

**Tooele City Council and Tooele City Redevelopment  
Agency of Tooele City, Utah  
Work Session Meeting Minutes**

Date: Wednesday, January 4, 2017  
Time: 5:00 p.m.  
Place: Tooele City Hall, Large Conference Room  
90 North Main St., Tooele, Utah

**City Council Members Present:**

Chairman Brad Pratt  
Scott Wardle  
Dave McCall  
Steve Pruden  
Debbie Winn

**City Employees Present:**

Mayor Patrick Dunlavy  
Glenn Caldwell, Finance Director  
Jim Bolser, Director of Community Development and Public Works  
Michelle Pitt, Recorder  
Roger Baker, City Attorney  
Brian Roth, Parks and Recreation Director  
Randy Sant, Economic Development and Redevelopment Agency Director

Minutes prepared by Michelle Pitt

**1. Open Meeting**

Chairman Pratt called the meeting to order at 5:00 p.m.

**2. Roll Call**

Brad Pratt, Present  
Scott Wardle, Present  
Dave McCall, Present  
Steve Pruden, Present  
Debbie Winn, Present

**3. Discussion:**

- Council Assignments

Councilman Pruden nominated Councilwoman Winn to act as Chair for 2017. Chairman Wardle seconded the nomination. All members of the Council voted, "Aye." Chairman Pratt stated that he has enjoyed working with the Council, as Chairman, over the years. He also expressed appreciation to the staff.

Councilman Wardle nominated Councilman Pruden as Vice Chair. Chairman Pratt seconded the nomination. All members of the Council voted, "Aye."

Councilman Pruden nominated Councilman Pratt as RDA Chair, and nominated Councilman Wardle as Vice Chair. Councilwoman Winn seconded the nomination. All members of the Council voted, "Aye."

The council made assignments to the remainder commission and board appointments, as indicated on the attachment.

There was a discussion on whether the Sister Cities, Council on Aging, and the Hospital Special Services District Board should remain on the list. Mr. Baker will look in to it.

The assignments will be formalized in the next Council meeting.

- Golf Course Fees  
Presented by Brian Roth

Mr. Roth stated that it has been three years since golf fees were last raised. When the back nine holes were completed, there was a program put in place to look at fees every 2-3 years. Mr. Roth said that he spent some time with Golf Pro Cody Lopez and they came up with this proposal. Mr. Roth further explained that they looked at other courses in the County. Currently, the City fees are about the same as Stansbury, but less than Overlake. The City is looking at a \$1 increase per nine holes, a \$25 increase on individual season passes, and leaving the cart fee and some junior fees where they are. This increase would generate about \$22,000 in revenue. Mr. Roth went on to say that operating costs continue to increase and the City is trying to keep up with the cost of doing business. Mr. Baker asked what a trail fee was. Mr. Roth answered that it is where an individual owns their own golf cart. They are still charged to use the course, but since they use their own cart, it's less than the regular cart fee.

Councilman Pruden said that the fee adjustments seemed fair. Chairman Pratt liked the idea that the City would be in line with Stansbury. Mr. Roth said that they will be a little bit more than Stansbury, but players feel that the City course is a little nicer than Stansbury.

- Cemetery Fees  
Presented by Brian Roth

Mr. Roth said that fees were raised last winter or spring. Fees generated about \$40,000. Mr. Roth stated that there is a discrepancy between the number of low and upright plots. The areas that allow high stones are limited. The City would like to raise the fee for the upright, or high stones. Mr. Roth asked if the Council cared if the City runs out of plots allowing high stones; or

if the Council would like the City to create more areas allowing upright plots. Councilman Wardle said that maintenance is a lot easier for low stones and that most private cemeteries don't allow uprights. He felt that the City should say when they're gone, they're gone. Mr. Baker said that if the supply for them is small, and demand is higher, it justifies an increase in fee.

Councilman McCall asked why there are sections designated as low, and high stone. The Mayor responded that the low stones require a lot less maintenance, and keeping the stones the same in certain areas make the cemetery look nice. High headstones require a lot more edging and trimming. Mr. Roth said that when there are new burials next to high stones, a lot more work is involved in moving the high stone to allow for the burial. Mr. Baker clarified that low stones, meant flat, not just low.

