

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL,
HELD ON DECEMBER 19, 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

City Council Members Excused:

Jewel Allen

Appointed Officers and Employees Present:

Jacob Enslen, Police Chief

Brett Coombs, City Attorney

Christine Webb, City Recorder

James Waltz, Public Works Director

Kristy Clark, Zoning Administrator

Citizens and Guests Present:

Jeff Hutchins

Eric & Susan Johnsen

Laurie Hurst

Todd Stewart

Mayor Marshall asked Councilman Neil Critchlow to lead the Pledge of Allegiance.

AGENDA:

1. Summary Action Items.

- a. Approval of Minutes from the December 5, 2018 City Council Meeting.
- b. Approval of Bills in the amount of \$1,797,781.93.

Councilman Stice stated he read through the minutes and the bills. He did not see anything out of the ordinary.

Motion: Councilman Stice made a motion to approve the summary action items. 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.

2. Consideration of approval of the contractor for Phase 2 of the Main Street Water and Sewer Project.

Matt Laurendale with Jones & DeMille made sure the Council received his recommendation letter. Mr. Laurendale explained they were seeking approval of Phase 2 of the Sanitary Sewer and Culinary Water construction with Whitaker Construction. He stated the sewer portion will cost \$4,235,622 and the water will cost \$2,000,733.50. He reviewed how things have gone with the design assist. Mr. Laurendale announced there was a cost savings of approximately \$266,000. Whittaker Construction has been working with Jones & DeMille to reduce costs and save money. They may also have some savings from the well project. Mr. Laurendale reported that with the savings, they may be able to extend the water project a little farther west. Currently the water line is set to run to Cooley Street.

The Council discussed the water line. Councilman Stice said it would be nice if we could tie in the cemetery with City water.

Motion: Councilman Stice made a motion to approve the contract for Phase 2 of the Main Street Water and Sewer Project. Councilman Tripp seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

3. Consideration to approve a Multiple Housing Conditional Use Permit/Site-Plan Application for Mountain Vista Homes located approximately at 320 West Pear Street in the Hinckley Park Subdivision for the creation of ten (10) units in the RM-7 zone.

Shay Stark from Aqua Engineering reported that he was asked to look into the zoning of this parcel. He stated there is quite a bit of confusion on it. He provided the Council copies of maps and went over them. There was a hand drawn plat map created for the City that was updated over the years by drawing over the original. Mr. Stark explained the dimensions on the maps. He compared the maps with Google Earth map and realized the streets in the Belaire Subdivision were elongated. What was drawn as 715 ft. was actually 538 ft. He reported this map and the zoning map created in 1984 show this subdivision on two parcels and not just one. This creates the confusion and throws everything off. Mr. Stark went over the history of mapping the zoning to the current zoning map.

Mr. Stark felt the Pear Street alignment was the intention of the zoning and the maps bear that to be the case. He stated the next question is, “What is the developer vested for at this point?” He explained that in March of 2017, Adam Nash brought in an amendment for Hinckley Park to reconfigure the phasing. At that time, phases 1 and 2 were sold or under construction. Mr. Nash was taking what was originally five phases and

reconfiguring the phasing on it. The previous approval showed that the roughly acre and a half that Grant Park is supposed to sit on was three (3) one-half acre lots in Hinckley Park. Mr. Stark said going back to the minutes from that meeting, this issue was brought up. Mr. Nash and Attorney Linares said that Grant Park was not part of the amendment. Mr. Stark stated there weren't any details in the amendment for Grant Park. He felt that was a key point because it means that Grant Park has been vested with nothing. It is zoned as RM-7, but that is all.

Mr. Stark said the next question becomes, "What are the options at this point?" This is a Conditional Use and according to State law, it can be approved with certain conditions. The conditions are there to mitigate any detriments. He explained the conditions you apply on the property cannot be any more burdensome than conditions on other property in the community; they have to be reasonable.

Mr. Stark pointed out that several months ago this developer submitted an application which is under review and on the agenda for the Planning Commission Meeting for the Hunter Place subdivision. It is a narrow strip of property on the east side of Hinckley Park and then runs along the south side of Hinckley Park. They came before the City Council and asked if the Council was willing to make some sort of trade off with them on the density. Mr. Stark asked what would happen if some agreement could be negotiated.

Attorney Coombs commented that Mr. Stark stated the law correctly on the conditional uses. He wanted to make sure the Council knew they could deny a conditional use permit if the detrimental effects cannot be reasonably mitigated through mechanisms. He explained that if the Council was going to deny a conditional use based on detriments, they would have to list the reasons why a reasonable condition would not stop that detriment.

