

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

Date: Wednesday, May 3, 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

Dave McCall

Brad Pratt

Steve Pruden

City Employees Present:

Mayor Patrick Dunlavy

Glenn Caldwell, Finance Director

Michelle Pitt, Recorder

Roger, Baker, City Attorney

Rachelle Custer, City Planner

Paul Hansen, City Engineer

Randy Sant, Economic Development and Redevelopment Agency Director

Excused: Jim Bolser, Director of Community Development and Public Works

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

Dave McCall, Present

Brad Pratt, Present

Steve Pruden, Present

3. Discussion:

- Ordinance 2017-09 An Ordinance of Tooele City Amending the Tooele City General Plan, Land Use Element from General Commercial (GC) to High Density Residential (HDR) for Approximately 9.15 Acres of Property Located at Approximately 850 North 100 East Presented by Rachelle Custer

AND

- Ordinance 2017-10 An Ordinance of Tooele City Amending the Tooele City Zoning Map for Approximately 9.15 Acres of Property Located Near 850 North 100 East from General Commercial (GC) to High Density Residential (HDR) Presented by Rachelle Custer

Ms. Custer presented both items together.

Ms. Custer explained that the applicant would like to construct 125 townhomes near 850 North 100 East. The site plan layout and density still needs to be discussed further with City staff. When the Council discussed these items four weeks ago, the Council requested that a traffic study be done for this project. Ms. Custer indicated that a traffic study was completed, and was done by Hales Engineering. The study came back with a level of service at Level A and suggested that a right turn lane be installed in 2024. If the turn lane is not installed, the level of service would be considered a Level F. Ms. Custer indicated that there is sufficient width on 100 East for a right turn lane, and that striping would need to be done. Mayor Dunlavy asked what the difference was between the designations. Ms. Custer answered that the difference was the projected increased traffic by 2024.

Councilman Wardle asked if this project were not developed, what the traffic projection would be. Ms. Custer said that it would be Level D. Mr. Hansen said that most urban setting studies don't stay at a Level A or B. It is commonly seen in cities to progress to lower levels. Chairwoman Winn pointed out that the traffic study was very detailed.

Mr. Baker asked if staff was recommending that the appropriate striping be done pursuant to the traffic study as part of the rezone, or if it would be reserved for the land use application. Ms. Custer said that the Council was welcome to impose conditions, including the striping, but that it was usually done with the land use application. The striping would need to be maintained because it usually only lasts for 3-4 years. Ms. Custer said that the concept site plan that was sent to the traffic engineer, did not show a proposed road connecting to 1000 North. Mr. Sant stated that if conditions aren't put in now, they cannot be put in later. Mr. Hansen said that there was limited access to the east. The only traffic access in to the future high density residential project, is off 670 North, unless other roads were stubbed in. Mr. Hansen indicated that staff has talked with the developer about providing access off 100 East, to the property to the east, especially for emergency response vehicles, but that it could be part of the Council's conditions to work in some type of access. Councilman Wardle felt that that could easily be put in. Ms. Custer added that staff still needed to work on some issues on the site plan. Councilman Wardle said that his concerns had been satisfied.

The applicant said that even though they were constructing town homes, the units would be in an apartment complex. He said that they were not opposed to emergency vehicle access, but that it would be hard to have a normal width road going through an apartment complex. When asked again whether the project was for townhomes or apartments, the applicant replied that the units would be for rent, not to buy. Mr. Baker asked if the property would be subdivided into individual townhome lots. The applicant said it would not. Councilman Wardle asked how many phases the project would take. The applicant answered 8-10 phases. Councilman McCall indicated that the road would have to be wide enough for fire trucks. Mr. Hansen said that emergency vehicles needed 26 feet minimum pavement, and that staff would work with the applicants during the site plan process regarding roads.

Councilman Wardle asked the applicants if they would build the project in stages. The applicants indicated that they would do it in stages and that they will have Covenants, Codes, and Restrictions. Councilman Wardle asked how many years of phasing it would take to complete the project. The application replied two years. The applicant said that the units would be a townhome style, with a 2 car garage.

Councilman Pratt expressed a concern about the access to the property to the east. He felt that the access issue could be worked through. The applicant said that they could put in more units as far as density per acre, but that they were not trying to push the limit. He said that they, as developers, are concerned about the product in the future, and don't want to create the next slum. Mr. Baker asked if medium density residential would work for this project, or if they actually needed the HDR. Ms. Custer answered that they needed the HDR designation.

