

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL,
HELD ON OCTOBER 21, 2020 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN
STREET, GRANTSVILLE, UTAH AND ON ZOOM. THE MEETING BEGAN AT 7:00
P.M.**

Mayor and Council Members Present:

Mayor Brent Marshall

Scott Stice

Jeff Hutchins

Krista Sparks

Darrin Rowberry

Jewel Allen

Appointed Officers and Employees Present:

Timm Dixon, City Engineer

Christine Webb, City Recorder

Brett Coombs, City Attorney

Sherrie Broadbent, Finance Director

James Waltz, Public Works

Jacob Enslen, Police Chief

Citizens and Guests Present:

Jill Thomas

Lynn Young

Trent Tolman

Scott Yermish

Jake Clegg

Krista Hutchins

Mayor Marshall asked Sherrie Broadbent to lead the Pledge of Allegiance.

AGENDA:

1. Public Comments.

Jill Thomas, owner of Digidocs, requested the City and City Council write a letter to her neighbors to cease and desist a business that is unlicensed, has no conditional use permit, and caused a fire recently. She reviewed the history of interactions with the City, Police, and the neighbors. She expressed her concern of them causing another fire and the damage that may be caused to her business, the Post Office, and other neighboring properties. Ms. Thomas stated she found about twelve CO2 canisters in her parking lot. She called Tooele County Dispatch and waited forty-five minutes for an officer. When

no officer showed up, she called Dispatch again and waited another forty-five minutes and still no officer. She reported she is planning to install a gate at both the incoming and outgoing roads to keep the neighbors from doing doughnuts in the parking lot and spreading gravel everywhere. Ms. Thomas commented that every day when she arrives at her business there is garbage in her parking lot. She insisted this has to stop. She requested that the City issue a cease and desist order immediately on the unlicensed business. She pointed out that she has a business license and she had a conditional use permit when her business was operated from her home. She added there is no reason why he should not be required to have one as well.

Lynn Young stated he was with Ms. Thomas 100% on this. He commented that the Grantsville Police and Mayor Marshall are very well aware of that place. Mayor Marshall replied yes, he was and he has been involved in trying to get him to clean that place up. Ms. Thomas interjected that is secondary to the business. Mr. Young agreed and said it is a total disaster. He reported that he saw them there last Friday burning and then they all took off. He stated at about 7:00 pm he went out and it started smoldering because they had been burning the green limbs. He believed that someone would come out and soak it down; but nobody ever did. At about 9:00 he went out and it had started to get bigger so he hollered over at them and nobody answered. Mr. Young reported when he went out at 10:00 pm the smoke was really high and shortly after that the flames shot up into the tree branches. He felt the flame was twenty to thirty feet high. Mr. Young stated they have semi-trailers parked on the property. He stated they are going to start a fire in there and burn down Jill's business, the Post Office, their own place, and possibly his if the wind is blowing the right way. He added that Jill has to have a license and so they should have to as well if they are going to sell fire wood there. He would like to see something done before they burn the whole place down.

Mr. Coombs reported he is currently prosecuting the residents of the house for failing to have a business license. He explained it does take a while to go through the court process. There is prosecution ongoing to stop it. Jill Thomas commented that a cease and desist letter would probably make them quit operating the business. She added there is also an issue with people living in trailers on the property. She pointed out other property owners have received a fine for allowing people to live in trailers. Ms. Thomas stated that she was told that he has a license to run a halfway house on the property. Mayor Marshall told her he does not have a license to operate a halfway house.

Mr. Young pointed out they are bringing semi-trailers through the Post Office parking lot to pull into the back yard. He stated that is no place to be pulling a semi. Ms. Thomas reported they do drug deals all the time in her parking lot and she calls the cops. Mayor Marshall stated he appreciated Ms. Thomas and Mr. Young coming forward and explained we have been working on it. Ms. Thomas reiterated that a cease and desist order should stop the selling of fire wood. Mr. Coombs explained they have been notified to stop doing business. The information filed against them states they are breaking the law and they need to stop. Ms. Thomas asked when they would have received that information. Mr. Coombs answered it has been about three months. Ms.

Thomas stated they were selling firewood as late as today and they are burning right now. The Mayor reported that after another case was in court, he took the Judge to see what was on the property; he will do the same in this case.

2. Summary Action Items.

- a. Approval of Minutes from the October 7, 2020 Regular Meeting.
- b. Approval of Bills for the amount of \$275,955.01.

Motion: Councilman Hutchins made a motion to approve the summary action items.

Second: Councilwoman Allen 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.

3. Consideration of Ordinance 2020-25 amending the official zoning map of Grantsville City, Utah to rezone twenty (20) acres for Trent and Justine Tolman located at 424 South Nygreen Street to go from an RR-5 zone to an RR-1 zone.

