

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

Date: Wednesday, May 2, 2018
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:

Chairman Steve Pruden
Dave McCall
Scott Wardle
Brad Pratt
Melodi Gochis

City Employees Present:

Mayor Debbie Winn
Glenn Caldwell, Finance Director
Michelle Pitt, Recorder
Roger Baker, City Attorney
Rachelle Custer, City Planner
Jim Bolser, Community Development and Public Works Director
Paul Hansen, City Engineer
Randy Sant, Economic Development and Redevelopment Agency Director

Minutes prepared by Michelle Pitt

1. Open Meeting

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

2. Roll Call

Steve Pruden, Present
Dave McCall, Present
Scott Wardle, Present
Brad Pratt, Present
Melodi Gochis, Present

3. Discussion:

- Ordinance 2018-06 An Ordinance of Tooele City Repealing Tooele City Code Chapter 1-12 Regarding Public Official Bonds and Oaths
Presented by Roger Baker

Mr. Baker stated that state statute requires all elected officials to post a fidelity bond. Mr. Baker indicated that he came across the state statute and looked at the City code requirement, which also stated that elected officials need to post a bond. Mr. Baker indicated that he couldn't remember any public official ever posting a bond. Mr. Baker indicated that the purpose of the fidelity bond was to protect the City, or anyone hurt by misconduct or a criminal act of a public official, to become whole. Mr. Baker indicated he researched the issue and found that the insurance industry does not typically issue fidelity bonds, but issues crime policies instead. Mr. Baker added that Tooele City has purchased a crime insurance policy that specifically governs the actions of City officials. Mr. Baker said that there is a state administrative rule that allows cities to purchase either a fidelity bond or an insurance policy. Mr. Baker stated that the City requires City officials to take an oath, in accordance to state law. Mr. Baker felt there was no reason for this Ordinance requiring public official bonds to exist in the City code. Chairman Pruden asked if there was any move in the state legislature to remove or amend the law. Mr. Baker answered that he didn't know of any. Mr. Sant said that he would bring it to Mr. Sagers' attention to see if he was interested in amending the law. Mr. Baker felt that the law could be amended to say that a fidelity bond or crime insurance policy be obtained, and let Cities decide which they wanted to do.

Mr. Sant indicated that as the RDA is looking at a separation of the RDA and the City, the RDA may need to have their own insurance policy as a redevelopment agency. Mr. Baker said he would talk to Kerry Oldroyd, of Morton Insurance, about it because even though the RDA is independent, it is still dependent on the City for many things. In the past, the City has made sure the RDA is covered under the City's umbrella policy.

- Odd Shaped Lots
Presented by Rachelle Custer and Chairman Pruden

Chairman Pruden explained that he had asked Ms. Custer to prepare a presentation for this discussion tonight, and turned the time over to her. Ms. Custer stated that there are two pieces of property that are in question. Ms. Custer said that it was difficult to try to write code in a way that made sense to these types of properties, and the whole community. She showed pictures of the two infill areas: Area A includes 600 North to 400 South, to 100 East to 200 West. Area B is next to it and odd shaped. She indicated she had researched and studied this area to determine which lots didn't fit current City code. She found 21 lots in the block of 600 North to 500 North that are more narrow than what is currently allowed. Ms. Custer stated that the City needed to take in to consideration that there are larger areas nearby that may try to put in multiple family development on lots 40 feet to 59 feet, if changes to the nearby lots are allowed. The minimum allowance is currently 60 feet. Ms. Custer added that if the lots are legal nonconforming lots, they can build single family homes, but they can't subdivide, and can't build multi-family housing or duplexes.

