

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON JULY 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

Council Members Excused:

Krista Sparks
Scott Stice

Appointed Officers and Employees Present:

Christine Webb, City Recorder
Corinna Mathis, Deputy Recorder
Brett Coombs, City Attorney
James Waltz, Public Works
Robert Sager, Police Department

Citizens and Guests Present:

KennaRae Arave
Travis Lowry
Faye & Mitch Hall
Reid Dickson
Mark Watson
Derek Dalton
Ryan Orgill
Autumn Barton
Kenna Aagard
Larry Sandberg
Laura Sandberg
Shari Philpot Marsh

Mayor Marshall asked Mitch Hall to lead the Pledge of Allegiance.

AGENDA:

1. Public Comments.

Travis Lowry, Soccer Coach for Grantsville High School, explained they are looking at having a scoreboard installed at the soccer field. He stated members of the Girls' Soccer Team have raised funds to pay for it.

No further comments were offered.

2. Summary Action Items.

- a. Approval of Minutes from the June 17, 2019 City Council Regular Meeting.
- b. Approval of Bills in the amount of \$708,577.84.
- c. Findings of Facts for the denial 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.

Councilwoman Allen thanked Christine for the minutes. She commented on the bill for the lights for the 4th of July and inquired about purchasing some. Mayor Marshall stated the City owns one set. He felt that it is better to rent the others.

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

Second: Councilman Hutchins seconded the motion.

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

3. Consideration of a Commercial Conditional Use Permit for Richard V. Davis Living Trust, Meier Marsh Holdings, LLC, and Barry Bunderson located at 168 East Main Street in the CD zone.

Shari Marsh stated they have applied for a commercial conditional use permit. She offered to answer any questions the Council had for her.

Mayor Marshall reported the City installed a two-inch connection and Meier Marsh will be billed for the increase. Councilman Critchlow said he did not see the geotech report. Mayor Marshall said he has seen it and it is good. Councilwoman Allen asked about the traffic impact study (TIS). Ms. Marsh stated UDOT determined they did not need it. She added that their anticipated traffic is very low per day.

Motion: Councilman Hutchins made a motion to approve a Commercial Conditional Use Permit for Richard V. Davis Living Trust, Meier Marsh Holdings, LLC, and Barry Bunderson located at 168 East Main Street in the CD zone.

Second: Councilman Critchlow seconded the motion.

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

4. Consideration of approval of the P.U.D. for Scot Hazard on the Grantsville Professional Park located at 163 South SR112 for the creation of three (3) lots and one (1) building consisting of eight (8) units for professional offices in the CD zone.

Ryan Orgill was present. He stated that he was not representing Mr. Hazard. He will be occupying one of the spaces in the building and was willing to pass any information along to Mr. Hazard.

Mayor Marshall stated technically everything was in order for the P.U.D., however, the water has not been dedicated at this time. He suggested that the Council approve the P.U.D. to allow them to continue moving forward and require the dedication of water prior to the recording of the final plat.

Councilwoman Allen asked if the sidewalk was part of the development agreement. Mr. Coombs answered that it was. He added that they are putting the final touches on the agreement and it will be coming to the Council for approval. They discussed time constraints and who would be covering the costs of the sidewalk. Mayor Marshall asked the Council to make recording of the final plat contingent on finalizing the development agreement as well.

Motion: Councilman Critchlow made a motion to approve the P.U.D. for Scot Hazard on the Grantsville Professional Park located at 163 South SR112 for the creation of three (3) lots and one (1) building consisting of eight (8) units for professional offices in the CD zone.

Second: Councilwoman Allen seconded the motion.

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

5. Consideration of approval of the Final Plat for Scot Hazard on the Grantsville Professional Park located at 163 South SR112 for the creation of three (3) lots and one (1) building consisting of eight (8) units for professional offices in the CD zone.

Scot Hazard was present for this item. Councilman Critchlow stated that everything seemed to be in order. They will have to review the water flow when they bring in the next building. Mr. Hazard asked if there was a timeline for tying into the water lines. Mayor Marshall answered that he was told mid-August.

Mayor Marshall said the motion would need to have a condition that the water is dedicated and the development agreement finalized prior to final plat being recorded. Mr. Hazard stated he has exchanged emails on the development agreement with Mr. Coombs.