Councilman Tripp asked if we need to take the current zoning map and straighten it up. Mr. Stark answered there are two things to consider. One is that this is an RM-7 zone and you could potentially end up with more units. The other is that the current application applies under the current zoning and code. He suggested the Council discuss the zoning of areas like this and address them in the general plan as we update it.

Councilman Stice expressed appreciation to Mr. Stark for his work on this.

Motion: Councilman Stice made a motion to table this item and have Mayor Marshall and Mr. Coombs sit down with representatives from Mountain Vista to come up with a compromise. Councilman Tripp seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilman Tripp, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

4. Consideration of reimbursement agreement for Worthington Street sewer line extension (Todd Castagno).

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Mayor Marshall explained that he met with Mr. Castagno. They worked out the numbers and agreed to the amount of \$175,700. Councilman Stice commented that is the present value and it is a fair number.

Mr. Coombs suggested amending this to an accord and satisfaction agreement for approval instead of a reimbursement agreement.

The Council felt that everybody should go through a development agreement to prevent this type of situation.

Motion: Councilwoman Sparks made a motion to approve the accord and satisfaction agreement for the Worthington Street sewer line extension. Councilman Tripp seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

5. Consideration and review of cemetery seasonal issues with lots at the Clark Farm Cemetery.

Mayor Marshall reported that he has had several people ask him to relax the ordinance on the placement of wreaths at the cemetery from November 1st to March 1st.

Councilwoman Sparks asked if that wasn't already in the ordinance. Mayor Marshall answered that it was discussed, but it was not in the ordinance. The Council agreed they would like language added to the code to reflect this. Attorney Coombs will draft the ordinance for the Council to consider.

Councilman Tripp wished to have a broader discussion. He suggested looking at our pricing on cemetery lots. He would like to do a study to compare to local geography, such as Tooele, West Valley, and some of the private cemeteries. He felt there have been times when we have been so low priced, that people shopping for a cheap place to be buried come here. He stated that he does not wish to subsidize non-residents in that way. Councilman Tripp said as a corollary to that we should define or redefine our definition of resident. Mr. Coombs read the code defining a resident.

Councilman Tripp suggested that the Council formalize how they would like to regulate headstones. Councilman Stice commented that when they discussed the Clark Farm Cemetery, they agreed that there would be no raised headstones. They felt it would make it easier to maintain the grounds. Councilman Tripp added that we need to have a way to assure water will be available to the cemetery.

Councilman Tripp asked what they do with the Clark Farm Cemetery. He explained the Council proposed a restriction some years ago that they would vote whether or not to allow the mayor to sell plots. He stated that he was not demanding that they sell plots, but that they lift the moratorium. Councilman Tripp reported the City is selling plots on the Wootton property at approximately 1% of the plots per month; which means we have

already sold through 40 – 50% of that portion. Councilman Tripp did not think it was right to restrict our residents from plots in the Clark Farm Cemetery. He added that the cemetery has been created and is sitting there with plots and there will come a time when it will be appropriate to sell them. We should make it available to residents who want to do so. Councilman Tripp suggested going through his list and address them one at a time.

Motion: Councilman Tripp made a motion to restudy and re-compare the costs of cemeteries in a proximity of Grantsville. Councilman Stice seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

Councilman Tripp asked if the Council wanted to have a different standard for headstones at the Clark Farm portion than the main cemetery. Councilman Stice felt there should be no raised headstones at Clark Farm. He said it is easier to maintain and it does not look like a cemetery. Councilman Tripp pointed out this could be changed by some future City Council. Mr. Coombs read the regulations on grave markers from the City Code.

Councilman Tripp suggested considering water for the cemetery. He was not sure how much money is available to purchase water. Councilman Stice stated there is about \$230,000 available in the cemetery fund. Mayor Marshall explained water is different. Councilman Tripp asked how much it will cost to run an appropriate water line. Mayor Marshall said we have approximately \$157,000 available to buy water. Councilman Tripp asked what kind of physical facility we need to add to supply water from the City system. Mayor Marshall answered that crossing Clark Street would be the easiest way to go to tie into the existing sprinkling system that is in the cemetery. He added that we would have to separate it to prevent cross contamination. The Council felt that was a project that was worth having priced out and brought to the Council for approval. Councilman Stice felt they should also look into purchasing more irrigation water. Mayor Marshall stated that was something he wished to discuss with the Council. There are some water shares/rights available and if the Council wanted, we could put out an RFP to purchase more. They discussed the price of irrigation water shares. The Council decided we should work on irrigation water as a project but getting more City water is a priority. They agreed to send out an RFP.

