

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL,
HELD ON OCTOBER 17, 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

Krista Sparks

Scott Stice

Tom Tripp

Neil Critchlow

Jewel Allen

Appointed Officers and Employees Present:

Jacob Enslin, Police Chief

Brett Coombs, City Attorney

Christine Webb, City Recorder

Kristy Clark, Zoning Administrator

Citizens and Guests Present:

Craig Neeley

Todd Stewart

Debbie Spilman

Faye Hall

Mitch Hall

Rick Barchers

Mayor Marshall asked Councilman Scott Stice to lead the Pledge of Allegiance.

AGENDA:

1. Summary Action Items.

- a. Approval of Minutes from the October 3, 2018 City Council Meeting.
- b. Approval of Bills in the amount of \$178,662.76.

Councilwoman Allen commented on the bill for Honnen for rental damage. She asked what that was. Mayor Marshall explained we are investigating it. Honnen claimed there was some damage to the loader that was turned in. Councilwoman Allen asked what the radar signs are. Mayor Marshall answered they are solar powered speed signs that go on the trailer to show drivers their speed.

Motion: Councilwoman Allen made a motion to approve the minutes and the bills. Councilman Tripp 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.

2. Consideration of selecting a contractor and awarding a contract to drill the North Well.

Mayor Marshall reported that Hydro Resources drilled the exploratory well. They also had the low bid to drill the new well. Two bids were received; one from Hydro Resources – Rocky Mountain, Inc. and the other from Grimshaw Drilling. The bid from Hydro Resources was \$536,893, with additive item 1 (Zone Test for Water Quality) for \$12,569, for a total bid of \$549,462. Grimshaw’s bid was \$594,074, with additive item 1 (Zone Test for Water Quality) for \$2,500, for a total bid of \$596,574.

Councilwoman Allen asked if Mayor Marshall was happy with the way Hydro handled drilling the exploratory well. He answered that he was. Councilwoman Allen commented on the issue with the first well and the need to move. Mayor Marshall explained the issue we had with the exploratory well was that there was some ground that collapsed into the hole. They had to remove their rig, replace it with a cable rig, and move to a new area. They were able to get through the bad stuff with the cable rig. Mayor Marshall remarked that they know what they’re dealing with now and were able to bid accordingly.

Councilman Tripp commented that there were rumors floating around that this well was being drilled for a new development in that part of town. He clarified that this is to replace a well casing that is failing. Mayor Marshall added that this well had been drilled in the 1950s and there are holes in the casing causing problems with the pumping.

Motion: Councilman Tripp made a motion to accept the low bid of Hydro Resources with the additive for a total bid of \$549,462. 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.

3. Consideration of a Concept Plan for Reid Dickson with Infinity Consultants and Josh Adams on the Sun Sage Meadows at 619 West Clark Street for the creation of five (5) single family lots plus seventy-four (74) multi-housing development in the RM-15 zone.

Bruce Baird, counsel for the project spoke on this agenda item. He stated they have carefully researched the history of this project and reviewed it. He handed out copies of the map that was approved in 2009. He stated the differences were that the roads were narrower and there was a clubhouse and trails. He pointed out the reason the clubhouse

and trails were killed was because the roads had to be wider. He said the current plan is for the same number of units and it is essentially the same layout. Mr. Baird reported the City Council approved the rezone on December 16, 2009 to RM-15 with no conditions. Councilman Tripp asked if that was correct because his recollection was different. Mr. Baird quoted public hearing comments from the minutes of the December 2, 2009 City Council Meeting. Councilman Tripp felt that Mr. Baird was not giving a complete story of what happened.

Mr. Baird continued to review the history of the project from 2017 to the present. He explained they were submitting a plan with the modifications recommended by the Planning Commission. The parking stalls are all at least twenty feet (20') deep. The setbacks are twenty to twenty-two feet (20' – 22') generically. He said they comply in every respect with all of the codes of the City, with the exceptions of the smaller roadway widths on the interior streets and the smaller setback amounts. Mr. Baird felt the application was fully compliant. He hoped they would approve it.

