

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL,
HELD ON NOVEMBER 4, 2020 AT THE GRANTSVILLE CITY JUSTICE CENTER, 50
NORTH BOWERY STREET, GRANTSVILLE, UTAH AND ON ZOOM. THE
MEETING BEGAN AT 7:00 P.M.**

Mayor and Council Members Present:

Mayor Brent Marshall
Scott Stice
Krista Sparks
Darrin Rowberry
Jewel Allen

Jeff Hutchins was excused.

Appointed Officers and Employees Present:

Timm Dixon, City Engineer
Christine Webb, City Recorder
Brett Coombs, City Attorney
John Ingersoll, Librarian
Jacob Enslen, Police Chief

Citizens and Guests Present:

Kaylie's iPhone	Kent & Arleen Mickelsen	Jake Clegg
Scott	Nancy	Sharon Kuttler
Susan Johnsen	Sarah McCormick	Robin
iPhone Jacob	Critchlow	Gary Mower
Brooke Gardner	Camille	janet craven

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

AGENDA:

1. Public Comments.

Sarah McCormick and Gary Mower provided comments by email regarding agenda item 7 (granting an open space variance for Anderson Ranch, Phase 9). Both were opposed to allowing the open space variance.

2. Summary Action Items.

- a. Approval of Minutes from the October 21, 2020 Regular Meeting.
- b. Approval of Bills for the amount of \$133,955.50.

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

Second: Councilwoman Sparks seconded the motion.

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

3. Consideration of Ordinance 2020-34 adopting the amended project area plan for the Lakeview Business Park Community Reinvestment Project Area.

Mayor Marshall stated this had come from the Redevelopment Agency (RDA) Meeting.

Motion: Councilwoman Allen made a motion to approve Ordinance 2020-34 adopting the amended project area plan for the Lakeview Business Park Community Reinvestment Project Area.

Second: Councilman Rowberry seconded the motion.

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

4. Consideration of Resolution 2020-72 abolishing the imposition of monetary fines by the Grantsville City Library for overdue books or media.

John Ingersoll stated the intention is to provide library services for everyone in the community. He reported that fines have not proved themselves to be a way to get items returned in a timelier manner than without fines. He explained Grantsville has about twelve percent (12%) of the community living at or below the poverty line. Those are the people that cannot pay a fine. Mr. Ingersoll reported there are about 400 people who are blocked from checking out library items currently because they owe \$10 or more on their account. He explained he wants to have those people come back and to have the items returned fine free.

Mr. Ingersoll reviewed some of the concerns raised by the Library Board Trustees. He commented on the fiscal aspect. Last year, which was pre-covid, they took in just under \$4,000 in fines and fees. Since covid the revenue has decreased to twenty to twenty-five percent (20 – 25%) of what it was. Mr. Ingersoll stated the impact on their budget will be very small. He felt that if the fines are removed on items that are overdue, those items will be returned a day later than they would otherwise. This is based on the statistics he has found from Tooele City Library, the Salt Lake City Library, and others.

Mr. Ingersoll stated that if we remove this barrier to access, he hopes to find that people who are not using the Library now will start to. He reported that other libraries have found that over time registrations and the number of items checked out increase when there are no fines.

Councilman Stice inquired how they plan to get items back. Mr. Ingersoll answered he is looking at two different models. The first one lists items that are three weeks overdue as lost. The account is charged the replacement cost of the item as well as a processing fee. Councilman Stice commented that we are not eliminating responsibility, we're just getting rid of the fines. Mr. Ingersoll added that if an item comes back damaged, the patron will be charged to replace it. Councilwoman Sparks remarked that when people don't return items knowing they are very late, they probably just hang onto them. Mr. Ingersoll pointed out they are already blocked even if they return the item and do not pay the fine. He explained that if we are fine free and someone finds something, they can return it and their account will be restored so they can use the library again.

Motion: Councilman Stice made a motion to approve Resolution 2020-72 abolishing the imposition of monetary fines by the Grantsville City Library for overdue books or media.

Second: Councilwoman Sparks seconded the motion.

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

5. Consideration of Resolution 2020-73 approving the Preliminary Plat for Adam Nash on the Royal Estates Subdivision located at 265 North Cooley for the creation of thirty-nine (39) lots in the RM-7 and the RR-1 zones.

Mayor Marshall reported he received a phone call from Mr. Nash requesting this be tabled until the next City Council Meeting. Councilman Stice commented that his understanding was that the Planning Commission was frustrated that the modifications they request are not being added by the City Council when they approve things. He felt moving forward, the Planning Commission should not recommend approval until plans are complete and all of the changes are made. He commented the information they received on this item was the same as what they received three times ago. And it did not include the changes the Council asked for the last time this came before them.

