

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

Date: Wednesday, September 17, 2014
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, UT

City Council Members Present:

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

City Employees Present:

Mayor Patrick Dunlavy
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Jim Bolser, Community Development and Public Works Director
Michelle Pitt, City Recorder
Paul Hansen, City Engineer
Rachelle Custer, City Planner
Randy Sant, Director of Economic Development
Kami Perkins, Director of Human Resources

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

3. **Discussion:**

- Utah Retirement System Benefit Protection Contracts
Presented by Kami Perkins

Ms. Perkins stated that two years ago the Utah Legislature approved two different tiers for state retirement system programs. Employees that were not already enrolled in Tier 1 would be enrolled in the Tier 2 program. Ms. Perkins explained that with that change, there were some “clean-up matters.” One matter pertained to Benefit Protection Contracts which addressed what, if any, continuation of accrued benefits/contributions an employee would receive if not working and on short-term disability, workers compensation, or long-term disability insurance benefits. Ms. Perkins explained that in Tier 1, benefits are in place, but for Tier 2, the City must decide whether to elect or decline continuation.

The issue at hand is knowing the potential cost commitment the City will make if an employee is disabled potentially on a long-term basis. In Tier 2, like Tier 1, there is a “stop loss” or cost containment period for short-term disability because short-term disability benefits have a maximum benefit period of up to 20 weeks. That is the maximum time the City would pay under both Tier 1 and Tier 2. For workers compensation and long-term disability, however, the potential time commitment is unknown, they can run concurrently, and the City is responsible for those payments. In Tier 1, the payment is included in the City’s premium, but under Tier 2 it isn’t. The City would be responsible to pay out of the City’s fund for those employees. Ms. Perkins presented some scenarios such as an employee who is injured within their first 2 years of employment and not able to come back to any gainful employment. The City may be paying into their retirement/401K until that employee is 65 years old. There was a discussion regarding the differences between a work-related injury (workers compensation) and non-work related injury and various potential scenarios with unknown and different circumstances and variables.

Once this agreement is signed, the City would be contracted in and not able to opt out retroactively but Ms. Perkins did not know if the city could change their mind in the future and prospectively. The City was given until September 15 to make a decision but obtained an extension until September 19 so it could be discussed with the Council.

Ms. Perkins stated that she contacted the school district and Tooele County to see if they were signing this contract. The school district doesn’t have PEHP LTD. The County said that they have not made a decision but initially was leaning toward signing the contract, but they didn't realize it could be lifetime payment and were looking into it further.

The Mayor stated that the retirement office didn't take into consideration that government figures their budget from one fiscal year to another. Governments don't know what their budget may be in the future. Long-term disability is basically a medical retirement. The Mayor went on to say that the City cares about employees and they need to be covered, but he doesn't like the idea of having to be locked in to the all or nothing option. It is basically obligating future funds that you may or may not have.

Councilman Wardle asked how many employees were in the Tier 2 program. Ms. Perkins answered that all employees for the past two years who have never been a participant under the Tier 1 program have been enrolled in the Tier 2 program. In her 17 years of working for the City, she has seen about 5 employees on long term disability. Councilwoman Winn asked if the City can change their mind about whether to sign this contract. Ms. Perkins stated that you can

decide to join later, but once you sign, you can't get out retroactively. Councilman Wardle expressed a desire to make sure that employees are covered with adequate benefits in the event of a work-related injury.

The Council decided they would like Ms. Perkins to ask the state retirement office for an extension. This would allow them more time to discuss the options. They also asked Ms. Perkins to put together more information and possible scenarios for them. This will be discussed further at the October 1st council meeting.

