

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON APRIL 3, 2019 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

Jewel Allen

Neil Critchlow

Jeff Hutchins

Krista Sparks

Scott Stice

**Appointed Officers and Employees Present:**

Christine Webb, City Recorder

Brett Coombs, City Attorney

Jacob Enslin, Police Department

Jesse Wilson, Human Resources/Treasurer

**Citizens and Guests Present:**

Sam Addington

Brennin & Janean Lund

David Hammond

Mikki McKenzie

Todd Castagno

Morgan Swensen

Eric Grange

Bret Anderson

Debbie Spilman

Krista Hutchins

Faye Hall

Mitch Hall

Earl Larsen

Lyle Lawton

Angela Jensen

Denise Marsing

Mayor Marshall asked Jesse Wilson to lead the Pledge of Allegiance.

Approved

## **AGENDA:**

### **1. Public Comments.**

Lyle Lawton spoke in support of approving the pavement of Matthews Lane.

Harold Chadwick stated he was asked to represent a large group of the Grantsville City Volunteer Fire Department members. He expressed the fire fighters' dissatisfaction and disappointment with the decision the Fire Chiefs made without any open discussion with the membership to vacate the by-laws and operate the department solely with SOPs. Mr. Chadwick commented that the SOPs were given provisional approval but have never been formally approved. He added that the Chiefs and only a small group of handpicked individuals knew what they contain. He reported that the by-laws give all members an equal voice. Mr. Chadwick stated the majority feel this is not in the best interest of the fire department. Mr. Chadwick felt the SOPs should be presented to all members of the fire department, discussed, and voted on by all members of the fire department. He remarked that the SOPs, if adopted by all, should be adopted in support of the by-laws. He stated the by-laws should be considered the constitution of the Grantsville City Volunteer Fire Department and the SOPs should be considered the bill of rights and a supporting document to the constitution. Mr. Chadwick closed by requesting that in order to preclude the perception of conflict of interest, it may be in the best interest of all parties that the two Councilmembers with direct family ties with department leadership recuse themselves from voting on this subject.

### **2. Summary Action Items.**

- a. Approval of Minutes from the March 20, 2019 City Council Work and Regular Meetings.
- b. Approval of Bills in the amount of \$1,530,505.19.

Councilwoman Allen stated the minutes were really long. She thanked Christine for the good job.

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

**Second:** Councilwoman Sparks seconded the motion.

**Vote:** The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Hutchins, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

### **3. Consideration of approval of Resolution 2019-05 amending and restating rules of order, procedure, ethical behavior, and civil discourse for the Grantsville City Council.**

Mayor Marshall stated this was being presented based on the discussion at the last City Council work meeting. Councilman Stice commented that it was what was agreed on. Councilwoman Allen brought up the email she sent the Council based on her discussion with David Church.

Councilman Stice explained that if a comment is made that was not heard by the Planning Commission, then the Council will have to table the item and send it back to them.

**Motion:** Councilman Stice made a motion to approve Resolution 2019-05 amending and restating rules of order, procedure, ethical behavior, and civil discourse for the Grantsville City Council.

**Second:** Councilwoman Sparks seconded the motion.

**Discussion:** Councilman Stice explained to those present that the public comments will be placed at the beginning of the meetings. There will be a statement by the Mayor that they prefer you not make comments on land use issues.

**Vote:** The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

**4. Consideration of approval of a pamphlet providing information on the Grantsville City Council meeting procedures.**

Councilwoman Sparks commented on the formatting of the Councilmembers’ names. The Council discussed having a similar pamphlet at the Planning Commission Meetings.

**Motion:** Councilwoman Allen made a motion to approve a pamphlet providing information on the Grantsville City Council meeting procedures.

**Second:** Councilman Hutchins seconded the motion.

**Vote:** The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

**5. Consideration of approval of a development agreement for Sun Sage Meadows.**

Mayor Marshall recommended tabling this item and requesting Attorney Coombs and Shay Stark draft a development agreement that would be a boilerplate where addendums could be added for different developments. The Council was in agreement that the one presented left many questions.

**Motion:** Councilman Stice made a motion to deny the development agreement for Sun Sage Meadows. He asked Attorney Coombs to work with Shay Stark to draft a simple development agreement that can be used for developments.

**Second:** Councilman Critchlow seconded the motion.

**Vote:** The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

**6. Consideration of approval for North West Lift Station upgrades.**

Mayor Marshall explained this was not originally part of the bid and construction with the Main Street Sewer Project. He added that because of some of the development on the west side of the city, the sewage will come down into the northwest interceptor. This interceptor needs to have some upgrades. The Mayor reported that the City has negotiated with the construction company twice for a fair and acceptable price. They have provided a price of \$297,000 which will upgrade that lift station.