Motion: Councilman Critchlow made a motion to approve the Final Plat for Scot Hazard on the Grantsville Professional Park located at 163 South SR112 for the creation of three (3) lots and one (1) building consisting of eight (8) units for professional offices in the CD zone with the

understanding that water needs to be transferred to the City and the development agreement has been accepted and signed before recording the final plat.

Second: Councilwoman Allen seconded the motion.

Discussion: Councilman Hutchins asked what Mr. Hazard's timeline is on this project. Mr. Hazard answered that he would like to move forward as soon as possible. He stated they are determining how much work they wish to do over the winter, but felt they will start in October.

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

6. Consideration of Resolution 2019-12 appointing a conflict attorney in accordance with due process requirements in the Grantsville City Justice Court.

Mayor Marshall presented Jacob Linares as a conflict attorney. Mr. Coombs explained the conflict attorney is used when our public defender, Richard Tanner, has a conflict and cannot represent a defendant.

Motion: Councilwoman Allen made a motion to approve of Resolution 2019-12 appointing Jacob Linares as a conflict attorney in accordance with due process requirements in the Grantsville City Justice Court.

Second: Councilman Hutchins seconded the motion.

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

7. Consideration of Resolution 2019-13 approving a development agreement for Sun Sage Meadows.

Bruce Baird was present on this item. He thanked Mayor Marshall and Mr. Coombs for working with him on a development agreement template. He gave the history and goals of the template. He explained the template is structured as a boilerplate for the whole contract and each development agreement will have addendums specific to the development.

Mr. Baird suggested changes to the template under the dispute resolution clause. This agreement has a dispute clause in Addendum 2 which involves mediation. He recommended building the dispute clause into the agreement in the future.

Mr. Baird stated the remaining issues were in Addendum 1. They would like to build the park in this project with the third phase of the project instead of the second phase. He commented that they would rather not spend more money than they have to in terms of building the park. Mr. Baird said the third issue deals with the current City standards regarding not just approval of a plat, but recordation and signature of a plat. He pointed out that currently recordation and

signature are required within a year after approval and then you can request two 180-day extensions. He stated that he sent a draft to Mr. Coombs with a request for extra sentences on paragraph six, page two of Addendum 1 as follows: “This provision is not intended to abrogate the ability of the City to extend any approvals. Further, if the Federal Reserve Board has declared that a ‘recession’ has occurred while any final plat is pending signature or recordation, then any provisions in GLUDMA regarding the effectiveness of a preliminary or final approval of a plat shall be extended for the length of time of the declared recession.” Mr. Baird explained that meant if they can’t get the final plat recorded because of a recession, the time will be extended for recordation automatically.

Councilwoman Allen asked about the section Mr. Baird cited on mediation. She inquired whether Mr. Coombs felt comfortable with the language for mediation. Mr. Coombs commented that he did not feel that mediation is ever a bad thing. He was comfortable with the Council adopting a mediation provision. He felt arbitration can be a little dicey. He reviewed his concerns with the arbitration clause. He recommended adopting the mediation portion and leave out the arbitration portion for now until the Council has discussed it more.

Councilwoman Allen asked how many units there are in each phase. Mr. Baird answered there are twenty-eight in the first phase, approximately twenty-five in the second phase, and another twenty-three in the third phase. He stated they would like to have the park in the third phase not the second. The Council agreed that they would like to see the park in the second phase. Mr. Baird commented that while they preferred it in the third phase, they were willing to do it sooner.

Councilman Hutchins expressed his concerns about the recession risk request. Mr. Baird shared his experience and views on recording plats. He reported they plan to build out and sell as fast as possible.

Motion: Councilwoman Allen made a motion to approve of Resolution 2019-13 approving a development agreement for Sun Sage Meadows with the following provisions/requirements: removal of the arbitration clause in Addendum 2, elimination of the recession clause, and correction of misspellings.

Second: Councilman Hutchins seconded the motion.

Discussion: Councilman Critchlow thanked the property owner for mowing the weeds and taking care to remove the fire hazard.

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

8. Consideration of approval of the final plat for the Sun Sage Meadows P.U.D. Phase 1, which contains twenty-eight (28) Multi-Family Units for Reid Dickson with Infinity Consultants and Josh Adams in the RM-15 zone.