Councilwoman Sparks would like to see an ordinance updating the decorations in the no-mow season on the next agenda. They still do not wish to allow anything irreverent.

Councilman Tripp stated that he is in favor of lifting the moratorium. Councilwoman Sparks stated that she did not think it was ready. Councilman Stice remarked that he had a copy of the conditional use permit for cemetery. He reported that conditions were approval at the location, must provide proper fencing and buffer between neighboring properties, and the road must be completely paved to the entrance and exit. He asked what the entrance and exit are. Mayor Marshall answered that when they were originally

looking at exiting the cemetery, it was to go through Palomino Ranch but the residents did not want the traffic going through their neighborhood. It was suggested that the City widen the road that is there so that traffic could go both directions and have a parking area at the south end. Councilman Critchlow commented that he thought the road would be paved clear to the end and then go around. Mayor Marshall replied that was the original intent but residents in Palomino Ranches were not in favor of it. Susan Johnsen stated that was not the objection, the objection was to the proposed recreation center. Councilman Stice said he thought the road could be used for functions at the Clark Farm and use the field for a parking lot and get the cars off Clark Street.

Councilman Tripp commented that Councilman Stice had listed the conditions that are supposed to be applied to the cemetery. He felt they protect people from getting too far ahead because we do not have it ready to bury anyone. He said they should empower it to be moving ahead or be able to move forward because we are approaching the point of having half of the lots sold on the Wootton property. Councilman Critchlow said that is the case with the lots that are in grass right now but we still have another section. Councilman Tripp remarked that was true but they have also invested in the Clark Farm piece. Mayor Marshall commented that the property behind the Wootton house was not purchased with cemetery funds; it was bought with water, sewer, and street funds. Councilman Critchlow argued that the whole property was bought with money from the general fund. Councilman Tripp confirmed they bought an extension on the shop property. Councilman Stice suggested they start working on the road and fencing at the Clark Farm Cemetery to move forward but we are not ready to sell plots or bury anyone there. Councilman Critchlow felt that was not an expense they need right now. Councilwoman Sparks stated she felt they should focus funds on water for the current cemetery. Councilman Tripp pointed out the cemetery pays for itself.

Motion: Councilman Tripp made a motion to authorize the mayor to make plans and preparations to meet the conditional uses that were put on the Clark Farm property to make it a cemetery in preparation for selling lots. Councilman Stice seconded the motion. The vote was as follows: Councilman Critchlow, “Nay”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

Councilman Critchlow stated that he didn't want to spend \$5,000 at a time to knock this whole thing out and just accomplish everything anyway. He felt it should be budgeted out and plan when you're going to spend it. Mayor Marshall said it will be done through the budgeting process. Councilman Stice added that right now, nothing has been budgeted.

The Council agreed that the moratorium will not be lifted until the conditions on the Conditional Use Permit have been met.

6. Consideration of Resolution 2018-23 appointing Mayor Brent Marshall to the Tooele County Board of Health.

Councilman Critchlow stated the resolution referred to the Board of Health for Tooele County Health and Aging Services. He asked what that meant. Mayor Marshall answered that is what they are called. Councilman Tripp added that they are a separate government to themselves and do not fall under a commission.

Motion: Councilman Tripp made a motion to approve Resolution 2018-23 appointing Mayor Brent Marshall to the Tooele County Board of Health. Councilman Stice seconded the motion. The vote was as follows: Councilman Critchlow, “Aye”, Councilman Tripp, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

7. Mayor and Council Reports.

Mayor Marshall has been involved with the engineers on the water and sewer projects. They are in discussion with UDOT as the project moves forward and have a meeting scheduled for January 8th. He worked through the issues between American Federal Credit Union and the Boyer family. The bond closing for our water and sewer projects has been completed. The Mayor attended the City Christmas party and the Ace luncheon for City employees. He read to the children at the library before Santa came to visit. He attended a meeting with all parties on the switch for the sewer from Tooele to Grantsville for UMC and the Complex. Mayor Marshall announced that we are being considered to be a test city for the Ranked Choice Voting. He mentioned that there was not a lot of interest in being the first city to do this. He asked Councilman Critchlow to present to the Planning Commission that they consider and give a recommendation to the Council that at a minimum a six foot (6') white privacy fence be installed on property when being developed in all commercial zones. We have been awarded a grant for a sidewalk on Durfee Street from Quirk to Willow Street. This project will have to be completed by August 2019. There will be no curb and gutter; it will just be sidewalk. Mayor Marshall wished everyone a Merry Christmas!

