

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON JUNE 5, 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, participated by telephone
Jeff Hutchins, participated by telephone
Krista Sparks
Scott Stice

Appointed Officers and Employees Present:

Christine Webb, City Recorder
Brett Coombs, City Attorney
Jesse Wilson, Human Resources/Treasurer
Jacob Enslin, Police Department

Citizens and Guests Present:

Mark Watson
Mike Quarnberg
Derek Dalton
Rob Brown
Dixie Brown
Debbie Spilman
Mike Colson

Mayor Marshall asked Councilwoman Allen to lead the Pledge of Allegiance.

AGENDA:

1. Public Hearings:

a. Proposed salaries for elected, statutory and appointed officers.

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

b. Proposed 2019 -2020 fiscal year budget.

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

c. Proposed year end budget adjustments for the 2018 – 2019 fiscal year budget.

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

2. Public Comments.

No comments were offered.

3. Summary Action Items.

- a. Approval of Minutes from the May 15, 2019 City Council Work and Regular Meetings.
- b. Approval of Bills in the amount of \$474,133.96.
- c. Findings of Facts for Cemetery Variance

Councilman Hutchins stated there was a correction on page 6 of the minutes. In his comments it says that he had "*fought* long and hard about his recusal." It needs to be changed to "*thought*."

Motion: Councilwoman Allen made a motion to approve the summary action items with the correction to the minutes.

Second: Councilwoman Sparks seconded the motion.

Discussion: Councilman Stice commended Mr. Coombs for the Findings of Facts for Cemetery Variance. He said they discussed that issue for thirty (30) minutes and Mr. Coombs got all of the information. Mr. Coombs commented that the minutes helped him draft 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.

4. 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.

Joell Dowden was present. Councilman Stice requested that Ms. Dowden explain her plans for this property. She answered they do not have any plans for the twenty acres across the way at this time. She wishes to rezone the other ten acres just in case family wants to build there. Ms. Dowden stated they applied for greenbelt status this year. Mayor Marshall pointed out that you must have more than five acres to qualify for greenbelt.

Councilwoman Allen recalled there was a question about access to the lot. Ms. Dowden reported there was supposed to be a road behind the property, but it is not there. She added that the road was made by the people with nearby property. Mayor Marshall stated that it is not a road but an easement to get to the property. Mr. Coombs cautioned that the City cannot say that it has a prescriptive easement. Councilman Stice clarified that if there was a subdivision going in, then it would need to be addressed. Currently this is for a zone change.

Councilman Hutchins expressed concerns about approving a rezone when the General Plan is so close to being complete. The Council Members discussed the General Plan review and this rezone. Ms. Dowden explained that she originally wished to rezone just ten acres of the land she owns. When she met with Kristy Clark she learned that if she only subdivided the ten acre parcel and later subdivided the other twenty acres, it would then be a major subdivision.

Motion: Councilwoman Sparks made a motion to approve 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.

Second: Councilman Stice seconded the motion.

Discussion: Councilwoman Allen commented she appreciated the discussion on looking at the Master Plan.

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 temporary clerk position.

Jesse Wilson explained this position will allow the Utility Clerk, Brooke Gill, to spend time auditing the utility accounts. He does not anticipate the position will be needed more than six months. The Council discussed the position and determined it will cost about \$13,500. The Council preferred not to exceed that amount but decided to round up to \$15,000.

Motion: Councilman Stice made a motion to approve a temporary clerk position for \$15,000. Anything over that amount will need approval from the City Council.

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.

6. Consideration of Resolution 2019-07 amending the Consolidated Fee Schedule.

Brett Coombs explained there were a few changes requested by the Police Department for GRAMA request fees and the Animal Control fees. He reported that the Police Department had done some research and found that the updates are the way many departments have set up their GRAMA request fees.

Motion: Councilwoman Allen made a motion to approve Resolution 2019-07 amending the Consolidated Fee Schedule.

Second: Councilman 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.

7. Consideration to approve the amendment to the scope and budget within the contract to complete the Grantsville General Plan project.

Mayor Marshall stated the additional cost is \$2,610. Councilman Stice asked if there are any other costs anticipated on this project. Councilwoman Allen answered not with this contract. She explained this particular contract will complete this phase of the General Plan. In the future, we may want to pursue strategies on implementation or a transportation plan. She added that we would need to apply for grants or allocate a budget to pursue those things.

