

Approved

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

Kristy Clark, Zoning Administrator

Citizens and Guests Present:

Mark Watson

Mitch Hall

Faye Hall

Jordan Taylor

Shawn Holste

Howard Schmidt

Gus Castagno

Krista Hutchins

Chris Reed

Ryan Orgill

Denise Marsing

Angela Jensen

Guy M. Haskell

Mayor Marshall asked Mark Watson to lead the Pledge of Allegiance.

AGENDA:

1. Public Comments.

Mike Colson commented on the PUD open space requirement. He stated that in reviewing the changes made in October 2018 and the proposed changes on the agenda, he felt the City should

foster the use and adoption of Chapter 12 which is a PUD ordinance in the City Code. It allows the City maximum control and flexibility of developments coming in. He believed that the PUD is the City Council's most powerful tool to control Grantsville's growth. He was surprised that the ordinance adopted in October 2018 took the PUD requirement up to fifty percent (50%) for open space which basically eliminated the PUD application because no developer is going to give up 50% of their land. He asked the Council to take a look at the open space requirement. He thinks the proposed amount of thirty percent (30%) is still too high and could be construed as a land grab. Mr. Colson commented that the advantage of the PUD is to vary the lot sizes of dwellings going in. He felt this allows for a community rather than just another subdivision. He encouraged the Council to encourage PUD applications and to negotiate the open space through that process. He felt that with commercial PUDs we need to minimize the open space requirements on a commercial parcel.

Mayor Marshall read a letter he received on open space requirements from Barry Bunderson. This is what was read:

"Dear Esteemed City Council Members,

With recent City Land Use Ordinance changes regarding exactions for open space, I am concerned that the 15% open space requirements for standard subdivisions and other 30-50% open space exactions for Planned Unit Developments are placing our City in a position where litigation may arise.

I am not an attorney of any kind. I have recently read some court cases (samples attached) in Utah regarding exactions and how the State Municipal Code regarding exactions requires that any exaction be "roughly proportionate" to the impact created by the development.

Please speak to the analysis that has been done to arrive at the open space exaction requirements (% of land) that have recently been put in place or are up for consideration. Are we on solid legal ground? With current park impact fees in place are we already exacting from each lot a proportionate value equal to it impact for parks and open space?

Respectfully,
Barry Bunderson"

2. Summary Action Items.

- a. Approval of Minutes from the April 3, 2019 City Council Work and Regular Meetings.
- b. Approval of Bills in the amount of \$149,887.90.

Councilman Hutchins pointed out an error in the minutes. He said the correction was to a comment he made during the discussion on the Fire Department SOPs. He stated that he would *consider* recusing himself from voting on the SOPs; not that he *would* recuse himself. Christine will amend the minutes to reflect this correction.

Motion: Councilman Stice made a motion to approve the summary action items with the correction to Councilman Hutchins' statement.

Second: Councilwoman Sparks seconded the motion.

Discussion: Councilwoman Allen asked for clarification on the correction.

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 Ordinance 2019-08 amending the PUD requirements for commercial.

Councilwoman Sparks commented that when they passed this in October, they received a big chunk without enough time to review it. Councilwoman Allen stated she did not remember discussing this particular item during that meeting. Councilman Hutchins asked where they got the move from thirty (30) to fifty (50). Mr. Coombs answered that it came from the Planning Commission and one of their discussions. He stated tonight's proposed changes are what they submitted to the City Council. Kristy Clark reported the Planning Commission considered the change on March 14th and they had a discussion on it in February.

Councilman Critchlow stated right now the landscaping requirement on commercial is ten percent (10%) and that is just commercial. He recalled discussing the residential component such as a nursing home or assisted living. He felt that they should stick with the ten percent landscaping that is already on the books. But on the PUD they should have something that talks about negotiating the amount of open space. Councilman Stice commented that is what a PUD is. He stated he is concerned that this will deter future businesses from looking at Grantsville. Councilwoman Allen questioned why there is a requirement at the PUD level because it is negotiable. Councilman Stice replied that there needs to be a starting point where you can get people to come in and not have to do a lot of negotiating.