Mayor Marshall stated this has been called Ashlynn Meadows and now they are calling it Sun Sage Meadows. He asked which name they plan to use. Reid Dickson answered that there is already an Ashlynn Meadows Subdivision in Tooele County. He said Sun Sage Meadows is a new name and the one they will use. Mayor Marshall asked if this plan had been before the Planning Commission. Mr. Baird answered that the only changes on this plan are the changes that the Planning Commission asked for from the last plan. Mayor Marshall asked if they had seen this plan. Mr. Baird said no, because they "said do this, and we did that." Mayor Marshall confirmed they made the changes. Mr. Baird stated they changed the roadway widths and threw a bunch of dimensions on it.

Councilman Critchlow commented on the setbacks. He asked if any of the setbacks are twenty-five feet (25'). Mr. Baird answered no. Councilman Critchlow remarked on the sidewalks and inquired how they plan to meet ADA requirements. Mr. Baird answered they are going to have appropriate cuts where needed. He stated that he has dealt with the disabled community while representing developers for fifteen (15) years. He added that when his clients ask if they have to comply with the ADA, he tells them that they do have to comply. Councilman Critchlow asked why the City should allow them to not have rear setbacks of twenty feet (20'). Mr. Baird replied because they had to have bigger streets. Councilman Critchlow and Mr. Baird discussed the driveways and Ford pickup trucks fitting in them. They argued about the dimensions. Councilman Critchlow commented that they wanted to comply with these things. He asked what they could do to help him get through this. Mr. Baird stated they were going to reduce the standards. He added that if the Council did not, then they will litigate.

The Council discussed Mr. Baird's threat of litigation and tried to reason with him. Mr. Baird found it necessary to point out that he was made property lawyer of the year. He commented that the Council could ask their friends in Tooele or Bluffdale what it feels like to be sued by him.

Mr. Baird told the Council that the plan approved in 2009 is the same plan. He stated the houses were actually smaller in that plan because of the clubhouse, but it was exactly the same plan. Councilman Stice clarified the plan from 2009 was the one he was looking at. The plan had 96 units. Mr. Baird conceded that it was not the same plan. Councilwoman Allen thought the original plan had more open space than the plan presented. Mr. Baird commented the roads changed, but the plan still complies with the open space requirement.

Councilman Tripp remarked that he felt Mr. Baird was schooling them on being non-thorough. He believed there were conditions originally placed that were not preserved and that we were having to pay the price for that. He cited Utah State Code Ann. 41-6A-1401(1)(A)(ii) as the code restricting vehicles from parking on a sidewalk.

Mr. Baird insisted they would not take a row of homes out. Councilwoman Allen asked Mr. Dickson what his bottom line is for this. Mr. Dickson stated the City has a P.U.D. ordinance that says we like developments where we introduce a variety of architectural styles, open spaces, amenities, and curb and linear streets. He explained the City has a checklist for a P.U.D. of twelve (12) items. They meet ten (10) of those items. He commented that the rear setbacks are all in excess of twenty feet (20') except on the interior of the project. Mr. Dickson felt the families that will live here will not drive a bigger vehicle; they will be a more modest vehicle and a more modest housing unit.

The Council Members, Mr. Baird, and Mr. Dickson discussed setbacks, safety requirements, and the HOA.

Motion: Councilman Stice made a motion to approve the Concept Plan for Reid Dickson at 619 West Clark Street. Councilman Tripp seconded the motion.

Councilwoman Sparks commented that it was obvious that no one on the Council was loving this concept. She added that it was unfortunate this area was rezoned when it was. She stated that she did not particularly like the concept; they had done a good job complying with what was required but that's all. Councilman Tripp noted that between 2009 until recently, local residents complained. They had weeds growing over the summer which became a fire hazard. He did not feel that the commitments they made had been kept over time. Mr. Baird commented that the plan is for this project to comply with the law. Mr. Coombs asked if they would be willing to enter into a development agreement to ensure that the property is kept up, etc.

Councilman Stice stated he has been on the City Council for about six (6) years and this is probably the worst interaction that he has had with a developer. He commented that he likes a good interaction with some give and take. He added that to stand before them and say, "If you don't give us this, we'll sue you," was not right. He said that he did not make the motion to not get sued; he made the motion because this seemed to have been messed up from the beginning. Councilman Stice did not like the way this happened.

