

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

Date: Wednesday, May 17, 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

Jim Bolser, Community Development and Public Works Director

Rachelle Custer, City Planner

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

Dave McCall, Present

Brad Pratt, Present

Steve Pruden, Present

3. Discussion:

- Ordinance 2017-15 An Ordinance of Tooele City Correcting TCC Section 4-11a-2 Regarding Park Strip Trees
Presented by Roger Baker

Mr. Baker stated that this amendment would correct a cross reference in the City Code, and add a clarification. There is one section that talks about the variety of trees allowed and refers you to another section, and that section refers you to an administrative policy. The amendment refers you to the tree guide, rather than referring you to other sections.

- Ordinance 2017-16 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-20 Regarding the Proximity of Specified Community Locations to New Restaurants Serving Alcohol
Presented by Roger Baker

Mr. Baker said that this amendment regarded the proximity regulations and minimum distances between those restaurants that serve alcohol to community locations. State statute defines community locations as churches, schools, libraries and parks. A new law created new proximity regulations, of 300 feet instead of 600 feet, and 200 feet as the crow flies. Mr. Baker explained that City Code needed to conform the two, so that they match. Mr. Baker explained that the proximity numbers are removed, and instead reference the State code since it governs the proximity.

- Ordinance 2017-18 An Ordinance of Tooele City Code Section 5-1-7 Regarding Occasional Businesses Operated by Minors
Presented by Roger Baker

Mr. Baker stated that he liked to call this new State law the “lemonade stand exemption.” This law prohibits the City from issuing a business license or charging a fee for businesses that are run by minors and are operated only occasionally. If someone under the age of 18 wants to mow lawns, sell lemonade, or wash windows, and only does it occasionally, the City can’t require a business license. This time, the Code will parrot the State law, rather than refer to the law as the previous ordinance does. Mr. Baker added that this is the only permit exemption that the City currently has; the other exemptions are fee exemptions.

Randy Sant joined the meeting at 5:06 p.m.

- Settlement Agreement for Gleneagles P.U.D.
Presented by Jim Bolser

Mr. Bolser stated that this was a request from a developer that had purchased the remaining portion of the Gleneagles development. Mr. Bolser said that the developers are requesting feedback from the Council, regarding a proposed amendment to the Settlement Agreement, to do a townhome development. Nothing had been submitted formally at this point by the developer, rather they just wanted to see how the Council felt about this request. Councilman Pruden asked if the original plan was supposed to be a combination use of single family and multi-family housing. Councilman Pruden asked if the land to the east was zoned commercial. Mr. Bolser

answered that it wasn't entirely zoned commercial, that there was additional land outside of the area in question that would remain as its original use. Mr. Bolser believed the original use was residential and commercial, zoned high density residential (HDR), but not part of the PUD. Councilman Pruden asked if the PUD incorporated the two existing buildings that are there. Councilman Pruden said that logic would say that it would fill in there anyway. Mr. Bolser said that it did include the two existing buildings. Mr. Bolser stated that the original plan was a combination, and the developers now want it to be all multi-family units. Councilman Wardle asked if the units would be sold or rented. Councilman Wardle expressed concern about a development like this without a home owners association, or without someone to take care of the land. He felt it could become a blighted area because traditionally the yards of townhomes aren't taken care of and can create a bigger problem in the future. Councilman Pruden said that the plan showed a pool and asked if there was a clubhouse. Ms. Custer answered that she assumed so, but that the City hadn't heard yet. Councilman Pruden said that when there's a pool, the City might be able to assume that there would be some type of association to take care of it. Councilman Wardle again said that there had to be considerations for some type of association. Chairwoman Winn stated that she would like to know if the developers would be selling the units or renting them. Councilman Pruden said that the Council needed to know whether the units would be sold or rentals, if there was an association that governs the pool and landscaping, and if there would be multi-use on the outlining areas.

Chairwoman Winn asked if the City had received the study back. Mr. Sant indicated that the City had received the study, but they needed a few days to review it. Mr. Sant said that the study did not show a great absorption rate. Councilman Wardle again expressed concern of allowing single family housing and HDR, because it could become an issue unless there was an HOA. Mr. Bolser indicated that City staff would reply to the property owner, to ask for additional information before it moved forward. Councilman Wardle wondered what Bach's intention was for their property. Mr. Bolser said that City staff would ask for additional information and bring it back to the Council. Mr. Sant suggested that the City require the property owners to do an economic feasibility absorption study. If the City approves this development, they may have units that will sit there, zoned HDR, but empty. Councilman Wardle asked how many units they were now looking at versus the single family mix. Mr. Baker said that he looked at that. The original PUD in this area, under the settlement agreement, showed between 12-15 units, and they now want 82 units.