Reid Dickson was present on this item. He explained Phase 1 is a self-contained, simple phase. It connects Clark Street with Main Street and has water connections at both ends. Mr. Dickson reported that the detention pond is in Phase 1. Mayor Marshall asked when the improvements to Main Street will be completed. Mr. Dickson answered they will be part of Phase 3 because it fronts Main Street. He reviewed the phases and which streets were part of each of them.

Councilwoman Allen inquired about the six-inch thick sidewalk. Mr. Dickson answered that it had been addressed and is part of the final drawings. Councilman Critchlow commented on the drainage. He added that “it is what it is at this point.” He asked if they will widen out Main Street when they get to Phase 3 and improve their half. Mr. Dickson stated they will improve the half on their frontage.

Councilwoman Allen expressed appreciation for the Planning Commission. Councilman Critchlow asked about the six-foot vinyl fence. Mr. Coombs pointed out the fence is part of the development agreement; the fence is required around the entire project. Councilman Hutchins inquired about parks in this development. He commented on the driveways. Mr. Dickson reported there is a twenty-six foot wide travel way that is unobstructed. There is parking in garages (two per unit), parking in driveways (two per unit), and on street parking on both sides. Mr. Coombs asked if they are still doing the rolled gutter. Mr. Dickson answered yes, it is a rolled curb. He stated on Kent Street there is a different high backed curb because there are not driveways to the multi-family units and the single family lots will do a curb where their driveway is.

Motion: Councilman Hutchins made a motion to approve the final plat for the Sun Sage Meadows P.U.D. Phase 1, which contains twenty-eight (28) Multi-Family Units for Reid Dickson with Infinity Consultants and Josh Adams in the RM-15 zone with the addition that they install a postal gang box.

Second: Councilwoman Allen seconded the motion.

Discussion: Councilman Critchlow stated this was one of those things that he did not want to have happen. He added that the majority of the Council said yes and so he would be voting in favor of this. Councilman Hutchins commented that was where he was as well. He pointed out we are in the middle of adopting a new General Plan and part of the goal is to determine where this type of development best suits the community.

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

9. Consideration to award a contract for the Hollywood Park Playground Shade.

James Waltz provided samples for the shade. He explained the bid from Lucky Dog was designed for shade with five sails. He felt the upside of having multi- sails is that if in the future there is any maintenance or one needs to be replaced, it would be a lot less material to replace.

He commented that it is aesthetically pleasing and adds uniqueness to the park. Mr. Waltz added that the structural integrity of the poles they have selected are above some of the competitors.

Councilman Hutchins asked Mr. Waltz to educate the Council on the score. Mayor Marshall stated there were numerous of us that were involved in scoring. There was criteria they had to meet that was in the RFP. Mr. Waltz reviewed the proposals. He did not feel that the rectangle proposal would add the character that our parks should have. The other two bids were the same engineered drawing but had a \$35,000 difference in price.

Councilman Critchlow commented on the shade at the parks in St. George.

The Council Members preferred the bids with multiple sails over the bid with a single cover. They shared their concerns and discussed the price difference. Councilman Hutchins explained he struggled with a three point difference in the score and over \$9,000 difference in price. He added that he respected Mr. Waltz and his recommendation. He would support it.

Motion: Councilman Allen made a motion to award a contract for the Hollywood Park Playground Shade to Lucky Dog Recreation for the amount of \$66,028.

Second: Councilman Critchlow seconded the motion.

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

10. Consideration of approval of the Community Wildfire Preparedness Plan.

Chief Rob Critchlow addressed the Council. He reported the Community Wildfire Preparedness Plan was something the State has come out with and there had been many different versions of it. He acknowledged there were some corrections that need to be made to some of the names. He explained the County finally got him the estimated property value. Chief Critchlow stated the purpose of this plan is that if a fire starts in Grantsville and runs into State lands, the State will cover the cost. He said our share of the cost is \$32,000. We have met it and will meet it again this year. Chief Critchlow explained the plan is broken down into three different sections and this is the final dressing. He expressed appreciation to Dan Walton for working with him on it.