Motion: Councilwoman Allen made a motion to approve the amendment to the scope and budget within the contract to complete the Grantsville General Plan project for the cost of \$2,610.

Second: Councilwoman Sparks seconded the motion.

Discussion: Councilwoman Allen expressed appreciation to the City Council for considering this and discussing what needs to be done to complete this project.

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 a proposed concept plan for a possible 55 or older senior living community with an assisted living center located at 424 East Nygreen in the RR-5 zone.

Mike Quarnberg was present. He requested to contact the developer, John Aubry, by telephone to speak on this proposal. Mr. Aubry apologized for not being present. He stated that he would like to bring a nursing home to Grantsville. They need residents around the nursing home to help cover the costs to run it. He commented that he was aware the property is on the outskirts of the City.

Mayor Marshall commented that he has a senior community living center across the street which has become more of a low income housing area. He asked what provisions they will put in place to make sure it is limited to 55 or older. Councilman Stice said there is no guarantee. Mr. Coombs pointed out the City Council may require a conditional use permit prior to approving the community stipulating the community will only allow seniors. Councilwoman Sparks asked if this fits the zoning. It does not fit the zoning. Councilwoman Allen and Councilwoman Sparks

commented that they really liked the idea and concept but did not feel this was the right place for it.

Mr. Aubry stated he met with Kristy Clark on Monday. She let him know the property is zoned RR-5 and will need to be rezoned. Mr. Quarnberg said this would be a 55 and older residential property, like a condo, and in the corner there would be an assisted living center. Mr. Aubry added that residents would own their homes and there will be an HOA which will maintain the property. The nursing home on that land would pay into the HOA.

9. Consideration of a minor subdivision for Dev & Dixie Brown located at 151 East Durfee Street dividing 1.62 acres of land from one (1) lot into three (3) lots in the RM-7 and R-1-8 zones.

Dev Brown was present on this item. Mr. Brown said the agenda item explains what they are requesting. Mayor Marshall asked if they are three long skinny lots. Mr. Brown answered they are not. He stated each lot will be just shy of half an acre. There will be a private lane going down the west side of the existing house to the back two lots. There is a hammerhead in the lane.

Councilwoman Allen pointed out there were some concerns from the neighbors at the Planning Commission Meeting. Mr. Brown stated there are several subdivisions similar to this on Durfee Street. He explained that he is familiar with the neighbor who has led the opposition to this. He reported they have already subdivided their property. Mr. Brown commented that because the property is next to the park, there will not be any other subdividing behind them. Councilman Stice added that between Main Street and Clark Street there are many situations like this.

The Council Members discussed their concerns.

Motion: Councilman Hutchins made a motion to approve the minor subdivision for Dev & Dixie Brown located at 151 East Durfee Street dividing 1.62 acres of land from one (1) lot into three (3) lots in the RM-7 and R-1-8 zones.

Second: Councilman Stice seconded the motion.

Discussion: Councilman Hutchins believed this minor subdivision fits with the General Plan.

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 a final plat amendment for Robert Brown on the Cal Brown Minor Subdivision at approximately 287 East North Street in the split zone RM-7 and A-10.

Rob Brown was present. He reported when he gave his kids these lots, they were 9,000 sq. ft. They have since decided to make each lot a half acre.

Motion: Councilman Stice made a motion to approve a final plat amendment for Robert Brown on the Cal Brown Minor Subdivision at approximately 287 East North Street in the split zone RM-7 and A-10.

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.

11. Consideration of Ordinance 2019-12 amending the official zoning map of Grantsville City, Utah by rezoning 1.060 acres located at 328 East Main Street from an RM-7 zone to an RM-15 zone.

Dave Webster was present. There are currently four duplexes located on the property. Mr. Webster reported they are planning to add four more units. In order to add the units, they need to rezone the property. He stated they have intentions to improve the property from Main Street all the way back. He explained that they would like to build affordable housing in the rear and improve all four units in the front. Mr. Webster commented there were many things not provided because they wanted to get the zone change before holding the DRC. He stated that he knew they will have to get variances from the City.

