors to replace their building in Lake Point.

Councilman Stice reported he recently talked to Melodi Gochis, Tooele City Councilwoman. She asked him questions about dispatch fees. Councilman Stice asked about the surveying taking place on Main Street. Mayor Marshall stated the surveyors were working for the engineers on the Main Street water and sewer projects.

## **9. Public Comments.**

Guy Haskell stated he was impressed with the work that has been done on the update of Chapter 21. He asked the Council to consider whether there is an expiration date on a concept plan. He added that he is pro-open space person, but he likes to see public open space.

Todd Stewart commented on the changes. He said it might be beneficial to do everything that we can to make sure the information gets out.

Debbie Spilman felt there was a good start, but they were just now addressing Chapter 21. She would like the Council to look at an overall plan of where they want single family dwellings, multi-family housing, etc. She felt that we need to go farther and decide what we want in each area. Ms. Spilman expressed concerns about having a hodge-podge or patchwork quilt kind of city.

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

Approved

**Motion:** Councilman Stice made a motion to go into a closed session. Councilwoman Allen seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried and the Council went into a closed session at 8:53 p.m.

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

At 9:04 p.m., Mayor Marshall left the closed session. The Council motioned to allow Councilwoman Sparks to be the spokesperson for this meeting.

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

**Motion:** Councilman Stice 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 Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

## **11. Adjourn.**

**Motion:** Councilwoman Allen made a motion to adjourn. Councilman Tripp seconded the motion. The meeting was adjourned at 10:36 p.m.