Mayor Dunlavy expressed a serious concern about the traffic potential in this area. He said he was concerned about an emergency, such as a fire, because the fire truck wouldn't be the only vehicle responding, it would also be all the personal vehicles from the volunteers. If the fire happened at the same time that the school was beginning or ending, it could create a "perfect storm."

Chairwoman Winn stated that although these items were on the agenda for the 7:00 meeting, they would need to be tabled because they were not noticed as a public hearing. This type of ordinance requires a public hearing.

These items will be presented before the Council for vote consideration in two weeks, with a public hearing.

- Home Occupation Code Amendment
Presented by Roger Baker

Mr. Baker stated that this amendment does not amend the sign code, or reopen the policy discussion on sign ordinances. He found two differing provisions for signage for home occupations in the City code. Mr. Baker said that there was language under the definition section that he would like deleted. He has consolidated everything regarding home occupation signs and other regulations, currently contained in the definition, in the other regulatory section for home

occupations. Mr. Baker explained that the City prohibited the use of outdoor areas for the support of home occupations, but after discussion with Mr. Bolser and Ms. Custer, they suggested that day cares be allowed to use yard area for their business, so that change has been included. They are also suggesting that welding be expressly prohibited as a home occupation.

Mr. Sant asked if this amendment included the new business licensing bill just passed. Mr. Baker replied that it did not. Mr. Baker explained that the new bill says that the City cannot impose a licensing fee on home occupations unless they cause a significant impact on the neighborhood. City staff needs to define what creates a significant impact. Councilman Wardle said that under the definition section, the City code allowed a small sign, but the amendment would not allow a sign. Mr. Baker answered that home occupation signs aren't allowed in any other sections of the code – either the home occupation or sign code sections.

Mr. Baker explained that this item will go to the Planning Commission and then back to the Council on June 7th.

- Road and Waterline Projects
Presented by Paul Hansen

Mr. Hansen indicated that he had been working with Mr. Bolser and administration to put together road and waterline project plans for this summer. The road projects would be funded with Road B and C funds, which are generated from the State gas tax. Mr. Hansen said that the first phase would start with \$1.3 million. After the projects had been bid, there may be more money to do a second phase. Mr. Hansen went on to say that road projects are dictated by roadway study, and use.

Mr. Hansen listed the following roads to receive overlay:

- 900 South (Coleman to SR-36)
- 400 South (Coleman to 425 West)
- Skyline (SR-36 to Upland)
- Sixth Street (Utah to Birch)
- 100 East (400 North to 1000 North)
- Pine Canyon Road (1280 North to Broadway)
- 200 West (Wallace Way to 1000 North)

The following roads to receive slurry seal:

- 200 South (Main to 100 West)
- Vine Street (Main to Seventh)
- 400 North (Marvista to Seventh)
- Eastcrest
- Valley View (Broadway to Seventh)
- 200 West (650 North to Wallace Way)
- Coleman (SR-36 to Utah)

- Utah Ave (SR-112 to RR)

Mr. Hansen proposed that the City target \$1.3 million for waterline improvement projects as well, for the following projects:

- Noble Road
- Lakeview Avenue
- Delta Circle
- Mayo Circle
- 200 South
- 400 South
- Skyline
- 770 South
- 690 West
- Water Tank No. 5

Mr. Hansen stated that the City will amend the waterline improvement project list based on available funding after bids come in.

Mr. Hansen explained that the City will use water revenue for the waterline projects. Mr. Hansen said that the RDA will also be doing improvements at the industrial depot in an amount of about \$300,000.

Mr. Hansen said that the City staff will bring back these proposed projects as resolutions before the Council once they get to that stage.

Councilman Pruden thanked Mr. Hansen for including Pine Canyon as one of the road projects. Mr. Hansen said that not all of Pine Canyon is in the City limits, so they will try to work with the County on improvements on that road. Councilman Pruden stated that there was a housing project going in the area, off Pine Canyon Road, and asked if the housing project would affect the road project. Mr. Hansen stated that it shouldn't affect or damage the road.

Councilman Wardle asked if UDOT was willing to help with 200 West. Mr. Hansen stated that he has not received a favorable reply from UDOT. They promised assistance, but now are not replying favorably. Mayor Dunlavy said that so far they've said that they are not going to assist with 200 West.

- Legislative Update
Presented by Randy Sant

Mr. Sant stated that there were 1272 bill requests this session, which is more than ever before. There were 815 bills that were considered, with 553 passing, or 66%. Of the 815 bills, 283 bills directly impacted municipal government, which is 1/3 of the bills that were introduced. Mr. Sant said that it is interesting to try to figure out why local government was such a focus by the State legislature. It seemed that one bad practice in one City equaled a new state law. SB 81, the

Home Occupation Bill, was due to one City and one legislature that didn't like the way their City was handling home occupations. Sometimes there are special interest groups, such as developers, or others who want uniformity, who lobby for new laws.