Mr. Webster addressed the issue for a dumpster site, parking, and the leases. He stated they have adequate parking now, but if they need more parking, they are open to it. He reported they are going to change all of the leases. The current rent on the existing buildings is between \$500 and \$700 per month. Once the updates and improvements are made the new lease agreements will increase. Mr. Webster said there is currently a property management company that has been inspecting the property every six months. With the new lease agreements, they will be required to inspect once every month.

Councilwoman Sparks asked if Mr. Webster is the property owner. He answered that he is not, he is the contractor. Councilwoman Sparks asked how long the owner has owned this property. Mr. Webster answered around five years. Councilwoman Allen commented that it looked like many neighbors have had ongoing complaints for years. She said there seemed to be a trust issue based on what was promised and what actually happened. She pointed out that if the property had a better track record, there would be better feelings and more confidence in the owner. Mr. Webster reported that he has met with the neighbors on-site and talked with them about their concerns. Councilwoman Allen felt approving this would add to the pervasive problems. Councilwoman Sparks agreed and felt they should look into developing the property within the parameters of the current zoning. Mr. Webster noted they cannot develop the property without rezoning it.

Councilman Stice suggested looking into a PUD. He felt they could do what they were looking at within the current zoning with a PUD. Councilman Critchlow agreed. Mayor Marshall listed some of the problems that have occurred with this property. He stated they have the burden to

prove they can clean up what they have and show that they can make it presentable and nice. The Mayor agreed with Councilman Stice that a PUD was the best way to approach it. Mr. Webster stated he had mentioned the improvements they plan to make. He asked what else would be suggested. Mayor Marshall stated there are trees behind the homes that are tied up in the fence, the lawns, and the weeds. Mr. Webster stated when they improve it, they will clear and grow the whole thing. Mayor Marshall commented that he was talking about the front of the property. Councilman Stice said all of that would be done when they start to develop it, but he was not in favor of a zone change.

Motion: Councilwoman Allen made a motion to deny Ordinance 2019-12 amending the official zoning map of Grantsville City, Utah by rezoning 1.060 acres located at 328 East Main Street from an RM-7 zone to an RM-15 zone.

Second: Councilman Critchlow seconded the motion.

Discussion: Councilman Stice confirmed that if they denied this, it would be two years before they could apply for a zone change. He stated if they table it and give them a chance to come back with something different that might be better. Mr. Coombs stated that would be more favorable to them. He recommended stating the reasons for the denial so he can write a Findings of Fact. Councilman Hutchins commented that Councilwoman Sparks' question at the beginning was important. The fact that they have owned this property for five years and it has not had many improvements in that time. He added that he is in favor of cleaning it up. He stated that he did not have a problem denying the zone change and giving them two years to prove their due diligence to take care of the property they have. Councilman Stice reiterated that he felt a PUD would be a better approach than a zone change. Councilwoman Sparks asked Mr. Coombs if they could come back with a PUD even if the zone change was denied. Mr. Coombs answered that they could. Councilwoman Sparks stated because of the Master Plan and the existing area, she was not in favor of changing the zone.

Vote: The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Stice, "Nay", Councilwoman Sparks, "Aye", and Councilman Hutchins, "Aye". The motion carried and Ordinance 2019-12 was denied.

12. Consideration of Ordinance 2019-13 amending Title 6, Chapter 1, Section 13 of the Grantsville City Code to permit headstones within the Grantsville City Cemetery to include a granite base or a poured concrete foundation.

Motion: Councilwoman Sparks made a motion to approve Ordinance 2019-13 amending Title 6, Chapter 1, Section 13 of the Grantsville City Code to permit headstones within the Grantsville City Cemetery to include a granite base or a poured concrete foundation.

Second: Councilman Stice 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, “Aye”. The motion carried.

13. Declaration of surplus property and disposition.

Mayor Marshall explained we would like to take this property to the Ritchie Bros. Auction to be auctioned at their June 26th auction. Councilman Stice asked if this was all City Shop items. Mayor Marshall answered they are all items from the City Shop.

The items listed are:

- Skid steer
- Mobile tig welder
- 2012 Dodge 1500 shell
- 1995 Lincoln stick welder
- 1996 Ford F350
- 2006 Ford F150
- Forklift

Motion: Councilwoman Allen made a motion to declare the above items as surplus property to be auctioned.