- 2016 De Minimus Water Rights Report  
Presented by Jim Bolser

Mr. Bolser explained that in 2014, the Council adopted an Ordinance stating that water rights conveyances could be exempted, when it was determined to be a de minimus amount. A report on de minimus water rights conveyance declarations is required every year as part of that Ordinance. Mr. Bolser went on to say that the 2016 report included two applications that qualified for the de minimus exemption.

#### **4. Close Meeting to Discuss Litigation, and Property Acquisition**

**Councilman Pruden moved to close the meeting.** Councilman McCall seconded the motion. The vote was as follows: Councilman McCall "Aye," Councilman Wardle "Aye," Councilwoman Winn "Aye," Councilman Pruden "Aye," and Chairman Pratt "Aye."

Those in attendance during the closed session were: Glenn Caldwell, Roger Baker, Jim Bolser, Mayor Patrick Dunlavy, Michelle Pitt, Brian Roth, Randy Sant, Councilman McCall, Councilman Wardle, Councilman Pruden, Councilwoman Winn, and Chairman Pratt.

The meeting closed at 5:40 p.m.

No minutes were taken on these items.

#### **5. Adjourn**

**Councilwoman Winn moved to adjourn the meeting.** Councilman McCall seconded the motion. The vote was as follows: Councilman McCall "Aye," Councilman Wardle "Aye," Councilman Pruden "Aye," Councilwoman Winn "Aye," and Chairman Pratt "Aye."

The meeting adjourned at 6:52 p.m.

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this 18th day of January, 2017

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Debra E. Winn, Tooele City Council Chair

**MEMORANDUM**

**To:** Tooele City Council  
**Cc:** Patrick H. Dunlavy, Mayor  
**From:** Jim Bolser, A.I.C.P., Director   
**Date:** January 3, 2017  
**Re:** Report on *De Minimis* Water Rights Conveyance Declarations for 2016

**Subject:**

During the March 4, 2015 City Council meeting, the Council adopted revisions to Chapter 7-26 of the City Code, which deals with Water Rights and their conveyance for development, redevelopment, and construction applications. One of the revisions adopted dealt with the ability to exempt water rights conveyance requirements when the requirement was determined to be a *de minimis* amount. That language was adopted as follows:

**7-26-4 Possible Adjustments or revisions to Water Rights Conveyance Requirement.**

- (7) Exemption for *De Minimis* Usage. Notwithstanding the requirements of this Chapter, the City Council may establish a policy whereby building alterations or changes of use resulting in *de minimis* increases of culinary water usage shall not require the conveyance of additional water rights or the payment of a fee-in-lieu of conveyance. The term *de minimis* shall be defined in the policy.

Subsequent to the adoption of these revisions, on March 18, 2015 the Council accepted the attached policy, to be effective April 1, 2015, referenced in Subsection (7) that established that defined the term *de minimis* to be a maximum of 0.1 acre-feet of municipal water rights as well as a requirement for yearly reporting to the City Council on such declarations, among other things. This memo is intended to serve as that yearly report in my capacity as the Public Works and Community Development Department Director for Tooele City. The following is a brief summary of the two applications to the Public Works and Community Development Department that were determined to include a *de minimis* water rights conveyance requirement during the 2016 calendar year:

April 26, 2016 – A commercial expansion for an existing restaurant at 490 North Main Street was determined to require a net demand change of 0.10 acre-feet of municipal water rights.

August 10, 2016 – An existing business renovating a large space within their building for use as a conference center type meeting space at 1111 North 200 West was determined to require a net demand of 0.10 acre-feet of municipal water rights.

These two applications combined to be exempted from 0.20 acre feet of municipal water rights during the calendar year 2016, averaging 0.10 acre-feet of water rights per application which is equal to the maximum allowable *de minimis* declaration.

As always, should you have any questions or concerns please feel free to contact me at any time.

### City Council Policy

RE: Exception for *de minimus* usage under Tooele City Code §7-26-4(7).

Effective Date: April 1, 2015

Tooele City Code Chapter 7-26 requires the conveyance of water rights as a condition of approval of all land use applications. Section 7-26-4(7) states the following:

Exemption for *de minimus* usage. Notwithstanding the requirements of this Chapter, the City Council may establish a policy whereby building alterations or changes of use resulting in *de minimus* increases of culinary water usage shall not require the conveyance of additional water rights or the payment of a fee-in-lieu of conveyance. The term *de minimus* shall be defined in the policy.

This City Council Policy is established pursuant to the authority embodied in §7-26-4(7).