Motion: Councilman Stice amended his motion to approve the Concept Plan and to enter into a development agreement. Councilman Tripp seconded. The vote was as follows: Councilman Critchlow, “Nay”, Councilwoman Allen, “Nay”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

4. Consideration of a P.U.D. (Planned Unit Development) for Reid Dickson with Infinity Consultants and Josh Adams on the Sun Sage Meadows at 619 West Clark Street for the creation of five (5) single family lots plus seventy-four (74) multi-housing development in the RM-15 zone.

Mr. Baird waived any presentation.

Councilwoman Allen stated that she agreed with Councilman Stice. This process has been disappointing and that it came at a price.

Motion: Councilman Stice made a motion to approve the P.U.D. for Reid Dickson with Infinity Consultants and Josh Adams on the Sun Sage Meadows. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, “Nay”, Councilwoman Allen, “Nay”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

5. Consideration of Resolution 2018-22 appointing a new member to the Grantsville Historic Preservation Commission.

Mayor Marshall presented the name of Dee Mair for approval to be appointed to the Historic Preservation Commission. Mr. Mair is the secretary for the Sons of the Utah Pioneers (SUP).

Motion: Councilwoman Allen made a motion to approve Resolution 2018-22 appointing Dee Mair to the Grantsville Historic Preservation Commission. 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.

6. Discussion of cemetery issues.

Mayor Marshall explained the Council asked to have a discussion on cemetery issues. He reminded them that Councilwoman Sparks asked what was acceptable and what was not. He reviewed examples through a slide show with photos of the cemetery. Flowers or decorations on the headstone are permitted year round. Mayor Marshall addressed the plot that has had a bench installed and trees planted. The City Council approved a request in July 2000 to place them on purchased lots. The plot owner was instructed that improvements had gone past the original approval and was directed to stop further improvements in May 2001, which she did and nothing has been added.

Mayor Marshall listed items that are restricted: glass, porcelain, or breakable containers, decorations, or lights; wires, sticks, pegs, pinwheels, or iron rods; items not on the headstone; faded, worn, or weathered items; plantings without approval; or private improvements to lots. He reviewed the size requirements for a single burial (maximum length 40", width 40", height 36"), double burials (maximum length 80", width 40", height 36"), double depth burials (maximum 20" if individual or 40" if double marker, width 40", height 36"), and section A1 and A2 (maximum length 18", height 18"). The exceptions are that rods, sticks, pegs, and pinwheels are allowed for Memorial Day. The items are allowed anywhere on the burial lot. All items will be removed and disposed of the first Monday following Memorial Day. Funeral decorations will be allowed anywhere on the burial lot for a seven calendar day period immediately following a burial.

Mayor Marshall commented that he has looked at other cemeteries recently. One thing he has noticed is that they have the rules posted at those cemeteries. He suggested posting our rules. Councilman Stice pointed out the City has a few chances to provide the rules to people. One when they purchase the lot and other when they come to request the opening and closing. Councilman Tripp asked if anyone saw anything in the code that seems inappropriate. They all agreed that the code is reasonable. Councilman Tripp commented that he thought they could allow some flexibility when the mowing season is over. He did not see a problem with people decorating for Halloween or Christmas. The Council agreed that there should be a common feel of reverence at the cemetery. Councilman Stice shared photographs of the cemetery in Hurricane. He pointed out the decorations were all placed around the mow strip and it looked nice. Mr. Coombs stated one of the reasons to only allow decorations on the mow strip or the headstone is for liability reasons. Councilwoman Sparks commented that our code is somewhat lenient. The Council discussed allowing decorations when the lawn is not needing to be mowed. Councilman Tripp felt even if the enforcement is relaxed through the winter months, all decorations should have some solemnity and preserve the proper spirit of the cemetery. Mr. Coombs will draft an ordinance for approval.

7. Discussion of campaign signs.

The Council was provided with information on the regulation of campaign signs for Tooele County and the cities in the County. Mayor Marshall reviewed the time limits for having signs. The Council felt ours should match the County's. Mayor Marshall will suggest at C.O.G. (Council of Government) Meeting that everyone adopts the same amount of time that campaign signs can be out. Councilwoman Allen asked about enforcing the regulations.