Second: Councilman Stice seconded the motion.

Discussion: Councilwoman Sparks asked if the money goes into their fund. Mayor Marshall answered it will go into the General Fund.

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. Mayor and Council Reports.

Mayor Marshall attended the Utah Local Governments Trust meeting, C.O.G. meeting, and the 4th of July meeting. He attended and presented an award at the Police Banquet. He attended the APWA North American Snow Conference where the City’s new truck was on display. He presented the Grantsville City Scholarships to Kole Berry and Zac Mollard. Mayor Marshall attended the Main Street Project construction update meeting. They are about twenty days behind on the project. They had a discussion about claims from the flooding on north Church Street. Mayor Marshall met with Bruce Baird, Attorney Coombs, and Shay Stark to discuss the development agreement for West Main Street. The Mayor attended the Council on Aging meeting, a meeting on Great Salt Lake flooding, and the insurance benefits meeting with employees. Mayor Marshall requested the Council consider cancelling the July 3rd City Council Meeting. It will be on the next agenda for consideration.

Councilwoman Allen stated the General Plan Meeting will be held June 20th at the High School. She has requested a list of land owners to notify because this will impact their land use. She commended Christine Webb for continuing to attend training and implement the things learned. Councilwoman Allen reported that only one bid came in for the Historic Preservation Commission's video project. They have extended the deadline. Councilwoman Allen reported it looks like they will not be able to afford the project this year. They plan to apply for a grant. She confirmed with Mayor Marshall that the Main Street construction will not affect the 4th of July parade. Mayor Marshall said he has been told the route will be available before the 4th of July.

Councilman Stice commented on the cemetery. He stated we did as well as could be expected. He mentioned the Main Street Project. He drives through it a few times a day and they are doing as well as they can; he does not get stopped for longer than necessary. Councilman Stice asked how the audience liked the new microphones. Those in attendance reported they could hear much better. Councilman Stice felt that Sherrie Broadbent did a good job on them. He remarked that the Fire Department SOPs had a good discussion. Councilman Stice commented on the mosquitos; they are everywhere. He stated he sent the Mayor an email about a street sign. There is a dead-end street sign going up Center Street just past Durfee that needs to be removed because it is no longer a dead-end. Councilman Stice added there is another sign on the south end of Cooley where it used to turn around the bend; now the road goes straight into the subdivision. He commented the recycling program needs to be addressed. Mayor Marshall stated we are preparing an RFP for the solid waste disposal and recycling.

Councilwoman Sparks asked if we are putting in a dog park at Old Lincoln Park. Mayor Marshall answered that we are. Councilwoman Sparks asked what it will consist of. Mayor Marshall said there will be a fenced area with the baggies so owners can take care of the fecal waste, garbage cans, and some exercising areas for dogs. Councilwoman Sparks had received a suggestion about the Main Street construction. The recommendation was to have signs notifying drivers of what streets are closed so they could re-route. Mayor Marshall explained that the City would have to pay for those signs and we are already on a budget. She asked about the timeline and when UDOT will begin their portion of the project. Mayor Marshall answered UDOT is starting in August. Councilwoman Sparks commented that she was glad for the discussion on the Fire Department SOPs and said we need to move on it. She pointed out the election process still needs some work.

Councilman Critchlow asked what the status is on south Cooley. Mayor Marshall answered they have conversed by email, but he did not know where they were for sure. Councilman Critchlow reported he was in Oregon recently and there were restrooms that had automatically locking doors. He explained they could be programed to lock and unlock. He suggested the City look into them for our restrooms so the Police Officers would not have to take care of that. He reminded everyone that Movie Night at the Park will be held on June 15th.

Councilman Hutchins attended the Library Board meeting. They recognized Margene Dudley for her service. She has decided to allow someone else to serve on the Board. They are

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accepting applications for a library trustee. The application can be found on the City website. They are excited about the summer activities they have planned.

Mr. Coombs reported the City is allowing him to create estate plans for employees. He can answer any questions on those lines.

15. 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 Allen seconded the motion.

Vote: The vote was as follows: 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 8:39 p.m.

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

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

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.

16. Adjourn.

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