Motion: Councilman Stice made a motion to approve Ordinance 2019-08 amending the PUD requirements for commercial with the amendment of 10% instead of 30% required open space.

Second: Councilman Hutchins seconded the motion.

Discussion: Councilman Stice stated that if someone comes in with a gas station and it doesn't make sense to put in open space, then they should not be required to have it. He added that is what a PUD is, and they can look at the situation to determine what works. The Council will look at the residential requirements at a future meeting.

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 Ordinance 2019-09 amending Title 17, Streets and Sidewalks, Permit Required.

Councilman Stice commented that he did not see that a public utility was required to get a permit in the proposed amendment. Mr. Coombs read the last sentence of the first paragraph which is the requirement for public utilities to seek a general permit. Mayor Marshall reported what happened with the gas company along Main Street.

Motion: Councilman Stice made a motion to approve Ordinance 2019-09 amending Title 17, Streets and Sidewalks, Permit Required.

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.

5. Consideration of approval of the Preliminary Plans for Scot Hazard on the Grantsville Professional Park located at 163 South SR112 for the creation of three (3) building lots for professional buildings in the CD zone.

Scot Hazard was present. Mayor Marshall commented on the requirements from the City’s engineer and the Planning Commission. He did not think it would be a problem for Mr. Hazard to complete those requirements. Mayor Marshall stated the plan lists condominiums. He asked Mr. Hazard to explain the plan. Mr. Hazard reported they have an eight (8) acre parcel that they are planning to split into three (3) lots. He added that he submitted, with the major subdivision application, a condominium plat for the office building. He explained that gives him individual legal descriptions on each of the suites, so he can lease the space or the doctors or professionals he deals with can own their own space. There will not be any residential units at all in these buildings.

Mr. Hazard remarked that he did not object to anything in the staff memo. He commented that the fire flow had not been addressed. He reported the Fire Department tested the flow from the fire hydrant and the flow test is inconsistent with the water modeling. Mr. Hazard has contracted to have it independently tested and verified. He stated that if it is as low as the original test showed, the City has more problems than approving his project. Mayor Marshall stated the Main Street waterline should address the fire flow.

Councilman Stice asked what Mr. Hazard had planned for the area behind the building. Mr. Hazard answered that he bought the property with the intent of putting in an office building. He stated that he can replicate the same building on the other side of the property, on the frontage. He has met to discuss ideas with the Mayor, but he has not worked on any design or market research. Councilman Stice commented that there is not a turn lane or much room on the side of the street to allow for turning into the property. He asked if the State is going to require Mr.

Hazard to do any improvements on the road. Mr. Hazard replied they are not, they have the turn radiuses and widths for bringing vehicular traffic in and out of the property. He will be completing both accesses with the first phase. He explained that UDOT has a threshold of 500 average daily trips and if he gets over that, then it puts him into a different tier with different requirements. He has been through the UDOT permit process.

Mr. Coombs asked if there is any fencing planned for the property. The City has recently adopted new requirements for fencing on commercial property. Mr. Hazard has not proposed any fencing at this time. He does have the landscaping planned on the south side of the building and did not feel a need for fencing. He has not applied for any sign permits at this time.

Councilman Stice commented on the cars turning into the credit union across from City Hall. He encouraged Mr. Hazard to install asphalt to extend the area to turn into the property. Mr. Hazard reported that he has 30% improved open space with a landscaped retention pond. He tried to plan for expansion.

Kristy Clark asked Councilwoman Allen to add information to her motion. She explained there are two subdivision parts to this application. One for the subdivision of the property from one lot into three. The other is to subdivide the building from one unit into eight units. Mayor Marshall asked if this would have to go back to the Planning Commission. Mrs. Clark answered that Shay Stark, Aqua Engineering, did not think that it needed to go back to them.

