

AGENDA ITEM #3

Final Legislative Hearing on 358
Wrangler Court.

Memo



To: Council Members

From: Christine Webb

Date: July 30, 2021

Re: Legislative Hearing for 358 Wrangler Court

Mayor and Council,

The expansion of the driveway at 358 Wrangler Court was on the August 5, 2020, September 16, 2020, March 17, 2021, and June 2, 2021 City Council Meeting agendas. A copy of those minutes are below.

Minutes from the August 5, 2020 City Council Meeting:

Consideration of approval to expand the driveway at 358 Wrangler Court for Steve Macurdy.

Mayor Marshall reminded the Council they were sent comments from residents concerning this. Photos were provided to the Council Members from Public Works. Mayor Marshall reported the residents are upset about what has been done at 358 Wrangler Court. They have had the water in their yards that should have been in Mr. Macurdy's retention swale. They are parking on the public right of way that does not have the high backed curb. Mayor Marshall stated the comments received wished the Council to have Mr. Macurdy re-establish the retention swale, repair the sidewalk that is broke up, replace the high back curb, and repair everything to the condition it was prior to his modifications.

Steve Macurdy was present on Zoom. He stated there has not been an issue with water and the equipment was only there when they were working on the project. He provided background information on the process from his purchasing the property to this point. He reported he wanted to put in a circular driveway. Mr.

Macurdy provided copies of the emails with his HOA. He explained the process he went through to fill in his swale and to move the water. They completed that part over a year ago and then saved money to get the curb cut and put in the circular driveway. On the day they were cutting the curb, Mayor Marshall and James Waltz, Public Works Director, came to let them know they did not have permission to cut the curb. Mr. Macurdy spoke to Ensign Engineering about the impact of removing the swale.

Mayor Marshall pointed out the HOA can only approve changes to the yard; not the swale, the sidewalk, curb, gutter, or the street. Mr. Macurdy stated that because the driveway is funnel shaped, when there are more than a couple of cars there they have to park on the street or else no one can get in and out of the driveway because it is blocked off. He explained that is why they want to install a circular driveway.

Councilman Stice asked who owns the swale. The property owner owns the swale and they are required to maintain it because it is the storm drain. He drove around the area and stated there is no swale in front of Mr. Macurdy's home; it has been filled in. Mr. Macurdy reported he installed a perforated pipe and buried it. Councilman Stice asked if the pipe was hooked onto the house to the south. Mr. Macurdy answered he ran it across from his driveway to the other one. It is hooked into the next door neighbors' swale. Councilman Stice asked if all the pipes going under the driveways are interconnected. Mr. Macurdy said that was correct. James Waltz reminded the Council that the retention basin was designed and signed off on a final set of construction plans. He commented that without an engineering stamp on what was done to the retention basin, there is no engineering stamp or set of drawings for the future.

Councilwoman Allen commented Mr. Macurdy stated there had not been an issue with water filling the swales next to his. She stated that was disputed by the neighbors and read from the following statement received by one of the neighbors: "Whenever there is rainfall or snow melt, the swales at 809 and 811 E. Wrangler Court have continuously been overfilled with water. There is routinely 3-4 feet of water collected. This water has caused erosion in the swale and in the area of the water main at 809 E. Wrangler Court that has cost time and money to fill back in and repair." Mr. Macurdy said he has never seen water standing in any of the swales in Wrangler Court.

Councilman Stice stated that when he looks at this road, any water that hits it will go down to the house at the end of the cul-de-sac. He felt that's probably why the retentions are so large in this area. He pointed out there is a water meter about twelve to fifteen feet from the current driveway to the south. Mr. Macurdy confirmed this. Mr. Waltz reported the water meter cannot have cement or

concrete within five feet on one side and two feet on the other side of the meter. Mr. Macurdy said he was great with making something so they can still dig the area up if needed and protecting it. He explained their plan was to put it at ground level and then put a metal plate to cover it that could still be moved but wouldn't damage it if it is driven over.