Mr. Coombs stated the statute reads "a developer is entitled to a decision on their application only if they have met all of the requirements for the application."

Councilman Stice felt they cannot keep doing this. Mayor Marshall reported he has told

developers they have to have clean drawings when they come in. He has also had the discussion with them that the City Engineer should not spend time correcting their drawings so they can take them back to their engineer to make the corrections. The Council agreed the drawings need to be clean before it goes to Planning and Zoning and then they need to be clean before they come to the Council. Councilwoman Allen remarked on the amount of feedback the Council received on this subdivision.

Motion: Councilman Stice made a motion to table Resolution 2020-73 approving the Preliminary Plat for Adam Nash on the Royal Estates Subdivision located at 265 North Cooley for the creation of thirty-nine (39) lots in the RM-7 and the RR-1 zones.

Second: Councilman Rowberry seconded the motion.

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

6. Determination of open space valuation for the Cardinal Corner Minor Subdivision.

The Council was not sure why Six Mile and their properties were listed on the appraisal and not the piece of property associated with this subdivision. Mayor Marshall reminded the Council that there were two existing homes on this property and the open space valuation was only for the third lot.

Nate Gardner was present on Zoom. He explained the appraisal was provided to give the Council an idea of another assessment of raw land. He stated an appraisal would cost him about the same amount as the open space fees. He was able to get a copy of the appraisal he provided and did not feel that one piece of raw ground in town would be worth more than any other as far as development. He pointed out he pays taxes on \$40,000 per acre as well so he estimated it at that value. He requested that the Council consider this appraisal for his property.

Motion: Councilwoman Sparks made a motion to set the valuation at \$40,000 per acre for the lot (0.17 acre) setting the open space valuation at \$680 for Cardinal Corner Minor Subdivision.

Second: Councilman Stice seconded the motion.

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

7. Consideration of granting an open space variance for Anderson Ranch, Phase 9.

Councilman Stice inquired if we were able to confirm that Phase 9 was approved. Mr. Coombs answered that Phase 9 was part of the concept plan. He added that in the final plat approval for Phase 8, the developer represented that they would prefer to complete Nygreen Street in Phase 9. The City Council granted the final plat approval on Phase 8 with that understanding.

Jake Clegg and Scott Yermish were present on Zoom. Mayor Marshall asked if Mr. Yermish heard the comments concerning this open space earlier in the meeting. Mr. Yermish answered that he did. He pointed out he wishes to work with the City to figure out a way to accommodate everybody. He shared that there were no documents provided to him when he purchased the property. He reported that he asked if there was a development agreement in place that could be provided to him. There was no development agreement. Mr. Yermish explained he talked to Mr. Clegg about looking at the west portion of the property where there is a 1,065 foot distance that is unpaved. He stated he is willing to grade and fill that section with road base so it would be ready for black top in addition to all of Nygreen Street if the Council approves the variance.

Mayor Marshall confirmed that Mr. Yermish would make a hard surface road that would take Nygreen from Worthington Street as a half road where the Brown property is located to Phase 9. At Phase 9, they will complete the entire street of Nygreen. This will be in exchange for the open space. Mr. Yermish stated that was correct. Mayor Marshall pointed out there is a large proposed park just down the road from this area at the President's Park subdivision. Councilwoman Allen commented that if there was open space in Anderson Ranch, Phase 9 would it function differently than the park in President's Park. She expressed concern for the residents expecting open space in that spot. Mayor Marshall pointed out there are parks in Anderson Ranch. Mr. Clegg commented that Anderson Ranch currently has multiple parks in it and when Phase 9 was purchased from the original developer, there was not a plan for a park. He explained the reason the open space is being required is because of a new City ordinance. He reported they are requesting the variance saying if we can give something by improving the 25 foot by 1,065 foot of road that is dedicated to the City, then it will have a connection to this new section of Nygreen Street all the way to Worthington. He felt it brings a benefit to the City to have that cut in and in place. Mr. Yermish asked the Council to look at this from his standpoint. He said they are asking him to give up 4.3 acres to make the open space requirement **and** install Nygreen Street. He did not feel it was financially feasible for the company to do that.

Councilwoman Allen asked Mr. Coombs if it was fair to waive the requirement for this development. Mr. Coombs answered the open space requirement was set by ordinance. He explained the City Council has control over that requirement and as long as the Council espouses the reasons for granting a variance, they are legally permitted to do so. He stated the City Council makes the decision on what is fair for the developer, the

community, and all parties involved. He added they must place on the record the reasons why they are granting a variance.