Motion: Councilwoman Allen made a motion to approve the Preliminary Plans for Scot Hazard on the Grantsville Professional Park located at 163 South SR112 for the creation of one lot into three (3) lots and the building unit into eight (8) units in the CD zone.

Second: Councilwoman Sparks seconded the motion.

Discussion: Councilwoman Sparks asked if Mr. Coombs was alright with the City Council approving the subdivision in the building. He answered that he did not feel comfortable with the approval without first hearing from the Planning Commission. Mr. Hazard explained the condominium structure was discussed at the Planning Commission Meeting. He did not feel that they were unaware or that they would be surprised. He added that his major subdivision application included the condominium plat. Councilman Critchlow felt it would be alright. He did not want to hold up Mr. Hazard's development. Mr. Coombs stated that with the information that it was represented as a condominium project to the Planning Commission, he felt comfortable with the City Council approving it.

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 of the 2019 – 2020 Tooele County Dispatch Service Agreement.

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Mayor Marshall reported there was an approximately three percent (3%) increase from last year's agreement; which is about fifty cents per call.

Motion: Councilman Stice made a motion to approve the 2019 – 2020 Tooele County Dispatch Service Agreement for \$121,081.

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.

7. Consideration of approval for a Commercial Conditional Use Permit for Chris Reed to have a business located at 822 East Main Street, Building #2, Suite D, in the CD zone.

Chris Reed was present. He plans to create a family restaurant. It will be located where the Cross Fit business was previously located.

Motion: Councilwoman Allen made a motion to approve a Commercial Conditional Use Permit for Chris Reed to have a business located at 822 East Main Street, Building #2, Suite D, in the CD 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.

8. Discussion on Gus Castagno installing a waterline on Burmester Road.

Gus Castagno was present on this item. He stated that he has a piece of property on Burmester and he would like to build a house there. He explained there is a twelve-inch (12") line to his south boundary. Mr. Castagno will take the line and run it to his north boundary. He is required to have an eight-inch (8") line for fire suppression. He asked the Council if they would be willing to pay to upsize the line to a twelve-inch (12") line. The pipe is C-900 and eight-inch pipe is \$8.30 per foot. The twelve-inch pipe is \$17.60 per foot. There is 240 feet that needs to be run. Mr. Castagno said the cost to the City will be about \$2,300.

Mayor Marshall pointed out the engineer will have to look at this because it deals with a public water system. He stated that if the Council was inclined to pay for the upsize, then Mr. Castagno can get in touch with Craig Neeley to complete the drawings for the water line. He added that there are others interested in adding to the water line along Burmester. He said they will have to take the line to their far boundary. The Council requested that this be put on the next agenda for approval.

9. Consideration of a 180-day final plat extension request for Guy Haskell on the Deseret Highlands Subdivision, Phase 1.

Guy Haskell was present. Mayor Marshall stated this is 180-days over the 365 days. He asked the Council to require a bond to approve the extension. Mr. Haskell explained there were six (6) phases and 144 lots that received concept plan approval. He said as they were moving forward on the improvements on the 35-36 acre development, they had the opportunity to buy a 300 acre portion of ground. Mr. Haskell reported they did so and when he looked at the original drawings the sewer line was not capable of handling the additional 300 acres. He said they had to step back and redesign. He explained that once they got it all approved by the City, it wasn't until August 22nd that they were able to move forward on the improvements. Mr. Haskell stated they are about thirty days out on completion. He added that the improvements install are complete. He commented that the amount that would need to be bonded for should be a smaller amount because the water and sewer are complete. They are working on the storm drain now, and they have to finish the curb, gutter, sidewalk, and asphalt.

Councilwoman Allen asked Mayor Marshall to explain why they need a bond. Mayor Marshall answered that the bond is a kind of insurance policy saying that a project will be completed. The bond will pay for another contractor to come in and complete the project if it is not finished. Councilman Critchlow asked how much the bond will cost. Mayor Marshall answered that he did not know, but if he had a bond on the entire project, it would have been \$55,000. Mr. Haskell stated the warranty bond, which is the bond at the end of construction is \$75,000.