Councilman Stice asked if they require Mr. Macurdy to replace the swale, what happens to the neighbor next door with the gravel area. He commented that driving around Anderson Ranch, you can see this has been done all over. He talked with someone who used to be on the HOA Board and they gave permission all the time to extend their driveways. He said that is what Mr. Macurdy did, but the problem is that the swale is designed and engineered to retain the water. Councilman Stice pointed out with the filled in swale, any water on the lawn will run into the road. He did not see any way the Council could allow Mr. Macurdy to keep the swale filled up. He felt part of it would have to be put back in. He stated he was willing to allow them to extend the driveway a little bit, but not to the point that it encroaches on the water meter.

Councilwoman Sparks pointed out they have lost the entire street and curb so there can be no parking there and no parking in front of the driveway. She stated they could extend the driveway at the top half. She commented that if the City allows him to fill his swale, it may not affect the one hundred year storm drain system, but then it may set a precedence for others to fill them in. Mayor Marshall suggested extending the driveway down the side of the home.

The Mayor and Council discussed the swale. Mayor Marshall explained that if Mr. Macurdy had an engineered drawing that said he could accept the water for a one hundred year storm and put a vault in the front of the property to take the retention water, they might be able to allow it. He stated part of the curb has to be put back in. The Council agreed they should table this item and give Mr. Macurdy a chance to talk with an engineer. They are going to require that he put the swale back in and somehow retain water in a vault. They will allow him to extend the driveway a little bit, but it cannot get too close to the water meter. Mr. Macurdy will have to come up with another plan; they will not be able to allow him to have an additional forty to fifty-feet for the driveway. Mr. Macurdy asked if he could get approval if he came up with a way to have a circular driveway where they come in one side and extend it out so it meets the distance requirements away from the water meter. He was told he would need to come up with a way to retain the water.

Motion: Councilwoman Sparks made a motion to table the consideration to expand the driveway at 358 Wrangler Court for Steve Macurdy for thirty days to come back with a plan.

Second: Councilman Stice seconded the motion.

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

Minutes from the September 16, 2020 City Council Meeting:

Consideration of approval to expand the driveway at 358 Wrangler Court for Steve Macurdy.

Steve Macurdy was present. He stated at the end of the last meeting the Council asked him to come back with a plan for the driveway. He explained that he was trying to make the circular driveway that he initially planned work. No matter how he did it, it would still slope from the house out to the street. He reported that in order to make the area continue to be not just a retention area but also a containment area for water he changed the plans so that the driveway will come in and slightly slope down. This was shown in the drawings he provided. Mr. Macurdy stated he plans to have a trench drain to go across there that connects to the perforated drain pipe they already have buried in the gravel. He felt this will accomplish everything the Council wanted him to take care of. He reported they have ordered the pre-cast curbing to replace in front of the water meter.

Councilman Stice commented on reading the minutes from the last meeting with Mr. Macurdy. He reported the minutes said Mr. Macurdy would come back with engineered drawings that would accept the water from a 100 year storm and put a vault in front of the property to take the retention water and the Council might allow it. He pointed out the drawings are not from an engineer. Mr. Macurdy stated they asked him to come back with a plan. He reported that it will cost him \$2,500 to get those drawings. He does not want to spend that much money to have the Council say that it's not going to work. He stated if that's what has to happen, then he will do it. Mr. Macurdy said he was hoping they would accept what he had because it will be similar. Councilman Stice felt the minutes were clear that the Council asked for Mr. Macurdy to come back with engineered drawings with a vault to accept the water from a 100 year storm. He explained that he could not approve this because Mr. Macurdy has not done what they asked. Mr. Macurdy apologized and asked if he could get the engineered drawings with the system he was proposing (with the perforated pipe). Councilman Stice answered we need an engineer to say it will work. Mayor Marshall added we need the engineer's stamp on it.