Mayor Marshall reported because of the cost savings we have done, our loan on the sewer has a pool of money available for these upgrades. He recommended that the Council approve them so there will be capability to take care of the sewer as the west side of town grows. He commented if they don't spend the money, it is not a big deal. They will have to give the money back and it will not do anything to lower the payment. Mayor Marshall explained we do not have to put this out for bid because it is a change order on the current project. Attorney Coombs confirmed that because this is considered a change order to the project that we currently have; it is basically added on to the project.

Councilman Stice asked what specific areas of town will flow into that. Mayor Marshall answered anything around the Walmart Distribution Center and north of Main Street.

**Motion:** Councilman Critchlow made a motion to approve the North West Lift Station upgrades for \$297,000.

**Second:** Councilman Hutchins seconded the motion.

**Discussion:** Councilman Hutchins asked how realistic this bid is. Mayor Marshall answered this is within a few thousand dollars of what the engineer estimated. Councilwoman Sparks commented that it makes sense to make the upgrades now instead of in two years when we may not have the money to do so.

**Vote:** The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

**7. Consideration of approval for Grantsville Water & Sewer Phase 2 – Repave all of Matthews Lane.**

Mayor Marshall reported the price to pave Matthews Lane is \$112,297. He explained that in the process of running the sewer line up Matthews Lane, the road which was already disintegrated is now gone. The bid is excess money that we have in the loan. The Water Quality Board

approved this due to the road being destroyed because of the sewer line installation. Councilman Critchlow asked how wide the road will be. Mayor Marshall answered it will be about the same width as it was with a gutter or ditch on both sides.

**Motion:** Councilman Hutchins made a motion to approve Grantsville Water & Sewer Phase 2 – Repave all of Matthews Lane for \$112,297.

**Second:** Councilwoman Sparks seconded the motion.

**Vote:** The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

#### **8. Discussion of the Davenport Crossing offsite water line.**

Todd Castagno was present on this item. He reported they are getting ready to submit the preliminary plat for the single family portion of the Davenport Crossing Subdivision. He said while driving to Tooele one day, he noticed the neighbors’ field was freshly plowed. They are planning to plant a brand new alfalfa field. He has a current easement for the water and sewer lines. Mr. Castagno explained the sewer plans have changed, however, the water will still go over and connect to the line at Sun Valley Drive. He stated he is not sure how long it will take them to get to the point that they will need to install the line. He requested the Council to allow him to bury the water line through that section so the alfalfa will not have to be dug up. Mr. Castagno reported that he has been working with Craig Neeley and asked him if he had any concerns with the ten-inch line he plans to put in. Mr. Neeley conveyed to Mr. Castagno that his only concern was that they pay the inspection fees to have the line inspected. The plan is to cap both ends with the realization that there is no approval if they never develop.

Mayor Marshall asked Mr. Castagno if there will be a cost to the city. Mr. Castagno answered no, this is not on a capital facilities plan. There will not be a cost to the City for this water line. Attorney Coombs asked for clarification that there will be no liability to the City if the water line is not used. Mr. Castagno replied that is correct. He stated he will submit an engineer’s estimate and Mr. Neeley will calculate the inspection fees. Mr. Castagno will pay for the engineering review. Mayor Marshall commented that information will be put into a development agreement. Mr. Castagno remarked that he is aware that this does not give any approvals.

#### **9. Consideration of Ordinance 2019-05 amending the official zoning map of Grantsville City, Utah by rezoning 30 acres of land located approximately at 228 South 1160 West for Joell Dowden to go from an A-10 zone to a RR-5 zone.**

No one was present on this item.

**Motion:** Councilman Critchlow made a motion to table Ordinance 2019-05.

**Second:** Councilman Stice seconded the motion.

**Discussion:** Councilman Stice stated that someone needs to get a hold of these folks and tell them they need to come to the Council meeting. Councilman Critchlow said he will call them.

**Vote:** The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

**10. Consideration of Ordinance 2019-06 amending the official zoning map of Grantsville City, Utah by rezoning 9.7 acres of land at approximately 533 East South Street for Earl F. Larsen to go from an RR-5 zone to an RR-1 zone.**

Earl Larsen stated he wishes to sell his house. When he purchased the property it was zoned A-10. It was later changed to RR-5. Mr. Larsen had a surveyor come in and they told him that he does not have a full ten (10) acres, he has 9.7 acres. He reported the City sent him a letter stating that he cannot break down the property without rezoning it. He cannot sell his house unless he rezones the property.

Mayor Marshall explained that if Mr. Larsen decides to subdivide the property, he can do four lots as a minor subdivision. However, if he wishes to subdivide in the future, then it will be a major subdivision. Councilman Stice suggested that Mr. Larsen sit down with Kristy Clark and discuss the subdivision process, the difference between a minor and major subdivision, and the requirements of each.

