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**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON JANUARY 20, 2016 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.  
CALL TO ORDER AND PLEDGE OF ALLEGIANCE.**

**Mayor and Council Members Present:** Mayor Brent Marshall and Council Members Krista Sparks, Jewel Allen, Mike Colson, Neil Critchlow, and Tom Tripp.

**Appointed Officers and Employees Present:** Jennifer Williams, Sherrie Broadbent, Kerri Anderson, Julie Johnson, Christine Webb, Joel Linares, and Kevin Turner.

**Citizens and Guests Present:** Kent Liddiard, Jay Weyland, Eric and Susan Johnsen, Debra Spilman, Laurie Hurst, Chad and Jill Durfee, Neena Durfee, Jason Hales, Terry and Karla Baum, Nicholie Baum, Tyler Johnson, Annette Johnson, and Bill Frigo.

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

**AGENDA:**

**1. Mayor Youth Awards.**

The following students were recognized for their accomplishments and were awarded certificates and gifts by the Mayor and City Council.

- Joshua Hales
- Neena Durfee
- Nicholie Baum
- Jordan Wheeler

**2. Public Comments.**

Debra Spilman stated the land the City Council is talking about moving the cemetery to is a mistake. She is an Outdoor Recreation Resource Management major. One of the things they discussed in her classes is that one of the biggest wastes of good land is making a cemetery. The land should be used for recreational and educational purposes. Ms. Spilman said land that is so close to something as historical as Clark Farm is more ideal for trying to figure out what we can do to keep the history. Ms. Spilman commented on the history of this town. She stated we have done so much to destroy our history. She commented on the airfield that used to be located in Grantsville and reminded those present that the hangar is still out there. Ms. Spilman suggested some land between South Willow Estates and the Depot property is a better place for a cemetery. She advised the Council to not encroach on something as valuable as the Clark Farm because once it's gone, it's gone.

Mike Johnson said he disagreed with Ms. Spilman. He explained that property was purchased with Grantsville City taxpayer's money and there are many residents that want to have family plots that are not located behind someone's house. Mr. Johnson reminded the Council that the Planning Commission voted five to zero to approve the conditional use permit. And the City Council voted four to one in favor of the rezone. Mr. Johnson said this needs to be put to bed and it should have been done a long time ago.

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Scott Stice reminded the elected officials that their job is to do what is best for Grantsville City; not what is best for Mike Colson, what is best for Tom Tripp, or what is best for Neil Critchlow. He commented they were elected by the people of Grantsville to serve all the people of Grantsville, not special interest groups and not individual people. Mr. Stice reminded the Council Members that the Friends of the Clark Farm suggested this area as a cemetery. They provided a map to the City. The City took that map and decided this is where we need to go.

Eric Johnsen stated the Friends of the Clark Farm proposal for the portion of land that is now under consideration for the CUP was one proposal in an attempt to negotiate middle ground. He said it was one attempt and it was rejected by the City originally and everybody moved on. Then that proposal was dusted off and brought back to the table. Mr. Johnsen reported that because it had been proposed by the Friends of the Clark Farm it became more than it was originally. He stated it was an attempt to negotiate a middle ground and was not the only proposal the Friends of the Clark Farm made. Mr. Johnsen applauded the City for developing the Wootton property. He stated there are a number of family plots available there. He felt it would make, for the current time frame, the best use of City and tax money to continue with that and work up a comprehensive plan for the City of what to do with that land.

Jay Weyland commented that a statement was made that cemeteries do not offer recreation, etc. He disagreed. He stated he really enjoys cemeteries and likes to go walking through them. Mr. Weyland reported he gathered acorns from our cemetery and planted some and has oak trees growing in his backyard. He shared that he likes to take pictures in the early morning hours at the cemetery. Mr. Weyland said he likes cemeteries, not only ours, but others as well. He likes wandering through the Salt Lake Cemetery. He said some people may think that cemeteries and parks do not go together, but there is a ball park right across from David O. McKay's burial spot at the Salt Lake City Cemetery. Mr. Weyland felt they will go well together; especially if the City puts a park and ball fields north of his property.

Sherrie Johnson commended the Clark Farm people. She thinks what they have done down there is wonderful and she has enjoyed some of the things they have done down there, but it is time to compromise. She said this has taken a lot of time and effort from the City Council and citizens of Grantsville. Ms. Johnson remarked we have some other issues that we need to deal with. She knows what the plan is for the cemetery and some future things. She said it is time to allow all kinds of things and all kinds of people to benefit from that land. Ms. Johnson explained that she is a big genealogy fan and there is nothing more historical than a cemetery. She commented that if you want to talk history, then a cemetery belongs right there amongst the Clark Farm. She said it is a sacred place, a spiritual place; a place that's got a nice spirit for people to come to. She asked, "Isn't that what they want the Clark Farm to be?" She agreed with that but questioned what's wrong with compromise. Ms. Johnson reported we have other people in the City who greatly want ball fields and cemetery. The Friends of the Clark Farm were able to purchase the historic part and are able to do the wonderful things they are doing; let's let everybody else also enjoy that land and do what is right for everyone in Grantsville.