- Copper Canyon Special Service District
Presented by Roger Baker

Mr. Baker stated that he had spoken with the City Council at a previous meeting about this special service district (SSD). The SSD was created to maintain the trails, park and future wall in the Copper Canyon District. Mr. Baker drafted a letter to the Copper Canyon residents informing them that in July they would be assessed their portion of the special service district fee. The fee would be about \$1.74 per month, or about \$20.00 per year. Councilman Pruden stated that this is not a functioning SSD. Mr. Baker answered that the SSD has been created; the developer offered to donate land, which he did. Councilman Pruden expressed concern about the people that have just recently moved to this area in the last year. When they bought their house, did anyone even tell them about the SSD? Do they know there is a special fee that will be imposed on them? Mr. Baker stated that as part of the closing they should look at the title report to see the SSD there. Mr. Baker stated that the City has the option of continuing to pay the maintenance costs through the general fund. Councilman Pruden stated that having a SSD implies you are getting something extra. He asked what Copper Canyon residents are getting that is extra. Mr. Baker stated that when it's built out they will get a park, a second park-ball field complex, landscaped trails and a wall to buffer sound from the railroad. Councilman Wardle stated that he would like to take time to educate the citizens and impose the fee in 2016. Mr. Baker stated that this letter was intended to do that, to educate, but not impose the fee yet. Councilman Pruden felt that an open house might help inform the citizens. Mr. Baker answered that a public hearing is required. Councilwoman Winn asked who was building the trails. Mr. Baker answered that the developer would build the trails, but the SSD would maintain them. Mr. Baker explained that he arrived at the fee by taking the number of homes and dividing it into the current park maintenance. This fee would adjust based on the maintenance budget and the number of homes. At full build out, there would be about 500 homes. The council would like to take more time to educate the residents before the fee is imposed.

- Chapter Revision to City Code 8-4 Abatement of Nuisances
Presented by Jim Bolser

Mr. Bolser explained that for more than a year now staff has been working on how to address nuisance issues and code enforcement in general. This revision includes a couple of policy changes and includes what the City is currently doing. The revision provides for nuisance and code enforcement remedies to be handled administratively, rather than in court. Nuisances are not a top priority for the judicial system, so the court process has been taking a very long time. The revision provides for a hearing officer and the fines go back into the program to deal with

abatement issues. Mr. Baker redrafted this chapter based on feedback from Mr. Bolser, Rachelle Custer and Kasie Hall. Mr. Baker believes this chapter would allow the City to have a successful abatement program. The Mayor agreed. The Mayor asked the Council to go through the proposed revision and ask questions of staff. Once the Council has had a chance to review it, it will be brought again before the Council for another discussion.

- Rezone Request for 1518 N Pine Canyon Rd
Presented by Jim Bolser

The applicant is asking for an existing vacant lot next to the theaters to be rezoned. The lot is about 1.97 acres on the south side of the theaters next to the overpass. The applicant would like to rezone from GC to LI to allow for the development of a multi-tenant flex space office building. The flex space use would also accommodate a warehouse space. The packet the Council received included renderings of what the applicant is interested in doing there. Mr. Sant stated that he has seen this developer in Sandy, and stated that he is a good developer and does a good job. Mr. Sant stated that he wished this was in another location, but he would like to see if this idea works. Mr. Baker stated that the City can require, as a condition of the rezone, that the development be restricted to what is in the letter, so that the whole lot isn't filled with warehouse. Ms. Custer said that the applicant has one tenant already.

4. Close Meeting to Discuss Property Acquisition

Councilman Pruden moved to close the meeting to discuss property acquisition. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, "Aye", Councilwoman Winn, "Aye", Councilman McCall, "Aye", Councilman Wardle, "Aye", and Chairman Pratt, "Aye". The meeting closed at 5:49 p.m.

Those in attendance during the closed session were: Glenn Caldwell, Roger Baker, Jim Bolser, Mayor Patrick Dunlavy, Michelle Pitt, Paul Hansen, Randy Sant, Councilman Pruden, Councilman McCall, Councilman Wardle, Councilwoman Winn, and Chairman Pratt. Also in attendance for a portion of the meeting were: Dave Sabey, John Pochynok, and Scott Kuhlke.

No minutes were taken on these items.

5. Adjourn

Councilman Pruden moved to adjourn the meeting. Councilman McCall seconded the motion. The vote was as follows: Councilwoman Winn, "Aye", Chairman Pratt, "Aye", Councilman McCall, "Aye", Councilman Wardle, "Aye", and Councilman Pruden, "Aye." The meeting adjourned at 6:57 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 October, 2014

Brad Pratt, Tooele City Council Chair