

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

Date: Wednesday, February 15, 2017
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:

Chairwoman Debbie Winn
Scott Wardle, for a portion of the meeting
Dave McCall
Steve Pruden
Brad Pratt

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
Rachelle Custer, City Planner
Ron Kirby, Police Chief
Paul Hansen, City Engineer
Randy Sant, Economic Development and Redevelopment Agency Director

Minutes prepared by Michelle Pitt

1. Open Meeting

Chairwoman Winn called the meeting to order at 5:00 p.m.

2. Roll Call

Debbie Winn, Present
Scott Wardle, Present for a portion of the meeting
Dave McCall, Present
Steve Pruden, Present
Brad Pratt, Present

3. Discussion:

Chairwoman Winn amended the agenda to discuss Ordinance 2017-07 first.

- Ordinance 2017-07 An Ordinance of Tooele City Amending Tooele City Code Title 6 Regarding Animal Control Presented by Police Chief Ron Kirby and Roger Baker

Chief Kirby explained that he approached Mr. Baker asking for some changes in Title 6. Mr. Baker discovered more changes that needed to be made as he reviewed the Code. Chief Kirby explained some of the changes, such as changing the number of days they keep the animals from three to five. Mr. Baker added that they made the five day designation consistent throughout the Code. Mr. Baker said that animal owners are responsible for the costs of boarding their animals at the shelter, so the added two days won't cause a burden to the City. Mr. Baker stated that the charge has been reduced from a class B misdemeanor to a class C misdemeanor if someone had a "naughty" animal that they were not supposed to have. Chief Kirby said that there had been an allowance for kennels that the police department was supposed to regulate. The police department has never done that, so that portion was removed. Mr. Baker added that Bryan Slade, at the Health Department, said they don't regulate kennels either. The land use ordinance says whether kennels are allowed, and then the nuisance laws kick in if there are flies, noise, or other issues causing a nuisance. Mr. Baker went on to say that the changes also add definitions to clarify the structure of how the animal control division fits in to the police department, and how the animal control shelter fits in to the animal control division.

Chief Kirby was excused from the meeting.

- Ordinance 2017-08 An Ordinance of Tooele City Amending Tooele City Code Chapters 5-1 Regarding Business Licensing for Independent Contractors Presented by Michelle Pitt

Ms. Pitt stated that while reviewing Chapter 5-1 of the Tooele City Code, it was discovered that the definition for employee is not consistent with the federal law definition of employee. The City's definition currently includes independent contractors as employees, and the federal law excludes independent contractors from their definition of employee. Independent contractors are not true employees but are separate business entities operating independently from the contracting entity. This is also consistent with many cities that we asked, as shown in the Ordinance.

City staff is recommending that the City definition of employee, for business licensing purposes, not include independent contractors, and that all independent contractors engaged in or conducting business in Tooele City should obtain a business license.

- Solara Village Development Proposal Presented by Jim Bolser

Mr. Bolser explained that this is another item being brought before the Council, similar to other items brought, to see if the Council has an interest in having this type of project move forward. Mr. Bolser stated that this is a unique design concept. This project is a 40-acre piece of property

on the north side of Cassidy's, behind the Elk Ridge development on Skyline. It would be a senior living facility for those 55 years old and older. It would include independent housing units. This area is zoned R1-12, so the project would not require a rezone for density, but would require a PUD because of the smaller homes. The project would include a high level of recreational area. Their idea is that each homeowner would be given a golf cart. There would be golf paths within the development, and to the Oquirrh Hills Golf Course.

Councilman Pruden asked if there's a drainage that goes through the middle of the project. Mr. Hansen answered that there are two drainages in that area. Councilman Pruden said that the drainages are concerns that needs to be mitigated. Mr. Bolser said that developers intend to improve the drainage as a water feature going through the development. Councilman Pruden asked about the entrance on the north side, near Deer Hollow. He is concerned about safety because there is only one entrance to a nearby subdivision. Councilman Pruden asked if this was going to be a gated community. Ms. Custer said that the developers have talked about it but emergency services may not like it. Ms. Custer said the developers weren't set on it being gated. Councilman Pruden asked if the streets were standard width. Councilman Pruden added that their main access would be off 1400 East, which is hanging on by a thread. Only half of this road is in the City limits. He felt that the developers would have to fix the whole road. Councilman Pruden said that the golf carts would be a safety issue because the project is too far away from the golf course. Golf carts are not okay to drive on City streets. He felt it was not a good location for this type of project. Mr. Baker said that they could have trails for the golf carts on their own property.

Councilman McCall said that he has seen these types of developments all over the State. Councilman McCall felt that the development would be okay as long as they kept to their HOA, and didn't bring issues to the City to enforce.