City Engineer, Timm Dixon, asked for clarification on the road in front of the Brown property. He asked if they are planning to put in full curb, gutter, and sidewalk for that half on the north half of the Brown property and do the full width improvement in front of Phase 9. Mr. Clegg answered no, they cannot afford to do that; they are going to bring in all of the road base and sub base to have it prepped and ready for curb, gutter, and sidewalk in front of the Brown property. In front of their property (Phase 9) they will construct curb, gutter, and sidewalk.

Councilwoman Sparks stated she did not know which other phases have parks. Mayor Marshall pointed out this is the last phase of Anderson Ranch. Councilman Stice read the minutes from the August 16, 2017 City Council Meeting about Phase 9 and the completion of Nygreen Street. Councilwoman Allen thanked Mr. Yermish for being willing to work with the City. Mr. Yermish stated that if the Council approved the variance, he planned to begin work tomorrow. His goal is to have the road in by spring.

Motion: Councilwoman Allen made a motion to approve an open space variance for Anderson Ranch, Phase 9 with the reasoning that they will make improvements on Nygreen Street with a hard surface from Worthington Street to the start of Phase 9, and a complete road in Phase 9 (between Saddle and Gold Dust to lot 925). Nygreen Street in Phase 9 will include curb, gutter, and asphalt for a ninety-foot (90') road.

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.

8. Consideration of Resolution 2020-74 lifting the moratorium restricting approval of burial rights in the North Cemetery.

Mayor Marshall stated the moratorium had technically expired. Councilman Stice commented that he believed he made the motion to put the moratorium in place.

Motion: Councilman Stice made a motion to approve Resolution 2020-74 lifting the moratorium restricting approval of burial rights in the North Cemetery.

Second: Councilwoman Sparks seconded the motion.

Discussion: Councilwoman Allen asked why Councilman Stice originally made the motion for the moratorium. Councilman Stice explained at the time the Friends of the Clark Farm was a budding entity. They were using the Clark Farm, there was no discussion of them buying it yet and he wished to let them work a little longer to buy the

Clark Farm and then we could go on with the cemetery. He reported that he voted in favor of the cemetery but he did not want the City to sell any plots until the Friends of the Clark Farm could get established. He felt they are established now. Councilwoman Sparks remarked that when it came back for approval the City had not met all of the conditions of the CUP, so she voted against it. She reported the Council discussed the need to meet all of the requirements before bringing it back again. She stated we have met them now.

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

9. Consideration of Ordinance 2020-33 amending the Grantsville City Consolidated Fee Schedule and adoption of a maintenance surcharge for the North Cemetery and repeal of Library fines for overdue books or media.

Councilman Stice reported he looked at several other cities’ fees for cemeteries. He reviewed some of the information he found. He felt we should charge a little extra for plots in the North Cemetery. He stated the City will need more equipment and eventually a small building to keep things in at the North Cemetery. Councilwoman Sparks asked if that was the North Cemetery Improvement Surcharge. The surcharge will be in addition to what we currently charge for a burial space. Councilman Rowberry inquired what the cost would be for a single plot in this area. Mayor Marshall answered it would be \$700 (\$500 plus the \$200 surcharge). The Council agreed to begin selling these plots on December 1, 2020. Councilman Rowberry asked if the surcharge will include the cremation plots as well. Mayor Marshall answered yes; it will apply across the board for the North Cemetery. Councilman Rowberry inquired where our fees compare with other cities based on Councilman Stice’s research. Councilman Stice replied we are not at the bottom end, but we are close to the bottom at \$500.

Motion: Councilwoman Sparks made a motion to approve Ordinance 2020-33 amending the Grantsville City Consolidated Fee Schedule and adoption of a maintenance surcharge for the North Cemetery and repeal of Library fines for overdue books or media.

Second: Councilman Stice seconded the motion.

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

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

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

Approved

Second: Councilwoman Allen seconded the motion.

Vote: The vote was as follows: Councilwoman Allen, “Aye”, Councilman Rowberry, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried and the Council went into a closed session at 8:09 pm.

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

Motion: Councilwoman Allen made a motion to go back into an open session.

Second: Councilman Rowberry seconded the motion

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

11. Adjourn.

Mayor Marshall explained that with the current COVID situation, we have decided to cancel the employee Christmas party. We will have a luncheon for the employees instead with box lunches they can take to eat.

Motion: Councilman Stice made a motion to adjourn. Councilwoman Allen seconded the motion. The meeting was adjourned at 8:34 p.m.