Ms. Custer said that one of the requested lot change is a 49.5 foot deep lot and approximately 16,000 square feet. One applicant would like to be allowed to put a duplex on the 49.5 foot lot. Ms. Custer recommended that the City allow single family homes on these lots, and the homes be required to follow the single family design guidelines. She indicated that if the City allowed the 49 foot lots, it would allow the applicant to subdivide the lot and put a home in the front, and a home in the back. Ms. Custer reminded the Council that they recently passed an Ordinance to not require the standard improvements along the secondary roads on the assumption that there would not be many homes fronting on these roads. Chairman Pruden asked if the applicant could do a duplex, as a two-story building instead. Ms. Custer said that it was possible, depending on the design. She said that if the Council was willing to look at that, Staff would look at their design to see if they met the guidelines. There may be issues with accessibility, not having enough room for the structure to meet the minimum size, etc., required by the single family design guidelines. They might also have difficulty meeting the two car garage requirement. She said that was the reason for Staff's recommendation of single family homes instead of multi-family.

Ms. Custer stated that the second lot they are looking at is in infill Area A, but is not a legal nonconforming lot. It is a 43 foot wide lot. It was illegally created in 1992. This lot is in a mixed use zoning district which requires an 80 foot wide frontage versus 60 foot. In the proposal for infill Area A, many of the setbacks and reductions allowed are 65% of the underlying zone; infill Area B is 80%. If this is applied for setbacks at 65%, it would be 39 feet, and the 80% allowance would be 48 feet. The 39 foot allowance is pretty narrow for a lot, but it would encompass all of the lots that she looked at to date for width. Ms. Custer indicated that the City would have to change the mixed use general zoning district to be a 60 foot minimum instead of 80 feet. It would allow this particular lot to become a legal subdivided lot. Single family housing design guidelines require 1100 square foot minimum.

Council Member Wardle stated that the whole idea of infill was to allow the buildable areas to attach to current infrastructure. He asked if the City would achieve that purpose if the City moved forward with what was discussed tonight. Mr. Hansen indicated that it would, but pointed out that the Ordinance recently passed by the Council to reduce the public improvement requirements along 50 East, 50 West and 150 West, were based on assumption that traffic and residential access to those streets would be minimal. However, under the current discussion, the City needs to carefully consider the unintended consequences of now potentially modifying the requirements which may place more traffic back on these minor streets and which may require future installation of sidewalk on these same streets. For example, the City just made an application with the State to install sidewalk where it doesn't exist on 7th Street between Oquirrh Avenue and Utah Avenue. He added that the key to managing the City code is consistency and uniformity. There are questions raised when there are problems of conflicting codes that don't match. Mr. Hansen added that he still supports the idea of using existing infrastructure whenever available because more roads don't have to be built and more sewer or other infrastructure don't have to be added. He said that it is worth looking at the sidewalk issue and looking at ways to achieve the City's objectives. Mr. Hansen went on to say that as the City increases single family homes on these narrow streets, the City may hear a clamor of people asking why they don't have sidewalk in front of their house, or how their kids will walk to school. Mr. Hansen said that the answer would then be that if the homeowners didn't put it in when they developed, and the City

can't afford to do it due to funding, then the options would be limited to doing without or seeking State funding as we did on Seventh Street. Mr. Hansen said that Staff would support the Council in their decision, and would work together to help implement the Council's goals, but he wanted to make the Council aware of these concerns.

Chairman Pruden said that as people start developing their lots to access 150 West, that brings in the next dilemma of curb, gutter and sidewalk. He talked about 1000 West, and what to do with that applicant. He said that the Council needs to make some tough decisions. He said that the City can't have a one size fits all policy. The City has to have a degree of logical approach to these things that doesn't put the staff in the cross hairs, and does not violate the law, or play favorites. He said he believes that if someone has one of those lots, they should be able to do something with it. If they own the property, and are able to utilize the infrastructure that's already there, they should be able to, but he said he didn't want to end up with pup tents either. Chairman Pruden added that decisions needed to be made because there are pending applicants. He said that once word gets out, there may be a domino effect. Council Member McCall stated that all of those roads needed to be replaced. He said that there may be issues with the power company because they have their poles right on the street. It is a lot of money to move those poles.