Mr. Sant summarized some of the bills that were passed:

- Transportation Bill SB 276 changed the inflationary factor of the gas tax and changed the floor and ceiling of the tax. Mr. Sant said that the City should start seeing an increase in B and C road funds.
- Successful in getting the Midvalley Highway on the bond program, with construction starting in 2019-2020.
- HB 164 Enterprise Funds -when funds are transferred from the enterprise fund to the general fund, there's a process. Notice requirements were enhanced, requiring a public hearing, with a follow up notice in the paper. This shouldn't impact Tooele City very much because the City doesn't transfer these types of funds.
- SB 198 Communication Bill sets up a board with nine members. Gives the County more money from the 911 money, with an increase from \$0.76 to \$0.80, which is a 10% increase. The 911 money will be dispersed on call volume, instead of bill address. It also gives money for radios and a bond to replace old infrastructure. This doesn't go in to effect for two years.
- SB 81 allows a City to define the impact that a home occupation brings to the City. The City can't license an occasional business operated by a minor, and can't license a business if there's not a direct impact to the City.
- Land use issues – HB 232 - helped with how courts define local jurisdiction on land use issues. The court would defer to the local legislative authority to enact land use issues, rather than having them defined by lawsuit or judges. Impact fees may come under fire in the future. Mr. Baker stated that he spent some time debating this bill with Jodi Hoffman and Wilf Summercorn. Mr. Baker stated that the legislature is trying to take the law contained in existing case law of the Utah Supreme Court to make sure those standards are codified in code so that both Cities and developers know what the rules are. This bill doesn't require changes to Tooele City code or practice because the City is doing it right. Mr. Sant felt that the League should do an evaluation on Cities that don't do things right, so that all Cities aren't penalized for those that are bad apples.
- The alcohol bill reduces the proximity from 600 to 300 feet for restaurants serving alcohol from schools, churches and parks. It removes the Division of Alcohol's ability to issue variances. It grandfathered in all current alcohol licenses from that proximity. If a restaurant is in place and a church is built next to it, they are grandfathered in.

- SB 110 online sales tax bill passed in the Senate but failed in the House. The impact is that the estimated income would be \$380 million in sales that we won't get revenue from. Currently there are 28 states that do collect this tax. This bill will come up again next year, but some feel it is the biggest failure of the session.

There were many bills affecting elections, building and fire codes, finances, general government, financing, judiciary, land use, public safety, retirement, transparency, transportation and water. Mr. Sant said that Mr. Baker is going to have to go through the bills to see which require changes in the City code. Mr. Baker said that the League has made it easy for him to look at the bills to see which ones require changes to City code. The League created a cheat sheet that has links to all the bills. Mr. Baker reviewed all 105 bills contained in the cheat sheet and sent emails to department heads explaining the different bills and what changes to procedure those require. There are only two that require changes to City code – the alcohol bill and the home occupation bill. Mr. Baker went on to say that many of the bills require us to operate differently, but don't require a code change.

Mr. Baker cited an example of one of the bills which requires a change of how we do business, but not a change in code – on a job application the City can't ask for criminal conviction information, it is to be done after a conditional offer of employment has been given. Mr. Baker listed an example of a need to change procedure - only a police officer is empowered to issue a citation for a misdemeanor crime. Code enforcement officers cannot issue those citations. Mr. Baker indicated that this may cause a future discussion about the many class B and C misdemeanors in the City code.

Mr. Sant stated that he would like to see the League change a few things. He would like the League to fight against the "one size fits all" mentality. The League members need to let the League know that just because you can, doesn't mean you should. Mr. Sant went on to say that it was important to become a partner with the State on their priority issues because it opens the door for them to work with us on our priority issues. Mr. Sant said that the City wants to be business friendly and transparent, but have their own way of doing those things.

Mr. Sant indicated that interim begins on May 17th. He guessed that 100-120 bills would come out before the January session. Mr. Sant felt that Tooele County's legislators represented Tooele very well, especially Doug Sagers. He expressed appreciation to be able to represent Tooele.

4. Close Meeting to Discuss Litigation and Property Acquisition

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

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

The meeting closed at 6:03 p.m.

No minutes were taken on these items.

5. Adjourn

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

The meeting adjourned at 6:50 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 17th day of May, 2017

Debra E. Winn, Tooele City Council Chair