Councilwoman Allen felt the contacts and their information needed to be completed. Chief Critchlow stated he plans to work with Mrs. Webb to add the information. He will send the document to the City Council Members once the information has been added. Councilwoman Allen suggested adding Soelberg’s as a commercial entity. Chief Critchlow remarked that he will also be adding Purple.

Councilman Hutchins commented on the Plan Overview Map. He pointed out that it talks about a buffer of 1,000 yards. He stated the map was not in the document and asked if Chief Critchlow had any concerns about maintaining the buffer. Chief Critchlow remarked that the cost of

maintaining the buffer would be huge and did not think it was feasible. He reviewed the ways they deal with different fires.

Mr. Coombs pointed out that on the signature page, there was not a place for the recorder to attest Mayor Marshall's signature.

Motion: Councilwoman Allen made a motion to approve the Community Wildfire Preparedness Plan with the addition of a signature line for the City Recorder to attest the Mayor's signature, the names of contacts corrected or added, and that the document be signed within the next two weeks.

Second: Councilman Critchlow seconded the motion.

Discussion: Councilman Critchlow commented on the many entities working on this document. He stated that Dan Walton mentioned the MOU that needs to be signed by Grantsville City and is not part of this document. Chief Critchlow said he will present it for approval.

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

11. Discussion for the concept plan for a minor subdivision for Craig Matthews.

Craig Matthews explained he is trying to sell his house on Worthington Street to his daughter and as they do so, they wish to square off the front of the property. He stated that before beginning the process, he would like to know if he can do it as a minor subdivision. He met with an engineer who suggested that he talk to the City Council about some of the possible concerns. Mr. Matthews commented that one will be the collector road issue.

Councilwoman Allen asked Mr. Matthews to explain what the collector road issue is. He answered that it was dedicating twelve feet of road. His concern was whether he would be able to do it as a minor subdivision if he had to dedicate the road. The home is on the corner of South Street and Worthington Street which are both designated as collector streets.

Mr. Matthews said the next question was the location of the twelve feet. He pointed to the drawing from Ensign Engineering and commented that the driveway should have been on the property line when he built the house, but the drawing shows thirty-three and half feet that goes back and then another twelve feet. That places the house at about twenty-seven feet from the twelve feet. He stated he was not sure how accurate that was.

Councilwoman Allen requested to go back to the collector street issue. She stated they have not approved new parcels along this street that would violate the standard. Mr. Matthews commented that the standard is that you cannot have a driveway more than about every 1,000 feet and asked if that is true. Mayor Marshall believed that it was 500 feet. Mr. Matthews said the whole frontage is only 399, so that is a problem. He pointed out there is a new home across

the street on Worthington that does not have the 500 feet from the other driveway. The Council and Mr. Matthews discussed the location of that house.

Mr. Matthews explained that he wanted to know if he would be able to get a minor subdivision approved before he spent the \$10,000 on it to find out that it can't be done. Councilwoman Allen stated it was hard to visualize the other property Mr. Matthews was talking about and know the history behind it. She said according to current ordinance, if this doesn't pass muster, they would not be able to approve it. Councilman Hutchins felt they would have to do some research before discussing it.

Mr. Matthews asked what a collector road meant. Mayor Marshall answered that it meant you would have more traffic on the road. They discussed the roads in that area. Mr. Matthews commented that he is only proposing three driveways on Worthington Street compared to all the homes on Durfee Street. Mayor Marshall said if Mr. Matthews put in a drive coming off either South or Worthington and have it be the road that would funnel into the subdivision, it would work. Mr. Matthews commented that would be a private road coming off South Street.

Councilwoman Allen replied that Shay Stark with Aqua Engineering recommended that the subdivision remain a major subdivision. She referred to the email Mr. Stark sent earlier in the day. Councilwoman Allen felt they needed more information. Mr. Coombs gave his interpretation on why Mr. Stark may have recommended the major subdivision. Councilman Critchlow asked if the road width on a collector road was ninety feet. There was a discussion about the subdivision to the south and dedication of improvements.

Councilman Hutchins felt there were still questions regarding the width of Worthington Street and the driveways. The Council Members agreed that they needed more information before they could give Mr. Matthews any direction. Councilman Hutchins felt that if Mr. Matthews could give the Council until they have reviewed the General Plan, they could look at this to determine the density of the area and then consider a variance. Councilwoman Allen preferred to speak to Mr. Stark about his memo for clarification.