**Motion:** Councilman Stice made a motion to approve Ordinance 2019-06 amending the official zoning map of Grantsville City, Utah by rezoning 9.7 acres of land at approximately 533 East South Street to go from an RR-5 zone to an RR-1 zone.

**Second:** Councilwoman Sparks seconded the motion.

**Vote:** The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

**11. Discussion of the Fire Department SOPs and By-Laws.**

Jesse Wilson reported that he and Attorney Coombs brought this to the City Council because they have received many comments from the members of the Fire Department in favor and in opposition to the proposed SOPs. He explained they were brought before the Council in September 2017 for approval. At that time the City Council looked at them and they were not quite complete, so they approved them provisionally for two weeks. The City received the finalized SOPs yesterday. Mr. Wilson stated he and Mr. Coombs are looking for direction from the Council as to their approving the SOPs. He commented that as the Human Resource Director he needs to help Chief Critchlow enforce them.

Councilman Hutchins expressed his appreciation for Mr. Chadwick's comments. He said that he would consider recusing himself from the vote when the SOPs are considered. He asked about the SOPs adopted by the Police Department. Chief Enslen answered they use Lexipol for their SOPs. Mayor Marshall reported Lexipol does SOPs for Fire Departments as well. Chief Enslen stated the nice thing about Lexipol is that daily training bulletins are sent out. He felt it allows everyone to stay fresh on the policies. Councilwoman Allen asked if the main difference was that this is a volunteer fire department and they have elections which can be affected by the SOPs.

Mr. Wilson commented that his intention was not to review the SOPs or the by-laws. He added that the by-laws are about ten years old and may need to be revised, but that was not his intent in bringing up the discussion. Councilman Critchlow commented that years ago, the City Attorney at that time, advised the fire department to get away from by-laws because they were useless. He reported that the by-laws do not allow for disciplinary action. Mayor Marshall stated the fire department is now considered part of the City and they would fall under the Policies and Procedures.

Councilman Stice replied that there are by-laws, SOPs, and the City Code. He added that listening to the recording, the motion was that they were provisional SOPs and would come back in two weeks for approval. Councilman Stice asked Mr. Coombs if the SOPs were valid now because they never came back for final approval. Mr. Coombs' legal interpretation was that they were only provisional and have no force beyond that. He added that they are looking to know what the Council wants done with the SOPs.

Councilwoman Sparks asked why the by-laws cannot be incorporated into the SOPs. The Council agreed that the fire department needs Standard Operating Procedures. They felt that the SOPs should be reviewed during a work meeting. Councilman Stice liked how Mr. Chadwick compared the by-laws to the constitution and the SOPs to the bill of rights. He felt they need something that states the purpose (the by-laws or City code) and something that explains how to do those things (the SOPs) and supports the by-laws. Councilwoman Allen would like to hear from everyone in the fire department on the SOPs.

Mr. Wilson would like to see these mirror the Employee Policies and Procedures. He suggested forming a committee to review the SOPs. Attorney Coombs stated that he would like to review the SOPs to make sure they do not conflict with the City Code. The two agreed that if the Code needs to be amended to reflect the SOPs, they could do so.

The City Council Members discussed the process and their concerns. They recommended providing a copy of the SOPs to all of the fire fighters for their review. The fire fighters can write their comments on the copy and turn them into HR (Jesse Wilson) where they can be compiled. Councilman Stice pointed out that if you follow the by-laws, changes are to be presented to the firemen where they can vote on them and then it comes to the City Council for ratification.

Councilman Critchlow stated the SOPs have been out there for a long time. They had a group together that drafted them and brought them to the Council. It was supposed to be a fairly quick turn around, but it wasn't. Councilman Critchlow reported the City Council said they wanted the department to operate under the SOPs. Councilman Stice pointed out that was for two weeks. Councilman Critchlow played the recording from the September 20, 2017 City Council Meeting. He commented that the fire department was to operate under the SOPs until such time as they were reviewed and that is what they have been doing. He added that now they are back, the fire department can take them, look at them, make comments, and do whatever they want with them. They can bring them back to the Council for a decision. Councilman Critchlow stated there has been a lot of fighting and backbiting simply because these were approved and it wasn't done under the people who want to be in control down there. He said they gave them the right and power to run under these SOPs. Jesse Wilson commented that was like playing a game and knowing the rules have changed but not seeing the new rules. Councilman Critchlow replied they are back and everybody can take care of things like they're supposed to.