### 3. Summary Action Items.

- a. Approval of Minutes from the January 6, 2016 City Council Meeting.
- b. Approval of Bills in the amount of \$89,057.66.

**Motion:** Councilmember Tripp made a motion to approve the summary action items as presented. The motion was seconded by Councilmember Sparks. The vote was as follows: Councilman Critchlow,

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"Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

**4. Consideration of approval of Resolution 2016-07 adopting a Source Protection Plan in an effort to protect the community water supply from contamination.**

Mayor Marshall explained this is a housekeeping issue that comes up every five years. The Mayor stated the only changes were to remove Joel Kertamusø name and add Larry Bolinder as the Public Works Director. Councilman Tripp commented that all drinking water sources are required to have this by Federal and State law. He noticed that in the last two months, the frequency of water sampling went up from quarterly to bi-monthly. He asked how often we sample the water. Mayor Marshall answered we do it every two weeks.

**Motion:** Councilmember Critchlow made a motion to approve Resolution 2016-07 adopting a Source Protection Plan in an effort to protect the community water supply from contamination. Councilmember Allen seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

**5. Consideration of an appeal of the Conditional Use Permit granted by the Grantsville City Planning Commission for Grantsville City to place a cemetery on 10.3 acres located at approximately 370 West Clark Street in an R-1-21 zone.**

Mayor Marshall stated this is an appeal hearing held by the Grantsville City Council. He explained the appeal was filed by Susan Johnsen on a decision of the Planning Commission approving a Conditional Use Permit for Grantsville City approving the use of land held by the City as a cemetery. Mayor Marshall reviewed the Grantsville City Land Use Management and Development Code. He listed the documents provided to the Council Members as follows:

Exhibit "A" - Appeal filed by Susan Johnsen on January 8, 2016.

Exhibit "B" - Public hearing minutes, minutes of the Planning Commission's deliberations and its final decision dated December 10, 2015.

Exhibit "C" - Conditional Use Permit filed by Grantsville City.

Exhibit "D" - Plat map showing the Applicant's property.

Exhibit "E" - A copy of the email received by the City from Tooele County Recorder's Office with a list of the properties which are located within a 300 foot radius of the Applicant's property to be provided notice.

Exhibit "F" - Notice of the proposed Conditional Use Application sent to those properties within a 300 foot radius of the Applicant's property and the list to which the notice was sent.

Exhibit "G" - Grantsville City Conditional Use Permit Facts & Findings of the Zoning Administrator.

Mayor Marshall outlined the procedure of the appeal.

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Susan Johnsen provided a handout.

Councilman Tripp asked if the appeal process is restricted to statements made in her previous statements. Attorney Linares answered no, the appeal would be restricted to what they are appealing for, but it's not a review of the CUP where the permanent record is only allowed within the framework. This is an open conversation de novo type of review.

Susan Johnsen addressed the City Council. She began by saying that contrary to what has been said tonight, she was not here to argue the location of the cemetery. She filed the appeal based on the lack of provision to the Planning and Zoning Commission of some of the requirements of the application. Ms. Johnsen reviewed some of the inclusions she felt should have been with the application according to the Grantsville City Land Use and Management Code, section 7.5, subsection (2) (i). She said the City did not include a plan or drawing drawn to scale 1"=100' which includes the following information of the proposed use:

(g) The proposed title of the project and the names, addresses, and telephone numbers of the architect, landscape architect, planner or engineer on the project;

(h) A complete description of the proposed conditional use;

(i) A plan or drawing drawn to scale 1"=100' which includes the following information of the proposed use:

Actual dimensions of the subject property;

Exact sizes and location of all existing and proposed buildings or other structure;

Driveways;

Parking spaces;

Safety curbs;

Landscaping;

Location of trash receptacles; and

Drainage features and environmental features.

(j) Traffic Impact Analysis;

Ms. Johnsen declared that to the best of her knowledge these items were not submitted. She expressed concern about these being the requirements for applicants of Conditional Use Permits being enforced for everyone but the City. She stated under Subsection (2) (l), envelopes, mailing labels, and first class postage for all property owners located within 300 feet of the subject property are required when a Conditional Use Permit will be considered by the Planning Commission. She stated that she realized the list received by the City from Tooele County was incomplete. She then addressed Section 7.8 (1) where the Code states, "The Planning Commission or Zoning Administrator shall not authorize a Conditional Use Permit unless the evidence presented is such as to establish:

(b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity". Ms. Johnsen asked if an engineering study had been completed to prove the water table is sufficient for the cemetery. She expressed concerns about the water table rising in the area of a cemetery. She next addressed (j) The internal circulation system of the proposed development is properly designed; and (o) The proposed use preserves historical, architectural, and environmental features of the property. Ms. Johnsen stated there is a century of difference between a modern cemetery and what is going on at the Clark Farm (which is a national historic site). She stated the website [heritage.utah.gov](http://heritage.utah.gov) provides some guidelines of what constitutes a historical use. She urged the City Council to give careful consideration and planning to the use of the alfalfa field. Ms. Johnsen reaffirmed that she was not asking the Council not to put the

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cemetery there, but that the uses are compatible with the adjacent farmland and historic district. She asked if there were any concrete projections on what this will cost the City and taxpayers. She stated they're not trying to drag this out and make the cemetery the most important issue in town. But she felt there was no justifiable need to rush on this cemetery.