Councilman Stice suggested that Mr. Macurdy get with the City Engineer and the City Public Works to make sure that what he comes up with will meet our

requirements. Mayor Marshall pointed out that the Council said they will allow Mr. Macurdy to extend the driveway a little bit, but it can't get too close to the water meter and he'll have to come up with another plan. He added you cannot use your whole frontage as a driveway because it is against the code. Councilwoman Allen asked if there was anything in this situation that needs to be rectified. Mayor Marshall answered there is; the curb and gutter need to be put back in. Councilwoman Allen wished to make sure it was being addressed in the short-term so that it does not cause problems while the City Council is deliberating. Mayor Marshall felt that if Mr. Macurdy works with an engineer and the City staff, it can be rectified.

Motion: Councilwoman Allen made a motion to table this item with the request that the homeowner get engineering drawings and meet with the City Engineer and Public Works Director for this project.

Second: Councilman Rowberry seconded the motion.

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

Minutes from the March 17, 2021 City Council Meeting:

Legislative Hearing on 358 Wrangler Court in violation of Grantsville City Code 17-1-6.

Mayor Marshall went over the procedures for the Legislative Hearing. Mrs. Webb issued the Oath to City Attorney, Brett Coombs. Mr. Coombs reviewed the history of 358 Wrangler Court and Mr. McCurdy's violation on Grantsville City Code 17-1-6. He reminded the Council that in September 2020 they had directed Mr. McCurdy to get together with the City Engineer as well as his own engineer and then present a plan the City Council would be comfortable with that the drainage for the property would be adequately protected as well as the other City interests that may be at play. Mr. Coombs stated this was before the City Council because nothing has happened and the property has remained in violation. He explained to move forward either Mr. McCurdy has to place the property back to its original state or he needs to present the City Council with an acceptable plan.

Mrs. Webb issued the Oath to Steve McCurdy. Mr. McCurdy reported after the September City Council Meeting he met with the City Engineer who recommended Barry Bunderson. Mr. McCurdy stated he contacted Mr. Bunderson. He explained Mr. Bunderson was working on some projects at that time and they finally were able to get together about a month ago to draft a plan. He was served with the subpoena before he was able to contact the City to get back on an agenda. Mr. McCurdy provided the Council with copies of Mr. Bunderson's engineering drawings.

Councilman Stice stated he had a question for Mr. Bunderson. Mrs. Webb issued the Oath to Barry Bunderson. Councilman Stice asked about Mr. Bunderson's plan. Mr. Bunderson answered that whatever swale existed originally had been filled in with an under drain. He explained the plan is to go to the south boundary and re-excavate the pond. There is a twenty-five and a half foot drainage and public utility easement along the front arc of the lot. He reported they will build a pond by having a gravity wall along the boundary inside the property. And from the sidewalk it is more of a four to one gradual slope. Mr. Bunderson explained there will need to be a re-connection or extending of the pipes that connect the drainage or retention ponds between driveways. He said where Mr. McCurdy wishes to extend his driveway, he will extend the culvert into the reshaped pond. Mr. Bunderson pointed out the neighbor to the south has a pipe that goes under the fence and he has surveyed the elevation of that pipe. Mr. McCurdy's pond will be about two feet lower than that. They are going to dig the pond deeper to account for what will be displaced for the extended driveway.

Mr. Bunderson reported Mr. McCurdy contacted him in September about this project. He explained he had some medical incidents and the project was postponed until recently. Councilwoman Sparks inquired about the driveway extension and the placement of the water meter. Mr. Bunderson stated they are planning to place boulders to prevent vehicles from hitting the water meter. Mayor Marshall asked if they plan to replace the curb that was saw cut. Mr. Bunderson answered they plan to install twenty-four to thirty inch (24" -30") boulders at a six foot (6') spacing so no car can drive through there. He stated water will be contained within the sidewalk. Mayor Marshall asked why they want to put seven boulders in rather than replace the high-backed curb. Mr. Bunderson answered because it was already done and to replace the curb, they will have to suck up some asphalt.