Mr. Baker discussed the legal aspects of this request. He said that the term "consideration" has a legal meaning. In order for a contract to be binding, all parties have to give consideration to the other parties; to give up something for the things that you are getting. A PUD involves that consideration already. A PUD is giving the developer development benefits that they would not otherwise have, in exchange for amenities to the city. Mr. Baker went on to explain that in this case there was an added layer to that, where the parties have had disputes and agreed to settle them in a contract. In that contract the developer asked for 100 single family units. The City wanted a reduction of 500 units to 100 units. Now the developers are asking the City to take that back. The developers are not offering any benefits to the City for this consideration. Mr. Baker felt that it was not a lawful agreement as proposed. Mr. Baker said that the Council may decide this is what they wanted to do, but asked the Council to articulate the benefits the City would receive. The benefits could be open space areas, or improvements the City would receive, but it

needed to counterweigh what the City is giving. Councilman Wardle asked about the square footage of the units. Mr. Baker divided the number of acres by the density per acre, and came up with about 3,700 square feet per townhouse lot, gross acreage (without considering street rights-of-way). Mr. Hansen indicated that the numbers would have to include roads, landscaping, parking, etc.

- 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 Jim Bolser

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 Jim Bolser

Mr. Bolser presented both items together.

Andrea Cahoon asked if these items could be discussed later in the meeting, so that the applicants could be there. She stated that they were running late. Chairwoman Winn replied that the Council didn't have any questions for the applicant, and because there was a full agenda, they would keep the agenda order.

Mr. Bolser explained that these two items were on the business meeting later tonight and had been discussed at prior meetings. Mr. Bolser reminded the Council that City staff had raised the point of asking the developer to provide public access to the east, so that this area would not be land locked. He asked the Council if they had any questions.

Chairwoman Winn indicated that at a prior meeting the Mayor had brought up the importance of safety and of getting fire trucks in and out of this area. She suggested that the Council make a condition of the amendment that developers make a right-of-way through the development to allow access to the public. Chairwoman Winn said that the access needed to be 60 feet to go through the east side of the property. Councilman Pruden said that it could be stubbed at the east property line. Councilman Pratt stated that with that consideration, he liked the fact that development does away with the vacant piece of property. He went on to say that in review, and in consulting with others, there may be a future design for the school which potentially may add grades, traffic and parking to the school. Councilman Wardle indicated that he spoke with the principal, and the principal said that if they are allowed to add the Jr. High, they would shift the parking lot and allow access to the east which may alleviate a little more traffic on 100 East. Councilman Pratt said that would address the Mayor's concern in moving traffic into that area, or allow emergency vehicles to respond if a "perfect storm" situation were to occur. Councilman Pratt expressed concern of having a possible fire from the big vacant lot that may affect the school.

Chairwoman Winn said that because it is such a large area, having more than two outlets was not enough. They need to have a consideration for future development and have it more accessible to everyone. Councilman Wardle stated that he liked the fact that it was for-market rents. Chairwoman Winn added that she liked that it would have an HOA, so that the area would be taken care of.

The developer asked where the City would like the 60 foot right-of-way through the project. Chairwoman Winn said that he could work that out with staff. Mr. Hansen said that the land was already land locked property but it was the City's duty to not perpetuate that situation.

Chairwoman Winn turned the time over to RDA Chair Pratt for the RDA items.

RDA Chairman Pratt explained that the remainder of the agenda items were RDA items. He asked Randy Sant to present the items.

- Review and Discuss RDA FY 2018 Budget
Presented by Randy Sant

Mr. Sant explained that the budget was the same as previous years, with a couple of changes: for the past two years, the RDA has paid \$150,000 for the USU Science building, this year it should be \$125,000. The RDA has a contractual obligation to Cabela's for \$325,000, but Mr. Sant explained he is still trying to get property tax number from the accessor. The budget will show a \$5 million decrease because the RDA bought the 1000 North property of 31 acres.

Mr. Sant said that there will be a public hearing held for the RDA budget on the same night as the city budget. The RDA budget will be adopted at that time.