8. Consideration of Resolution 2018-23 appointing James Waltz to serve as the Grantsville City Public Works Director.

Mayor Marshall explained that the Public Works Director does not have to be appointed by resolution. He introduced James Waltz and asked him to give a brief history of

himself. Mr. Waltz stated he has been working for Dugway Proving Grounds in public works for eight (8) years. Tooele City recommended that he apply for the Grantsville Public Works Director. He is looking forward to serving our community.

Mayor Marshall announced that Mr. Waltz went through two (2) rounds of interviews. Mr. Waltz was highly recommended. He was the top of both rounds of interviews in the scoring. Mayor Marshall reported we made an offer to him and he has accepted. The Mayor recommended his approval.

The Council asked a few questions and Mr. Waltz answered them. He explained the public works department is privatized. They have a broad scope dealing with road construction, grounds maintenance, and facility maintenance. He felt that he will bring a wide scope and experience level to Grantsville City. He has his Master's Degree in Resource Management/ Water Reclamation and Watershed Sciences. He supervised 125 individuals at Dugway.

Motion: Councilman Tripp made a motion to ratify the appointment of James Waltz to serve as the Grantsville City Public Works Director. 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.

9. Mayor and Council Reports.

Mayor Marshall attended the County Board of Health luncheon with a presentation on substance abuse among residents in Tooele County. He attended the CJC's Black Tie Blue Jeans fundraiser and watched the Lantern Fest from the building he was in. He received a public service announcement that the Tooele Army Depot is moving the detonations to the South Area range starting October 15th. The Mayor attended the induction banquet where Tooele High School standout and Grantsville resident, Ron Rydalch, was inducted in to the Utah Sports Hall of Fame. Mayor Marshall attended the Regional Water Conservation open house where they recommended slowing the flow of water by reconsidering landscape designs, taking shorter showers, etc. He attended the County Economic Development meeting. Mayor Marshall announced that our Main Street project has started.

Councilman Critchlow reported on Planning and Zoning Meeting. There are a few big developments coming to the City Council. He stated Bill Castagno's rezone is going to have to come back to the Planning Commission. Councilman Critchlow announced that the Fire Department is going to host an open house on October 27th. They should have the new truck here for the open house.

Councilwoman Allen attended the ULCT board meeting and the LPC meeting. The League is concerned about the impact of the enforcement of medical marijuana and its effect on municipalities. Councilwoman Allen announced that the Library has been re-certified. She stated the Library Director, the staff, and the board are doing a great job.

Councilwoman Allen attended the Chamber's meet the candidate luncheon. The HPC is looking at what is the proper procurement process. They plan to hire someone to film a video for our city. The Master Plan steering committee is meeting on Monday to discuss the scope with the chosen provider.

Councilman Tripp reported the County has been having a number of informational meetings. They had one on UTA on Monday. They reviewed the projects they are funding in the immediate future. They talked about the Mid-Valley Highway. They will start construction when the weather breaks in the spring. It will take until approximately 2022 to complete it. They mentioned the Exit 99 project and the SR-201 extension. It is in the concept stage and is possibly a decade out.

Councilman Stice stated that Grantsville City needs affordable housing. He explained that even though people want to keep the lot sizes at a half-acre or larger, we need to allow housing for families starting out. However, he did not like anything about Sun Sage Meadows and the interaction between the developer and his attorney. He did not like that he threatened to sue us. He felt this could have been handled better on the front end. Councilman Stice suggested having a discussion to figure out where we went wrong. He reported that the Mosquito Abatement is done treating for this year.

Councilwoman Sparks stated she was not in favor of the Sun Sage Meadows. She felt the Council had their hands tied because of the zone change.

10. Public Comments.

Rick Barchers commented on Mr. Baird. He stated Mr. Baird was aggressively rude and disrespectful. Mr. Barchers was embarrassed by his behavior and felt that he threatened and insulted the citizens of Grantsville. He requested that his feet be held to the fire and that he is required to do what he agreed to do. He also requested that anyone exhibiting that type of behavior be asked to leave.

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

Motion: Councilman Tripp made a motion to go into a closed session. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilman Tripp, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried and the Council went into a closed session at 8:58 p.m.

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

Chief Enslen was excused at 9:02 p.m.

Approved

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

12. Adjourn.

Motion: Councilman Stice made a motion to adjourn. Councilwoman Sparks seconded the motion. The meeting was adjourned at 9:39 p.m.