## **12. Mayor and Council Reports.**

Mayor Marshall attended COG meeting, a 4<sup>th</sup> of July meeting, and the Council of Aging meeting. He reported on the Board of Health Meeting. He attended the Tooele Valley Advisory Council where they discussed DVSAVA at the Justice Court. The response has been better than anticipated. Mayor Marshall attended the Tooele Valley Transit Feasibility Study meeting where they are going to have more routes with different times to increase ridership. He met with organizers of the following upcoming events: Night Lights, Nitro Circus, and Country Fan Fest at the EOC. These organizations are working on obtaining permits and scheduling with police and fire. The Mayor reported on the construction meeting for the Main Street water and sewer project. He met with the contractor for the North Well Project. They are predicting completion of the project around the end of June. Mayor Marshall announced that we received a cash award for the Trust Accountability Program (TAP). We received \$3,452.59 in recognition of our safety program, the motor vehicles reports, sewer inspections, and legal review of the Law Enforcement policies and procedures. The next Master Plan Public Meeting is scheduled for Monday, April 15<sup>th</sup> at the High School Commons area from 6:30 pm to 8:00 pm. There will be a presentation for the public. Mayor Marshall provided the Council with the letter from Ace Recycling and Disposal requesting a rate increase. He asked the Council if they wish to go out for bid on these services. Attorney Coombs added that the City last went out for bid in 2006 for garbage collection and 2013 for recycling service. The Council agreed that it was prudent to put out an RFP for these services.

Councilwoman Sparks commented that the Sociable was great. She reported that the business on Quirk Street had many cars waiting along Quirk to drop off students. She counted seven (7) cars waiting to turn into the dance studio. Councilwoman Sparks asked if anyone has talked to the owner. She does not wish to cause any grief for them, but was wondering if they could adjust the drop-off on the property to eliminate the on street backup. She added that she welcomes any comments from the fire department.

Councilman Stice thanked Mr. Chadwick for speaking on behalf of the fire fighters. He stated that away from the meeting he had four people on one side of this issue and three people on the other side of the issue speak to him. He said there was a lot of public comment that did not have to speak at the meeting. He explained that when the Council discusses public comments, they are not limiting people from speaking; they are giving people many ways to express their concerns. Councilman Stice stated Main Street looks great; especially over the weekend for the Sociable. He felt the money received for the Trust Accountability Program should go back into the safety program. He commented that when UTA buses are pulling off the pavement, they are causing issues along the edge of the road. He asked if UDOT can put in some pull offs for the buses when they are working on the Main Street Project.

Councilman Hutchins echoed support of the Sociable; it is a great tradition. He attended the Library Board Meeting, and stated the library is wonderful with dedicated workers. He felt the library is a wonderful feature in our community. He is excited to see where it leads in the future. Councilman Hutchins announced there will be an opening on the Library Board coming up. He encouraged interested persons to join the board.

Councilwoman Allen thanked the fire department for all they do. She attended training at the fire department. She hopes they can get things worked out. Councilwoman Allen reported on the General Plan steering committee meeting. Land Use Maps will be presented at the meeting on April 15<sup>th</sup>. Councilman Hutchins asked who is on the steering committee. Councilwoman Allen answered that Gary Pinkham, Todd Stewart, a representative from WFRC, Kristy Clark, and one or two other people are on the committee. Councilwoman Allen reported there will be some stakeholder interviews in addition to the public comments from the meeting. She commented on public comments and the Council's discussion on this issue.

Councilman Critchlow said the City was going to buy a sound system to use at the rodeo grounds. He asked if that purchase was made. Mayor Marshall answered that we have it. Councilman Critchlow reported the High School baseball team would like to use it from time to time for their playoffs because theirs does not work well. Mayor Marshall said they would have to check it out. Councilman Stice stated that would be a good thing to put in for a rec grant to purchase next year. Councilman Critchlow reported that he gave the schedules for the soccer, baseball, and softball fields to Corinna Mathis. He has been working with James Waltz on the parks and fields. He felt that Mr. Waltz has done a lot of good things for the City. Councilman Critchlow would like to plan the movie nights in the park for this summer. He wants to do at least three movie nights. He expressed appreciation for all the work that went into the Sociable. He announced that Darrin Rowberry and Shelley Eyre are the co-chairs for next year's Sociable.

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

**Motion:** Councilman Stice made a motion to go into a closed session for imminent or pending litigation.

**Second:** Councilwoman Starks seconded the motion.

Approved

**Vote:** The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried and the Council went into a closed session at 8:35 p.m.

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

Mayor Marshall was excused at 8:45 p.m.

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

**Second:** Councilwoman Sparks seconded the motion.

**Vote:** The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye” and Councilwoman Sparks, “Aye”. The motion carried.

#### **14. Adjourn.**

**Motion:** Councilwoman Allen made a motion to adjourn. Councilman Stice seconded the motion. The meeting was adjourned at 8:55 p.m.