Motion: Councilwoman Sparks made a motion to approve a 180-day final plat extension request for Guy Haskell on the Deseret Highlands Subdivision, Phase 1 with the stipulation that Mr. Haskell has a bond within 30 days.

Second: Councilman Stice seconded the motion.

Discussion: Councilman Hutchins asked what will happen if he completes it within the 30 days. Mayor Marshall said that will not happen. Mr. Haskell felt that with the weather, it was not likely that he will be able 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.

10. Consideration of approval of a development agreement for West Main Street.

Mr. Coombs stated he sent the Council an email earlier in the day reporting that they are at an impasse at this time. He suggested that the Council hold a work meeting on May 1st with all of the parties involved to negotiate. He explained that he and Mayor Marshall have spent substantial time with the parties trying to reach an agreement, but it is up to the Council to decide how they would like this project approved. Mr. Coombs reported that up until the last 24 -36

hours, it looked like this was a done deal. There have been some last minute developments which have affected the agreement.

Councilman Stice commented that it would help him if he understood what the issue is with the storage units. Mr. Hall was invited to explain. He stated that the issues have gone from his attorney to the City attorney. He commented that he was not sure what the latest impasse was that was referred to.

Mr. Coombs reported that Mr. Hall's attorney, Mr. Hogle, said the storage units will not sign the agreement unless two things are agreed to. Those things are: (1) the City will agree to waive any and all current and future rights it has to require public improvements attached to Mr. Hall's property and (2) Mr. Hall would not be required to indemnify the City for any improper actions done in this deal. Mr. Coombs added there is a final request from Mr. Hogle wanting Sun Sage Meadows to be part of this agreement. Mr. Coombs stated that he did not see that as being a huge problem from the City's perspective, but they are not providing any work or materials under this agreement. He did not feel that he could force the developers of Sun Sage Meadows to be a party in this agreement.

Mr. Hall stated his property is surrounded by three (3) developers: Sun Sage Meadows, Grantsville Heights, and Cherry Grove. He felt that Sun Sage Meadows was a part of this as much as the rest. Mr. Coombs explained that they are not a party to this, it is part of the standard subdivision approval they would need an agreement for.

The Council expressed their concerns with waiving "all current and future rights". Mr. Coombs reviewed information that was put into the original agreement. He felt they could limit it to what is being done now or the use of the property in phase 2, and they could write something up along those lines. Mayor Marshall confirmed that Mr. Schmidt was willing to put the driveway and the gate in for phase 2. Mr. Hall stated that he was amenable to Mr. Coombs' suggestion.

Nate Brockbank stated that he has spent over \$20,000 for his attorney, Bruce Baird, on this. He does not wish to have to spend any more on this issue. He commented that this was thrown at them at the last minute. Mr. Brockbank expressed concern that if there are changes made to the agreement, it will cost him more money. He did not feel that Sun Sage Meadows should be part of the agreement. Mayor Marshall suggested bringing everybody in on May 1st for a work meeting.

Mr. Brockbank commented that one issue he had was that Mr. Hall's approval for phase 2 required him to finish the road in front of his property. Mayor Marshall answered that it was not in the minutes. Mr. Brockbank argued that it was on the recording. Mr. Brockbank stated because he needs the road first, he is paying to put it in. He felt that Mr. Hall was getting improvements worth somewhere around \$60,000 - \$70,000. Mayor Marshall asked Mr. Brockbank to sit down and Mr. Hall to come forward.

Mr. Hall stated that he is not benefiting from this at all, he is donating property to help the others to make this work. Mayor Marshall asked if there is anything we can do that will remove the

request so he will hold the City harmless. Mr. Hall asked if they could discuss that in a conference call the next day. Councilman Stice said that he was more comfortable with that.

Mayor Marshall announced that they will have a conference call to discuss the development agreement with Mr. Hogle.

11. Consideration of approval for final plat for CG Tooele, LLC and Howard Schmidt on the Cherry Grove Subdivision Phase D, which contains twenty-three (23) lots in the R-1-21 zone.