Trent Tolman was present. He stated he would like to rezone the property so he can do a minor subdivision and split three acres off. Mayor Marshall asked if he was aware there is a sewer line that will be coming down that road shortly. Mr. Tolman answered he did not know how quick that will be. Mayor Marshall said it will probably be quicker than Mr. Tolman realized.

The Mayor commented that minor subdivision rules are gone and everything is considered a major now. Mr. Tolman inquired when they did away with the minor subdivision. Mr. Coombs clarified that the City Code is the same as it has been for the last several months. We do have a minor subdivision process; prior to about a year ago a minor subdivision was not required to put in any improvements. The change requiring improvements for minor subdivisions occurred sometime last year. Mr. Coombs pointed out that it is not as big of a jump between a minor and a major subdivision as it used to be. He added the Planning Commission will be considering getting rid of the minor subdivision process.

Motion: Councilman Stice made a motion to approve Ordinance 2020-25 amending the official zoning map of Grantsville City, Utah to rezone twenty (20) acres for Trent and Justine Tolman located at 424 South Nygreen Street to go from an RR-5 zone to an RR-1 zone.

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.

4. Consideration of Resolution 2020-69 amending and readopting a Procurement Policy for Grantsville City, Utah.

Sherrie Broadbent went over the current Procurement Policy and the proposed updates. She stated the proposed changes are anything less than \$2,500 will be considered a minor expenditure and need approval from the Department Director. Small expenditures (those between \$2,500 and \$5,000) will need approval from the Mayor and Finance Director. Large expenditures (those between \$5,000 and \$35,000) will need three quotes and the Mayor will be able to award those. Expenses for something ongoing (year after year) such as the janitorial contract or involves real property will come before the City Council for approval. Capital expenditures (anything greater than \$35,000) will be put out for a bid or proposal and then be approved by the Council.

A new clause for change orders was proposed to help clarify when they need to be approved by the Council and when they can be approved by the Mayor. Sherrie explained that anything over 30% of the total project or anything that drastically changes the scope of the project would require approval from the City Council. There was also a clause proposed to help dispose of property. When a department no longer needs an item, they will let the Mayor know and he will check with the other departments to make sure no one else needs it. Anything valued over \$5,000 will need to be declared surplus by the Council and then go to auction. Items under that can be approve them for auction.

Sherrie reported there is an emergency clause in the current Policy that is not in the proposed Policy, but she would like to have it added back in. The clause states: “Purchases and contracts required during an emergency, i.e., an imminent threat to the public’s health, welfare, or safety. However, as much competition as practical should be obtained; and, such purchases should be limited to amounts necessary to the resolution of the emergency.” Sherrie explained it is not required to have the clause in the Policy but she does like having it in there. She stated the current Procurement Policy is a lot of work; she has done over seventy-five purchase orders since July. She reported there is a lot of documentation and paperwork tracking for these purchases.

Councilman Stice inquired if this was consistent with the State Policy. Mr. Coombs answered yes, he drafted this Policy using several other jurisdictions as well as the State’s Policy. The Council agreed they were alright with the Mayor approving large expenditures as long as they are a budgeted item. The Mayor should notify the City

Council Members of any large expenditure not budgeted for. Sherrie felt that could be added to the Procurement Policy. The Department Heads will receive training on the Procurement Policy.

Councilwoman Sparks commented on the Exceptions and when the change order exceeds thirty percent (30%) for construction projects. She referred to the Main Street Project and pointed out thirty percent would have been a big chunk of money for a change order on it. Sherrie explained that was proposed because there is usually a time table requiring a quick decision on change orders. Mayor Marshall felt we will not be doing another ten million dollar project again any time soon. Councilwoman Sparks remarked that this Policy is designed to stay in place beyond the current administration. Councilwoman Allen inquired how we are doing change orders now and if they have to meet to approve them. Sherrie answered if there is something big enough to change the scope, she will bring it to the Council for approval. Councilwoman Allen asked if the Council would be allowed to review them and then if they had concerns, they could address those. Sherrie pointed out a lot of times a contractor is not willing to wait two weeks for an answer; it will end up costing more than the change order. Councilman Hutchins suggested putting a dollar amount. Councilman Rowberry added that some contractors will come in with the low bid because they know they're going to get change orders. The Council discussed and recommended amending the Policy to: "Any change order that puts the total change orders amount over thirty percent (30%) of the total project budget shall require pre-approval from the City Council."

Motion: Councilman Stice made a motion to approve Resolution 2020-69 amending and readopting a Procurement Policy for Grantsville City, Utah with the changes discussed.

Second: Councilwoman Allen 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.

5. Consideration of Ordinance 2020-32 establishing the compensation for elective, statutory, and appointed officers of Grantsville City, Utah for the 2020 – 2021 fiscal year.