Zoning Administrator, Jennifer Williams, stated the County provided the addresses for noticing. The public hearing is also published in four different places ten days prior to the public hearing being held. The public hearing is for the public, not just for people within 300 feet; it's for the whole community. The notice is published in the Tooele Transcript Bulletin, the State Public Notice Website, the City Website, and on the bulletin board at City Hall. She explained there are a lot of conditional use permits and she does not have an application for every conditional use. The Commercial Business application was used for this cemetery. This is the exact same application that was used with the exact same requirements for the 2010 cemetery application at the Clark Farm and for the Wootton property cemetery. She reviewed several processes and uses for conditional use permits. Councilwoman Sparks asked if Ms. Williams felt the application was complete. Ms. Williams answered that she did feel it was complete for this. She commented on the use tables and the comprehensive use plan.

Councilman Critchlow asked why she didn't require the bottom four requirements. Ms. Williams answered they were not required on the other two applications and as she read through them, she didn't feel those applied to the cemetery.

Councilwoman Allen asked if other applicants are required to provide the same requirements. Attorney Linares answered the application is a general form with general guidelines and then there are specific situations when people apply. The same standards are used for everyone. Traffic impact analysis has only been done when requested by the Planning Commission. Councilman Tripp asked if it is fair to characterize this as follows, our administrator does her best job to apply the circumstances to the permit, but the Planning Commission, as the final arbiter could say all of these things should have been applied and we're going to hold it up until we get them. Attorney Linares agreed. He discussed due process rights for both sides.

Councilman Critchlow stated the City is planning to put a restroom down there. The Council discussed a restroom and its needs. Councilwoman Allen asked about the costs associated with developing the cemetery. She stated we have numbers for the public safety building; she asked if we have numbers for the cemetery. Councilman Tripp commented that cemeteries tend to be self-funding. You generate income when you sell plots. Mayor Marshall stated the City spent \$65,000 on the previous cemetery at the Clark Farm. Mayor Marshall explained that money has been replaced with money from the sale of the Clark Farm and is put away to be utilized for the development of a cemetery. Mayor Marshall explained plans and internments. The Council discussed funding the cemetery. Councilwoman Sparks asked if the costs would be a factor of the CUP. She felt the discussion had left the agenda item. Attorney Linares explained there were three things the Council could do tonight: they could vote to approve the CUP, deny the CUP, or send it back to the Planning Commission.

**Motion:** Councilmember Tripp made a motion to approve the CUP as approved by the Planning Commission and deny the appeal. Councilmember Colson seconded the motion. The vote was as follows: Councilman Critchlow, "Nay", Councilwoman Allen, "Nay", Councilman Tripp, "Aye", Councilman Colson, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

## 6. Mayor and Council Reports.

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Mayor Marshall attended the Taxpayer's Association Meeting and a meeting with Craig Neeley about sewer and water issues in the southeast quadrant of the City and Worthington Street. He attended the Deseret Peak Sewer Project construction meeting, a meeting with organizers of the First Grade Circus, the USU Science and Technology Building ribbon cutting, and the Active Transportation Meeting at the Wasatch Front Regional Council. Mayor Marshall attended the Chamber Luncheon, a meeting with Colonel McCreery, and the Economic Development Committee breakfast. Mayor Marshall announced Colonel McCreery is willing to schedule a tour of the Depot if the Council Members are interested. The Mayor met with Senator Lee's mobile office staff at City Hall.

Councilwoman Sparks attended the ribbon cutting at the USU Science Building. She felt it will be a great asset for our community. She said that she and Councilwoman Allen visited with Colonel McCreery and he complimented our Mayor.

Councilman Tripp attended and reported on the Mosquito Abatement meeting. The Board sent along their feelings of appreciation for Scott Stice. They are scaling back the plans for their new building. They are making cut backs on their travel policy. He passed along the information to Councilman Colson for the County Board of Health.

Councilwoman Allen attended the ribbon cutting at USU, the Fire Department extrication training, and the Economic Development Committee breakfast. She commended the Mayor for his leadership with the Economic Development group. She attended the Library Board Meeting. She reported on the meeting and stated the library is on track for certification. Councilwoman Allen provided information to the Council Members about what Salt Lake has done with their historic district. She would like to review this plan at the next City Council Meeting. She commented on the sewer smell in the area of Race and Clay Streets. Mayor Marshall offered to take her on a tour of the sewer plant this Friday.

Councilman Critchlow attended and reported on Planning and Zoning Meeting. The lot development on West Street had concerns about traffic and the subdivision on the south end of Hale Street was tabled. He stated that he appreciates everyone on the Council; he knows they don't always agree but that's part of the deal.

## **7. Adjourn.**

**Motion:** Councilmember Sparks made a motion to adjourn. Councilman Allen seconded the motion. The meeting was adjourned at 8:25 p.m.