- RDA Resolution 2017-01 A Resolution of the Redevelopment Agency of Tooele City Designating the Tooele Business Park Community Reinvestment Project Area be Created and Authorizing and Directing all Necessary Action by the Agency, Staff, and Consultants
Presented by Randy Sant

AND

- RDA Resolution 2017-02 A Resolution of the Redevelopment Agency of Tooele City Designating the Tooele 1000 North West Industrial Community Reinvestment Project Area be Created and Authorizing and Directing all Necessary Action by the Agency, Staff, and Consultants
Presented by Randy Sant

AND

- RDA Resolution 2017-03 A Resolution of the Redevelopment Agency of Tooele City Designating the Tooele 1000 North Retail Community Reinvestment Project

Area be Created and Authorizing and Directing all Necessary Action by the
Agency, Staff, and Consultants
Presented by Randy Sant

Mr. Sant presented all three RDA Resolutions together

Mr. Sant stated that the first project area is a new area that the RDA is proposing to create consisting of the commercial park. Mr. Sant said that there were some discussions about adding two pieces of property, one that Barbara Boss owns, and the other is owned by four property owners. Mr. Sant suggested that the RDA adopt the project area and then consider adding the two pieces of property into the project. The area, plus the two pieces of property, total 350 acres. Mr. Sant explained that the Resolution is the first of 17 steps to create a reinvestment area.

Mr. Sant stated that the second Resolution was for the 1000 North West Industrial area. He explained that it included portions of Bolinder, Tooele Associates, King Property, 1000 North, and the corner of Utah Ave and 1000 North, but leaves out the Bolinder plant.

The third Resolution was the 1000 North retail project area. It takes in the RDA property on 1000 North, and Greg Haer's property around the bowling alley. It is approximately 31 acres. Mr. Sant explained that it didn't bind the RDA to create anything, but approving the RDA Resolution got things started. The RDA can stop the process if they decide they don't want to do it.

Mr. Hansen said that the third one looked like it didn't include all the property up to the 7-Eleven. Mr. Sant said that this area should be included. Mr. Sant will correct it to make sure it's added to the Resolution.

- Approval of a Listing Agreement for the Sale of Property Within the Tooele Commercial Park with CBC Advisors
Presented by Randy Sant

Mr. Sant suggested this item be tabled because he needed to discuss setting a price with the RDA board. The appraisal for the property came in at \$56,748 per acre. Before the boulevard was put in, it was valued at \$10,000 per acre. Mr. Sant indicated that the RDA will list the property at \$60,000 per acre. Mr. Sant suggested that this item be tabled until all the information was obtained.

- Project Update
Randy Sant

Mr. Sant requested that this item be tabled, due to the lengthy agenda.

RDA Chairman Pratt turned the time back over to Chairwoman Winn.

4. Council Reports

Councilman Wardle: He had been appointed to the Council of Aging, but can't attend the meetings because they are held at 1:00 p.m. on Wednesdays. He asked if anyone else wanted to sit on that committee. Chairwoman Winn indicated that the Council of Aging board might change the times or days they hold the meetings. Councilman Wardle said that he could trade an appointment on another committee if that worked out for another Council member. Chairwoman Winn suggested they wait until the board decided if they were going to move the time of the meeting.

Councilman Pruden: Encouraged everyone to attend Fridays on Vine this year, which begins June 2nd. Councilman Pruden said that the parks employees did a lot of work on the stage and there is new electrical in the park. The list of performers is great again this year. Councilman Pruden indicated that the arts festival had changed the days of their festival. They will hold the event on Friday and Saturday, but not Sunday this year. The arts council will sponsor the Plein Air Contest, which will begin on the Monday before the arts festival. All art will be done on the following Thursday. The arts festival and Plein Air Contest is during the third week of June.

Councilman Pratt had nothing to report.

Councilman McCall had nothing to report.

Chairwoman Winn: The North Tooele City Special Service District's last meeting was a very lengthy meeting. She indicated she would send a copy of the draft minutes to the Council. Chairwoman Winn met with the Mayor to discuss some of the things that were discussed at this meeting. Chairwoman Winn expressed appreciation to City staff, especially Shilo Baker, for the work on street lights.

5. 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 Wardle "Aye," Councilman Pratt "Aye," Councilman Pruden "Aye," and Chairwoman Winn "Aye."

Those in attendance during the closed session were: Glenn Caldwell, Jim Bolser, 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 5:44 p.m.

No minutes were taken on these items.

6. Adjourn

Councilman McCall moved to adjourn the meeting. Councilman Pruden 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 6:49 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