Mr. Coombs waived his closing statement.

Mr. McCurdy asked the Council to allow him to put in the retention pond as the drawing shows and put the boulders in instead of the high-backed curb to deter vehicles driving through it. Mayor Marshall reported there is a cement company that measures the yardage or square footage of cement that comes out the end of the shoot and their price is less than what the other has been.

Councilwoman Sparks commented that it was unfortunate that they were here and the curb had already been cut. She did not want to charge Mr. McCurdy to make him put it back. However, that is what was there and it should not have been taken out. That is what the Council is trying to prevent around the City. She felt the curb should be put back.

Councilwoman Allen agreed that the high-backed curb needs to be re-installed. Councilman Hutchins reported that every time this comes up he struggles with the fact that a homeowner is trying to improve their home but goes about in a way that is not following City Code. He commented there are things around town that bother him more than this honest mistake. He stated he did not wish to set a

precedence. He wished the curb and gutter was still there. He believed this property owner is making an effort to improve his property. Councilman Hutchins went over the improvements proposed in Mr. McCurdy's plan.

Councilman Rowberry felt this was a tough issue and makes it difficult going forward with other people. He commented that the Council has often been hammered on the decisions where they made an exception. He felt that the curb should probably go back in.

Councilman Stice stated that reading through the two letters Mr. McCurdy received from the Public Works Director cite him for making private improvements to streets and sidewalks and making changes to the water flow. He pointed out that nowhere in these letters does it talk about the curb; they talk about the sidewalk and the street. He stated if that is a big issue, then we need to address it in our ordinances. Councilman Stice remarked that the Council asked Mr. McCurdy to get with an engineer to develop a plan to retain the water and he did that. He did not feel good about requiring Mr. McCurdy to put the high-backed curb back in.

Vote: Mayor Marshall asked for the Council's vote to approve Mr. McCurdy's plan for the water retention. The vote was as follows: Councilman Rowberry, "Yes", Councilwoman Allen, "Aye", Councilman Hutchins, "Yes", Councilman Stice, "Yes", and Councilwoman Sparks, "Yes". Mr. McCurdy's plan was approved.

Vote: Mayor Marshall asked for the Council's vote that Mr. McCurdy re-install the curb. The vote was as follows: Councilman Rowberry, "Yes", Councilwoman Allen, "Yes", Councilman Hutchins, "No", Councilman Stice, "No", and Councilwoman Sparks, "No". Mr. McCurdy will not be required to re-install the curb.

Mayor Marshall cautioned Mr. McCurdy and anyone else that they do not arbitrarily make changes without contacting the City. In addition, he asked Mr. McCurdy to not remove the boulders and use that part as a driveway. He cautioned that the front yard should not be used as a parking area.

Minutes from the June 2, 2021 City Council Meeting:

Second Legislative Hearing on 358 Wrangler Court in violation of Grantsville City Code 17-1-6.

Steve McCurdy was present. Councilman Stice commented that it did not look like Mr. McCurdy had completed much work on this since the last meeting. Mr. McCurdy reported he has dug it out and found the gas line. He stated the gas line was not very deep. He has been waiting for Dominion Energy to move the gas line so he can finish.

Mayor Marshall stated Mr. McCurdy's neighbors have expressed a lot of concerns.

Councilman Stice asked if the project would be complete in two weeks. Mr. McCurdy believed that it could be done in two weeks. Councilman Stice requested that Mr. McCurdy come back with photos of the complete project on June 16, 2021. Mr. McCurdy agreed to do so. Councilwoman Allen commented on the concerns of the neighbors that the area would be used for parking of vehicles. She asked for clarification of what was going on with this property. Mayor Marshall stated he did not believe that the property could be used for parking. Mr. McCurdy reported that he is extending the driveway and wondered if that is what the neighbor was referring to.