**Definition.** Building alterations and changes of use resulting in anticipated increases in culinary water usage of 0.1 acre-feet of municipal water rights or less shall be considered *de minimus*.

**Authority.** The Public Works and Community Development Director is authorized by this Policy to exempt alterations and such uses from the water rights requirements of TCC Chapter 7-26 for the *de minimus* increase only.

**Reporting.** At the beginning of each year, the Director (or designee) will provide a report to the City Council of all instances in which an exemption to the water rights requirement was granted pursuant to this Policy during the prior calendar year.

**Disclaimer.** An exemption granted to one person pursuant this Policy shall not entitle any other person to such an exemption. The Director's decision not to grant an exemption under this Policy is not a land use decision, is not appealable, and does not constitute the deprivation of a property or other right.

4/26/16	American Burger Expansion	490 North Main Street	0.10
8/10/16	All Star Lanes Renovation	1111 North 200 West	0.10
			0.20

American Burger  
490 North Main

26-Apr-16

**Business Expansion**

**Water Rights and Impact Fee Analysis**

**Proposed:**

As this restaurant uses paper products for food items, there is assumed a diminimus addition for dish washing. Also, floor washing is assumed to use the same bucket due to limited increase in floor area. The net water increase will be due to dispensing of soda beverages and bathroom use. It is assumed that the drive-thru use will not increase significantly.

**Water Rights - Interior Use**

interior - proposed increase 0.13 af/year  
Net interior Demand= 0.13 acre-feet - 100% depletion

Beverage Volume (see calculations)= 0.01 (historical records)  
Bathroom (see calculations) 0.11 (DDW R309-510 toilet waste)  
Total Interior Addition Demand= 0.13

**Water Rights -Exterior Use**

	S.F.	Landscape Area Acres	NA	Total @ 4 af/acre
Reduction in Irrigation area	(314.00)	(0.01)		(0.03)
<b>Net Exterior Demand=</b>				<u>(0.03) acre feet</u>

52044 gal/year  
6957.754011 cf/year  
0.159728054 af/year

**TOTAL WATER RIGHT REQUIREMENT**

Interior 0.13 acre-feet  
Exterior -0.03  
**Total Increase 0.10 net acre-feet additional required**  
**\$1,444 Cost (if purchased from City at \$15,000/af)**

**Sewer Impact**

Proposed interior Demand Interior Usage 0.11 af/year  
100 gpd  
Net Sewer Impact= 0.29 Net ERU (350 gpd/ERU, \$2,290 per ERU)  
**Net Sewer Impact Fee = \$654.29**

**Water Impact**

	A.,F. Use	Total Water Impact	
Additional Impact	0.13		1ERC = .45 af + 4400 s.f.landscape = 0.85 AF
reduction in outside irrigation	(0.03)		Current ERC Fee \$4,609
<b>Net Impact Fee</b>	<b>0.10</b>	<b>\$622</b>	

Water Impact Fee Revised Feb 2012). Base Fee \$4,609 per ERC

**Public Safety Impact**

Commercial s.f.	(Industrial - Warehouse)		
	Cost per 1000 s.f.	Total per Day	
314	\$104.67	\$32.87	Fire - Non-Residential (\$104.67 per 1,000 s.f. building) - Revised June 19, 2012
	\$120.65		Police - Commercial (\$120.65 per 1,000 s.f. building) - Revised June 19, 2012
314	\$9.67	\$3.04	Police - Industrial (\$9.67 per 1,000 s.f. building) - Revised June 19, 2012
<b>Net Public Safety Impact Fee</b>	<b>=</b>	<b>\$35.90</b>	

**Parks Impact**

Commercial s.f.	Not Applicable		
	Cost per 1000 s.f.	Total per Day	
NA for Commercial	0	\$0.00	Park Impact Fee Revised Feb 2012)

*WATER RIGHTS  
0.10 AC/FT REQ.  
DE MINIMUS PER  
ADMINISTRATIVE POLICY.  
5/5/16*

*Paul Jones  
4-26-16*

**Beverages**

		2014 Total Drinks	2015 Total Drinks
Beverage	Dine In / To Go	3862	4056
	Drive Up	4545	4377
	Call in	160	212
Combo Meals	Dine In / To Go	18140	21966
	Drive Up	24247	24878
	Call in	976	961