Council Member Wardle asked Ms. Custer if she had reached out to other cities such as Logan, Spanish Fork, and Brigham City to see if they have similar issues with odd shaped lots. Ms. Custer said that she knew of other cities that were dealing with lot sizes. Ms. Custer informed the Council that the City currently has a code that says lots cannot be three times longer than they are wide. Council Member Wardle said it would be good to track this discussion so that the City was not adding burden down the road, and that all codes are changed to match one another. Mr. Bolser stated that that was a good point and added that it was a step that his Staff does every time there's a request for a Code amendment. He said that that was a reason why they sometimes don't get back to the Council with code amendments as quickly as they would like. It takes some time to go through the exercise of making sure that all the codes are amended without causing unintended conflicts or problems with other sections of the Code. Council Member Wardle said that as a Council, it can be frustrating that changes take so long, but said that he could now see that there are many steps to go through.

Chairman Pruden gave the assignment that Council Member Wardle just said, to schedule a work session about this item in September. Ms. Custer said that time frame would allow her to be able to help those applicants that already meet the code that have been put on hold. Chairman Pruden asked Ms. Custer to look at other cities to see how they were dealing with odd lots, to look at all the codes that deal with this issue, and to let the applicants know that it will be some time before they get an answer. Ms. Custer reminded the Council that one of the applicants could build a single family home now.

Ms. Custer indicated that the applicant on 1000 West has a current deferral agreement on that lot, so he was good to go.

Chairman Pruden asked about other contractors in the community that may have heartburn over what was required of them in the past. Mr. Baker said the best safety net is that the action taken

by the City at that time, was legal at that time. If there was a mistake, past mistakes do not justify future mistakes and the City is not required to repeat them.

Chairman Pruden asked about the funding for the sidewalk on 7th Street. Mr. Hansen answered that some members in the County communicated with Mayor Winn to file an application for a UDOT grant to install sidewalk near the old Oquirrh school. The application was approved for 2021 for a reimbursement option. If the City puts the sidewalk in ahead of 2021, they will be reimbursed up to \$71,000.

Mr. Bolser indicated that the funding could come out of the sidewalk account and Road C funds as part of any year's project between now and then. The City is in the process of getting a bid out for this year's project.

Chairman Pruden indicated that the Council, Mayor, and Mr. Baker attended training at the League of Cities and Towns convention Wednesday through Friday. He added that Mr. Sant gave a wonderful presentation to them at the conference. Mr. Hansen was also there attending other meetings and joined the RDA meeting for a short time.

4. Close Meeting to Discuss Litigation and Property Acquisition

Council Member McCall moved to close the meeting. Council Member Pratt seconded the motion. The vote was as follows: Council Member Wardle "Aye," Council Member McCall "Aye," Council Member Pratt "Aye," Council Member Gochis "Aye," and Chairman Pruden "Aye."

Those in attendance during the closed session were: Mayor Debbie Winn, Glenn Caldwell, Roger Baker, Paul Hansen, Michelle Pitt, Jim Bolser, Randy Sant, Council Member Wardle, Council Member Pratt, Council Member McCall, Council Member Gochis, and Chairman Pruden.

The meeting closed at 5:34 p.m.

No minutes were taken on these items.

Motion to Reopen the Meeting

Council Member Pratt moved to reopen the meeting. Council Member McCall seconded the motion. The vote was as follows: Council Member Wardle "Aye," Council Member McCall "Aye," Council Member Pratt "Aye," Council Member Gochis "Aye," and Chairman Pruden "Aye."

The meeting reopened at 6:53 p.m.

5. Adjourn

Council Member Wardle moved to adjourn the meeting. Council Member Pratt seconded the motion. The vote was as follows: Council Member Wardle “Aye,” Council Member McCall “Aye,” Council Member Pratt “Aye,” Council Member Gochis “Aye,” and Chairman Pruden “Aye.”

The meeting adjourned at 6:53 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 16th day of May, 2018

Steve Pruden, Tooele City Council Chair