Howard Schmidt expressed appreciation to the Mayor and Mr. Coombs for the work they have done to bring the development agreement together. He felt they are moving in the right direction, but they are running out of time. He gave a brief history of the negotiations. Mr. Schmidt stated they have agreed to complete sidewalk, curb and gutter, and twenty-four feet (24') of asphalt. He said he met with the Hall's at their storage units a few weeks ago and Councilman Critchlow happened to stop in where they discussed putting in the curb, gutter, and sidewalk on the property. He added that would normally be Mr. Hall's responsibility. Mr. Schmidt commented that the Halls are getting a free road. He said he knew they did not feel like it was their road, but they are developers just like himself and the others. He felt they could be held to the same standard as he and Mr. Brockbank are held to.

Councilman Stice asked if they were on agenda item 10 or 11. Mr. Schmidt answered that the two items are tied together and he did not think the Council would approve item 11 until they were happy with 10. Mayor Marshall stated without approving the development agreement, he did not feel that they could approve this item. Mr. Schmidt commented that he needed to get this through and wanted the Council to know why they were here. Councilman Stice felt they could approve this contingent upon approving the development agreement.

Mr. Schmidt reviewed the past eight months since the zone change was approved for Mr. Hall in August 2018. He read from the minutes:

"Mayor Marshall asked that Councilman Tripp make an amendment to the motion that they have to install half of the road to the end of their property. Mayor Marshall reported it should have been done when the original permit was approved. Mr. Hall stated it is done as per the original permit. Mayor Marshall said the original permit did not allow outside storage, it only allowed inside storage. Mr. Hall argued the road is not an issue with the rezone; it is a separate issue from the rezone request. Mayor Marshall responded that he was asking that the rezone be conditioned upon that so the road gets put in.

Attorney Coombs clarified that the City Council has a right when making a zoning decision to determine what issues need to be addressed. He explained this is the kind of problem we are trying to remedy. A previous City Council did not require Mr. Hall to install the road and utilities to the end of his property, which is required in the City Code.

Motion: *Councilman Tripp amended his motion to defer the paving requirement until some future date when the rest of the project will go forward.”*

Mr. Schmidt stated this was approved accordingly. He believed that it was the intention that at some point the Halls would be responsible to put the road in. He added that while they have shifted things around, maybe at some future date the Halls will put their portion of the road in. Mr. Schmidt reviewed the infrastructure improvements the developers are willing to put in.

Mayor Marshall charged that the development agreement sat on his desk from November 2018 until March of this year with nobody bothering to get involved. He requested that Mr. Schmidt give the City just a few more days to resolve the issues. Mr. Schmidt agreed.

Motion: Councilman Stice made a motion to approve the final plat for CG Tooele, LLC and Howard Schmidt on the Cherry Grove Subdivision Phase D, which contains twenty-three (23) lots in the R-1-21 zone stipulating that the development agreement be finalized and approved.

Second: Councilwoman Allen seconded the motion.

Discussion: Mr. Coombs asked what the City Council would like to do if they reach an impasse. Councilman Stice answered that it should come back for the City Council to consider. Mr. Coombs asked Councilman Stice to make that part of his motion.

Motion: Councilman Stice amended his motion that if there is no agreement, this will come back to the City Council for consideration.

Second: Councilwoman Allen 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.

12. 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. Councilman Critchlow explained that Joell Dowden is in Florida. He reported that he went up and looked at this. He did not think there should be any problems with rezoning the property. Councilman Stice asked if anyone notified Ms. Dowden that she needed to come to the City Council Meeting. Councilman Critchlow answered that he notified her, but she is in Florida.

Councilwoman Allen gave her impressions on this item from the Planning Commission Meeting. She reported the property seems to be by itself. She wondered if the Council should deny this zone change because of the connectivity issues. Councilman Critchlow said Ms. Dowden just wants to subdivide the property and he told her that once she does so, she will have to put a road

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in. In order to put the road in, she will have to make agreements with the neighboring property owners.