12. Discussion on a soccer scoreboard at Cherry Street Park.

Travis Lowry was present on this agenda item. He stated he was proposing to have a scoreboard installed at the soccer field at the Cherry Street Park by the soccer field. The soccer fields are used by both of the High School's teams, recreation leagues, and competitive leagues. He proposed that the scoreboard be used by all teams. Mr. Lowry reported the High School Girls Soccer Team earned money through fundraisers to buy the scoreboard. He stated they needed approval to have it installed.

Mayor Marshall said that it was his understanding they do not have the money for a contractor to install the scoreboard. Mr. Lowry responded that they have partial funding for the installation. Mayor Marshall asked what the bids are to have the scoreboard installed. It was between \$5,000 and \$7,000. Mr. Lowry stated they have around half of that amount. Councilwoman Allen

asked if they were requesting the balance be paid by the City. Mayor Marshall reported that he and Principal Aagard have discussed splitting the cost for the construction of the scoreboard. He stated that he does not want the City or the School Maintenance Department putting it in for liability reasons. He preferred to have it installed by someone whose main function is to install scoreboards. Both parties must have three bids. Mayor Marshall suggested adopting a Memorandum of Understanding (MOU) stating that neither party would hold the other liable for the scoreboard. He felt they should determine who would be authorized to use it, the direction that it be placed, and the maintenance of the scoreboard. Mr. Lowry felt they would maintain it because they would be using it the most.

Mr. Lowry and the Council discussed the location to install the scoreboard. They agreed on putting it even with the south end of the tennis courts, at the east side of the soccer field, and facing north.

13. Mayor and Council Reports.

Mayor Marshall attended and reported on the C.O.G. Meeting, a luncheon meeting with Rocky Mountain Power, and the Tooele County Housing Authority Meeting. He attended all of the events for the 4th of July festivities and the ribbon cutting at the Cherry Street Park Playground. The Mayor went to the on-site visit of the Little Mountain Gravel Pit with Councilwoman Allen, company personnel, and a homeowner. He met with the developer of Hunter Estates about the road on South Center Street; they are working to get the roadway so they can dedicate it. He met with all parties on the lift pump coordination to connect to Grantsville's sewer line for Deseret Peak Complex and UMC. He attended two construction meetings for the Main Street Project and reported on them. Mayor Marshall asked if the Council would like to purchase an animal from the County Fair. The Council was in favor of doing so. He thanked the Council Members for their help on the 4th of July celebration.

Councilman Critchlow reported on the Planning Commission Meeting. He commented on the MOU with the State and Grantsville City for the Fire Department. He felt this MOU is better than the one presented previously. Councilman Critchlow stated there is a student that would like to do a light study on our community. He appreciates the 4th of July. He explained the gravel pit company would like the Council Members to look at it individually.

Councilwoman Allen expressed appreciation for the work that went into the 4th of July. She went on a recycling tour arranged by Ace Disposal at Rocky Mountain Recycling. She would like the City to educate the residents better on what can be recycled and what cannot. She reminded those present that on July 23rd at 7:00 pm the Planning Commission is having a public hearing on the proposed general plan. Based on recommendation from the Planning Commission it will be forwarded to the City Council for approval. There will be a presentation and discussion at the next regular City Council meeting.

Approved

Councilman Hutchins appreciated the 4th of July celebration. He reported that his niece has a neighbor from Eagle Mountain who attends our celebration. He asked about the closing of the park at the ball field. Mayor Marshall answered that there will be some updates and new fall protection (wood chips) will be installed. Councilman Hutchins attended the Mosquito Abatement Meeting. They are aware of the mosquito locations and are trying to get control by spraying. Councilman Hutchins commented that we need a plan determining what belongs to the School District and what belongs to the City at the parks. He is not opposed to the soccer scoreboard, but we are the only city that provides fields for high school sports. He asked Councilman Critchlow if we are going to have any movie nights so he could notify the Mosquito Abatement. Councilman Critchlow answered that we will not have any more of them this summer.

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

The Council did not go into a closed session.

15. Adjourn.

Motion: Councilwoman Allen made a motion to adjourn. Councilman Critchlow seconded the motion. The meeting was adjourned at 9:17 p.m.