Councilman Critchlow reported that the Planning Commission Meeting was shifted to this week. He said there is one section of sidewalk that needs to be looked at. It is the one in front of Wilma Crowther's house. Mayor Marshall said it will be taken care of but he is not willing to get it done until we get rid of the big trees in front of her house. He said he has already talked to her. Councilman Critchlow commented that the Council talked about getting with Rocky Mountain Power to get some different trees along Main Street to replace the Blue Ash trees. Mayor Marshall stated Rocky Mountain Power issued certificates to homeowners to purchase trees at a nursery. Councilman Critchlow was talking about different trees along the rest of Main Street. He felt we should research to see if we can get some grants for new trees that stay smaller and do not grow into the power lines. Councilman Critchlow thanked James Waltz for replacing the line and meter at a house a few houses away from him. He also thanked Mr. Waltz for the way he has handled the cemetery clean up. He has had several comments from people about it. Councilman Critchlow stated the Christmas dinner was nice and the food was good.

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Councilman Tripp said he has to resign before January 7th at noon. He asked if they had a suggestion on when they would like him to. Mayor Marshall suggested January 6th because the new Council Member cannot be sworn in until January 7th. Councilman Tripp will do so. He reported the County has been active. They have approved several development plans and are having several meetings this week and next.

Councilman Stice thanked Mr. Stark and Kristy Clark for appeasing him with their research on the zoning. He felt our best option is to work with the developers. Councilman Stice explained that Councilman Tripp will not be able to complete his service on the Mosquito Abatement Board with his election to the County Commission. Mayor Marshall will make an appointment to replace him.

Councilwoman Sparks asked for clarification on filling Councilman Tripp's position. Mr. Coombs answered that a request has gone out for people to let the City Recorder know they are interested in the position. On January 2nd, in an open meeting, the Council will interview and appoint a replacement. Whoever receives the majority vote receives the spot. That person will serve from January 7th until the next municipal election, which is 2019. Mr. Coombs explained that if the person wishes to remain in the position, they have to run for re-election for the remaining two years of Councilman Tripp's term. Councilwoman Sparks commented that while talking with people, she feels they are under the assumption that they will serve for the remainder of Councilman Tripp's term. Councilwoman Sparks suggested displaying the packet on the television as they go through it at the City Council Meetings.

Mr. Waltz stated Grantsville City received the Utah Government Local Trust Distinguished Service Award. He presented the award to Mayor Marshall.

8. Public Comments.

Susan Johnsen thanked Mayor Marshall and the City Council for the discussion on the CUP at the Clark Farm Cemetery. She stated it is important to them that it is part of the plan moving forward. She commented that Councilman Tripp mentioned that trees need to be planted, but trees have been planted along the lane and into the new cemetery for quite a while. She reported that a lot of them died or are not doing well. Mrs. Johnsen stated that while listening to the discussion about development, she is eager to find out when the Master Plan will be completed and when they will be asking for public input. Mayor Marshall reported the public comment is posted in his newsletter. He believed it will be on January 14th. She talked about drainage at the Clark Farm. They have had to replace the lane at the Clark Farm after hard rainstorms. She felt it would be nice if the City did something about drainage so they wouldn't have to replace that lane every time it rained and they have a washout. Mrs. Johnsen commented on Mayor Marshall's statement about the Palomino Ranch HOA not wanting the cemetery road. She said it was always about the recreation area. She said with water shares when we don't have as much water every year, we have to pay attention to what we're using. She reported that

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they did not have their water shut off. Mayor Marshall stated that we had two big water breaks this year that affected our water use.

Laurie Hurst commented that she has been watching from a long way away. She said she is excited about all of the progress going on in town. She has been impressed with the events at the Clark Farm and how they have grown. She felt the events at the Clark Farm are the biggest events in Grantsville. She expressed appreciation for the sponsorship the City has given to them and especially to the Fiddle Fest. It is the biggest Fiddle Fest in the State. Mrs. Hurst thanked the Council and Mayor for all they are doing for our City.

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

Motion: Councilman Stice 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 8:33 p.m.

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

Councilman Tripp was excused at 8:47 p.m.

Motion: Councilwoman Sparks made a motion to go back into an open session. 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.

10. Adjourn.

Motion: Councilwoman Sparks made a motion to adjourn. Councilman Stice seconded the motion. The meeting was adjourned at 8:54 p.m.