Councilman Pruden stated that that there could be a problem taking some of the equipment, large trucks etc., in to that area. Councilman Pratt indicated that he lived west of this property. He expressed concern about the sensitive overlay. It has been abused by some people that have built in the area, putting 2000 square foot homes in that area. He cited Loma Vista as an example, saying that there were residents that were irate that those homes were put in that area. Councilman Pratt felt that the City should continue to try to keep that area with larger lots and larger homes, even though staff says that they wouldn't need to rezone for this project. Councilman Pruden asked if the project would have lot lines, frontage, side or back property, or if it would all be communal property. Mr. Bolser indicated that most of the property would be communal property. The Mayor asked if that sort of project was allowed. Mr. Bolser answered that with a PUD it would be allowed. Mr. Baker added that the project wouldn't get more density under a PUD, but they could change the lot sizes and configuration. Mr. Bolser said that it wouldn't require a rezone other than the PUD because they aren't asking for more density than a R1-12 allows, but the City would have to allow a certain type of adoption for this type of development. Mr. Baker added that as part of the PUD approval, the Council could require them to drop the density. Councilman McCall asked if the developers currently own the property. Mr. Bolser said they do not. Chairwoman Winn stated that she spoke to Councilman Wardle about this project, and he said that he was not in support of this project as it was currently laid out. Chairwoman Winn said that she would love to see some senior areas developed but doesn't think

this is the right place. The slope would be a concern, and it may not fit in with other developments in this area. Councilman Pruden said that when Gray Stone was built, it was built on the same premise, but developers found they could not enforce that it was for seniors only. There are now young families living there. Mayor Dunlavy asked if they talked about reducing the number of lots and enlarging the size of the homes. Mr. Bolser answered that the developers wanted to see what the Council's thoughts were on this concept and then go from there. Chairwoman Winn asked if the development could be built on the slopes that are in that area. Mr. Hansen answered that they would need to do some modification to accommodate sewer and other utilities, but that it was buildable. Councilman Pratt said he liked the concept but agreed with Councilman Pruden that there may be a better location for this. Councilman Pratt added that there was property on the east that developers will be coming to talk with the City about. The City may need some idea of what they would like for that area because some developments may hinder other types of developments coming in.

Mr. Baker said the developers for this project are setting areas aside for green space, but they would have to anyway because of draining issues. Councilman Pratt pointed out that this area gets more snow than other areas making it difficult to drive on some of the roads without 4-wheel drive. Councilman Pratt said that the piece of property behind his house has a very deep drainage ravine. The road is designed to cross at the ravine. A lot of work would have to be done in order to put a road in at that spot. Mr. Hansen clarified that they hadn't received any more detailed drawings for this project and that there would have to be modifications made. Councilman Pruden added that he liked the product and the conceptual drawings, but he just was not sure if it was the right place for it. He felt that the golf carts were a deal killer.

Mayor Dunlavy stated that it would be good to look at this area and decide what type of development the City would like so that the Council and staff weren't going through this review again and again. The City should decide what the standard should be and what they would like to see in this area. The City has spent time and money to preserve the east bench. They should also spend some time to decide what types of development should be there.

Mr. Baker stated that he will have to look at the annexation agreement. The annexation had a specific agreement tied to it, such as the R1-12 designation, and an agreement for water connection hookups.

- Redevelopment Agency Incentive Policy
Presented by Randy Sant

Mr. Sant explained that the county economic development committee put together a policy that outlined incentive priorities, available incentives, and described what the development needed to have in order to qualify for an incentive. Mr. Sant said that the development needs to be built before the incentive is given. If upfront funding is given, it would need to be secured. Investments are measured based on performances. Mr. Sant listed the steps for the review process. Mr. Sant said that he would meet with GOED to see what the incentive would be from the State. The economic development committee wanted to make sure the company will make an investment with the City, or within the County, and make sure the company stays for a while. If they don't make an investment, they would need to pay some of the incentive back.

Companies must be willing to make at least a \$5 million investment to receive an incentive. Higher investments equal more of an incentive. Mr. Sant stated that the county economic development committee probably wouldn't go after distribution warehouse facilities because they already have WalMart and Cabela's. They will look more at distribution related businesses. Mr. Sant said that if companies don't qualify for a tax increment, they may qualify for other incentives. Mr. Sant will be taking this policy to all the cities and then bring it back as a resolution for the Council to consider. He felt it would help the school district as well to know what the policy is. RDA Chair Pruden said that he liked the idea of this being adopted so that the amount of incentive would not be negotiable. Developers would know what the incentive would be based on their investment. Mr. Sant said that the City would get a return on investment with this policy.

4. Close Meeting to Discuss Litigation, and Property Acquisition

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

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

The meeting closed at 5:48 p.m.

No minutes were taken on these items.

Councilman Wardle joined the meeting at 6:52 p.m.

5. Adjourn

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

The meeting adjourned at 6:55 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 1st day of March, 2017

Debra E. Winn, Tooele City Council Chair