Assuming only increase to dine-in Use - Total=  
 Average Size=

	22002	26022
	21	21 ounces (AVERAGE DRINK SIZE)
Volume=	462,042	546,462 ounces/year
Volume=	3,610	4,269 gallons/year
Volume=	483	571 cubic-feet/year
Volume=	0.0111	0.0131 acre-feet

**Bathroom**

5 gal/seat - Based upon DDW R309-510 (toilet waste only)  
 20 seats  
 100 gal/day  
 36,500 gallons/year  
 4,880 cubic-feet/year  
 0.11 acre-feet

Total new Culinary Use (Beverage + bathroom)= 0.13 acre-fee

All Star Bowling - Recreation of water rights and impact fees  
 1111 North 200 West

10-Aug-16

**Water Rights and Impact Fee Analysis**

**Water Rights - Interior Use**

Historic use of Upstairs level (east side): included meeting/convention space of approx. 3,500 s.f. The new use proposes improving the previously undeveloped western side to a 2,800 s.f. meeting/convention space with room for 250 occupants. The existing 3,500 s.f. eastern side space had capacity for 250 occupants, the net reduction being 50 occupants. The east side room has since been converted to a laser tag room with an average daily use of 38 players per day (based upon 1 year's records provided by All-Star Lanes).

Water Impact is therefore assumed to be the difference between the original historic use as meeting/convention space, less the impact of the laser tag, and taking into consideration the new impact of the

For this analysis, the following assumptions are made:

- Culinary Water Use (interior only) for meeting/convention hall, with capacity for meals = 13 gpd/seat. Assume 12 events per year
- Culinary Water Use (interior only) for laser tag = 5 gpd/participant, 38 participants, 365 days per year

**CULINARY WATER ANALYSIS**

**Original Meeting / Convention Space (East Side)**

	250 Seats
	13 gpd/seat
	12 Events per year
<b>Net Interior Demand=</b>	<b>39,000 gallons per year</b>
	<b>0.12 acre-feet per year</b>

**Current Use of Laser Tag (East Side)**

	38 Participants
	5 gpd/player
	365 Days operational per year
<b>Net Interior Demand=</b>	<b>69,350 gallons per year</b>
	<b>0.21 acre-feet per year</b>

**Proposed Meeting / Convention Space (West Side)**

	200 Seats
	13 gpd/seat
	12 Events per year
<b>Net Interior Demand=</b>	<b>31,200 gallons per year</b>
	<b>0.18 acre-feet per year</b>

**SANITARY SEWER ANALYSIS**

**Original Meeting / Convention Space (East Side)**

	250 Seats
	13 gpd/seat
<b>Net Interior Demand=</b>	<b>3,250 Gallons per day</b>
	<b>9.3 ERUs</b>

**Current Use of Laser Tag (East Side)**

	38 Participants
	5 gpd/player
<b>Net Interior Demand=</b>	<b>190 Gallons per day</b>
	<b>0.5 ERUs</b>

**Proposed Meeting / Convention Space (West Side)**

	200 Seats
	13 gpd/seat
<b>Net Interior Demand=</b>	<b>2,600 Gallons per day</b>
	<b>7.4 ERUs</b>

**Recommendation:**

**Culinary Water** - New water rights dedication requirement for 0.10 acre-foot culinary water for proposed west side room meeting / convention space, as any credit for prior convention space was used as part of the Laser Tag facility conversion.

**Sanitary Sewer** - No net impact, as the original ERU impact equals 9.3 ERUs. With existing laser tag (0.5 ERU) and the proposed new meeting hall (7.4 ERU), the current and proposed use of 7.9 ERUs is a reduction from the original use.

Based upon the above recommendations:

<b>TOTAL WATER RIGHT REQUIREMENT=</b>	<b>0.10</b>	acre-foot
<b>TOTAL WATER RIGHT VALUE=</b>	<b>\$1,800.00</b>	(if purchased from City at \$15,000 per acre-foot)

**Water Impact**

<b>A..F. Use</b>	<b>Total Water Impact</b>
0.10	0.10

**Net Water Impact Fee = 0.10 \$519**

Water Impact Fee Revised Feb 2012). Base Fee \$4,509 per ERC

1ERC = .45 af + 4400 s.f. landscape = 0.85 AF  
 Current ERC Fee

\$4,609

*WATER RIGHTS DEDICATIONS PER ADMINISTRATIVE POLICY*  
*2/17/16*  
*per [signature] 8-10-16*