Motion: Councilwoman Allen made a motion to table Ordinance 2019-05 until the next City Council Meeting that Joell Dowden can attend.

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.

13. Mayor and Council Reports.

Mayor Marshall attended the following and reported on: the interviews for the Building Official, a USU community collaboration meeting, the employee safety meeting, a flood control meeting at the EOC, and a lunch meeting with the contracted companies for the Main Street project. He also attended a meeting with the Salvation Army, a 4th of July meeting, the annual UDOT spring meeting, the Board of Health awards, the Master Plan meeting at the High School, a meeting about GIS mapping, and a meeting for the summer lunch program. He spent quite a bit of time on flood control preparations. Mayor Marshall received the engineering contract for the design of the sidewalk on Durfee Street from Quirk to Willow Street. He stated it will be on the next agenda for approval, but asked if the Council would allow Aqua to get started on the project. He announced he has been in discussion with UDOT. They will probably be removing the cross arms at the school zone for Grantsville Elementary School when they do their part of the Main Street project.

Councilwoman Sparks reported that Kimball Bird repaired the windows on the clubhouse at the ball park. She received comments that North Street has been quiet while traffic has been diverted. The residents are hoping that all traffic will continue to turn left from Burmester. Councilwoman Sparks commented that Old Lincoln Highway is being blocked by pallets, cars, and trucks. She said it is a hazard. She reported the sinkhole in Little Reno that the garbage truck fell into last year is beginning to bow. She has a photo of it.

Councilman Stice was impressed by how well the construction is progressing on Main Street. He added that even though it is going so well, there are a few cross sections where they have put the asphalt in that have sunk. There are two near the Village Trailer Park. He reported on the Mosquito Meeting.

Councilman Hutchins attended the Mosquito Meeting as well. He reported there will be mosquitos with all the rain we have received this year. He said while attending the General Plan meeting, he saw continued passion of our citizens. He asked if the City needs to possibly provide an opportunity for the Council to listen to citizens concerning the General Plan. He does not feel the company working for the City presents us well. He would prefer the Council to

handle the public meeting and listen to the public's input. Councilwoman Allen commented on that meeting. She will make sure that Councilman Hutchins' feedback is given to them.

Councilwoman Allen felt the Council should get feedback on the Master Plan. She thought it was interesting that even with all of the efforts to get the word out, some citizens still feel they are not being heard. Councilwoman Sparks pointed out that every meeting has an agenda item for public comments.

Councilman Critchlow said at the General Plan meeting Paul Rupp was talking about how he's got his property divided up. Councilman Critchlow went over some of the other issues citizens have with the General Plan. He reported that he had a conversation with the coaches of the baseball, softball, and little league teams about the weather affecting the practice and game times. He reviewed his notes from the Planning and Zoning Meeting. Mr. Coombs is drafting a boilerplate development agreement and is working with Shay Stark from Aqua Engineering on it. Mr. Stark is looking at other cities so we can have an idea of what we would like.

Councilwoman Allen stated that she read the minutes from the Planning and Zoning Meeting and it seemed to her that the understanding was that people are going to do a development agreement but it is not required. She asked if that needs to be codified. Mr. Coombs answered that was something that was brought up to the Planning Commission, and it will be on an upcoming agenda for consideration. Councilman Critchlow reported on the rest of the Planning Commission Meeting.

Councilwoman Allen asked about the situation on Quirk Street with the dance studio and whether it had been addressed. Mayor Marshall answered that he made contact with them himself.

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

Motion: Councilwoman Allen made a motion to go into a closed session for character, professional competence, or physical or mental health of an individual, and imminent or pending litigation.

Second: Councilwoman Stice 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 and the Council went into a closed session at 9:12 p.m.

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

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

Second: Councilwoman Allen seconded the motion.

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

15. Adjourn.

Motion: Councilwoman Allen made a motion to adjourn. Councilwoman Sparks seconded the motion. The meeting was adjourned at 10:12 p.m.