Mayor Marshall commented that this was discussed previously. Councilman Stice pointed out there was a public hearing at the last City Council Meeting.

Motion: Councilman Stice made a motion to approve of Ordinance 2020-32 establishing the compensation for elective, statutory, and appointed officers of Grantsville City, Utah for the 2020 – 2021 fiscal year.

Second: Councilwoman Sparks 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.

6. Consideration of Resolution 2020-70 amending the 2020 -2021 Grantsville City budget.

Councilman Stice stated he read in the newspaper that sales tax in Utah is up and income tax is down. He asked Sherrie if we have seen the same thing with sales tax. She answered that we saw one dip for one or two months and then it has gone up. It is higher than in previous years.

Motion: Councilwoman Allen made a motion to approve Resolution 2020-70 amending the 2020 – 2021 Grantsville City budget.

Second: Councilman Hutchins 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.

7. Discussion of a Concept Plan with Scott Yermish on the property located South of Anderson Ranch Subdivision and South of Nygreen Street in the R-1-21 zone.

Scott Yermish and Jake Clegg were present. Mr. Yermish reported this property is Phase 9 of Anderson Ranch. He stated the reason they were here was because Nygreen Street is a street they are going to have to develop and hand to the City. He commented the City began requiring ten percent (10%) open space. Looking at the amount of property they will have to give up for Nygreen Street in addition to the open space for a park would have the City getting approximately \$307,000 worth of improvements. Mr. Yermish said they are asking the City Council to give them a variance to allow them to not have to turn over the 1.9 acres for open space in addition to Nygreen Street. He explained they have agreed to help put in the storm water system.

Jake Clegg offered to answer any questions the Council had. Mayor Marshall commented that the City has been researching to find out what happened with the other half of Nygreen. He agreed they have a big expense with Nygreen and expressed concern about setting precedent with this. Councilman Stice stated according to the minutes the

developer agreed to put in Nygreen with Phase 9. Mr. Clegg pointed out that was agreed on prior to the City's open space requirement. Councilman Stice inquired if they were grandfathered in or not because there is a new developer. Mr. Coombs answered that all depends on whether there is a development agreement recorded. He explained each phase that comes in with a new subdivision application falls under the law when the application is filed. He added the only exception would be if the concept plan for Anderson Ranch, Phases 1 – 9 was approved, then they would be grandfathered in. However, if Phase 9 was not part of the original concept plan, then they fall under the current law.

Mayor Marshall read an excerpt from the July 5, 2017 City Council minutes. He said we need more time to research the history to see if we can find a development agreement and what was included in the concept plan. Mr. Yermish reported he does not want to sit on this property; he would like to move on this development. This is the final phase of Anderson Ranch.

8. Consideration of Resolution 2020-71 authorizing the Mayor to negotiate the terms and conditions of a real estate purchase contract with Tooele County for the purchase of 1.12 acres of real property.

Mayor Marshall stated this property is a wellhead area in South Willow Estates. He reported on the discussion at the County Commission Meeting held the night before. The County Commission is willing to sell the property for \$15,000. They are willing to give us a \$2,600 credit for using the City's Asphalt Zipper which would bring the price down to \$12,400. The Council discussed the location of the wellhead. It is on the south end of South Willow Estates just east of South Willow Ranches.

Motion: Councilman Hutchins made a motion to approve Resolution 2020-71 authorizing the Mayor to negotiate the terms and conditions of a real estate purchase contract with Tooele County for the purchase of 1.12 acres of real property.

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.

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

Motion: Councilwoman Allen made a motion to go into a closed session for pending or imminent litigation.

Second: Councilwoman Sparks seconded the motion.

Approved

Vote: The vote was as follows: Councilwoman Allen, “Aye”, Councilman Rowberry, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried and the Council went into a closed session at 7:52 pm.

Those in attendance were: Mayor Marshall, Councilman Rowberry, Councilwoman Allen, Councilman Hutchins, Councilman Stice, Councilwoman Sparks, 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 Rowberry, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

10. Adjourn.

Mayor Marshall stated we are looking at Tuesday, December 8th for the Christmas party pending COVID restrictions. Councilman Stice and Councilman Hutchins have a Mosquito Abatement Board Meeting that night. Mayor Marshall suggested moving it to the 9th. He said we plan to use the Senior Center. He reminded the Council that our Santa parade is always the Saturday after Thanksgiving. Mayor Marshall and the Council discussed the possible spread of COVID with children visiting Santa. Following a discussion, the Council agreed to cancel the Santa parade.

Councilman Stice reported several of the recipients of the CARES Act Small Business grants have contacted Sherrie to say thank you. He commented that this really helped people.

Motion: Councilwoman Allen made a motion to adjourn. Councilman Stice seconded the motion. The meeting was adjourned at 8:49 p.m.