

**Tooele City Council and the
Municipal Building Authority of Tooele City
Work Session Meeting Minutes**

Date: Wednesday, March 20, 2019
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:

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

City Employees Present:

Mayor Debbie Winn
Glenn Caldwell, Finance Director
Roger Baker, City Attorney
Michelle Pitt, Recorder
Jim Bolser, Community Development Director
Steve Evans, Public Works Director
Paul Hansen, City Engineer
Darwin Cook, Parks and Recreation Director
Brian Roth, Golf Superintendent
Ron Kirby, Police Chief, in attendance until 5:06 p.m.

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:

- Resolution 2019-20 A Resolution of the Tooele City Council Authorizing the Disposal of Lost or Mislaid Personal Property
Presented by Chief Ron Kirby

Chief Kirby explained that the police department has \$24,286 sitting in a City trust account. This is money that has been collected over the years, some for criminal cases where money was seized during an investigation and then not needed. Some of the other money was found. After multiple attempts of trying to give the money back, by sending letters and placing notices in the paper, the money has never been claimed.

Chief Kirby said that the next step, as dictated by law, is to request that the money be turned over for public use to the City Council, then the Council can give it back to the police department. Chief Kirby stated that police department is in need of radios, and that the state has required that they obtain updated radios. This money will cover a portion of that requirement.

- MBA Resolution 2019-01 A Resolution of the Municipal Building Authority of Tooele City, Utah Approving Construction Contracts with Big-D Construction Corp. for the Construction of the New Tooele City Police Station
Presented by Paul Hansen

Mr. Hansen reported that in August of 2018 the City put out requests for proposals for completion of a new police station. The City had four contractors reply. After scoring and ranking, it was decided to proceed with Big-D Construction Corp. Mr. Hansen went on to say that the Council awarded a contract to Big-D to become a partner with the City and to help develop the plans for the police department. The plans have now gone out to bid, and over 200 bids from subcontractors were submitted. The Mayor and staff have reviewed those bids with Big-D to determine who is best qualified. Mr. Hansen acknowledged the help of Mr. Baker, who had spent a lot of time going through the documents and contracts. City staff is recommending to stay with Big-D for the construction of the police station. Their contract amount has a guaranteed maximum price not to exceed \$8,458,819.00, which includes a 3% contingency. Mr. Hansen explained that the contract also has a provision for allowances that may happen during the course of the project, and which may require additional funding, such as winter conditions, which allows up to \$120,000.00 for inclement weather conditions. Mr. Baker said that the contractor will not be able to access the contingency without the Mayor's approval.

Mr. Hansen said if the contract is awarded, the contractor would be prepared to commence work on site April 1st.

The Mayor explained that the \$9 million CIB loan is scheduled to close on April 3rd. As soon as the documents are signed, the City will get a \$9 million check that will be endorsed, and given back to the bond company. The money will be kept in an escrow account and drawn upon. The Mayor may organize a groundbreaking on the April 3rd, before Council meeting. She would like the Chief of police and officers there.

- Resolution 2019-23 A Resolution of the Tooele City Council Giving Notice of Tooele City's Intention to Prepare Updated Impact Fee Facilities Plans and

Impact Fee Analyses City-Wide, and Approving a Contract with Lewis Young Robertson & Burningham to Prepare the Updated Plans and Analyses
Presented by Mayor Debbie Winn

Mayor Winn stated that the City charges impact fees, and that cost is passed along to companies or individuals who are creating an impact to the community. Every five years the City needs to update the impact facilities plans and have an impact fee analysis done. After the analysis is done, it indicates the appropriate fees that the City can charge. The City also needs to have a plan stating how those fees will be spent. The resolution will allow us to sign a contract to do these plans and analyses. The cost is \$58,150, which will be paid with impact fee funds.

- Resolution 2019-21 A Resolution of the Tooele City Council Appointing Amanda Graf to the Administrative Control Board of the North Tooele City Special Service District
Presented by Council Member Melodi Gochis

Council Member Gochis said that Amanda Graf has been recommended by the North Tooele City Special Service District to fill one of the spots on their board. Since there will still be one vacancy on the board, Council Member Gochis said she will have a name ready for the April 3rd Council meeting.

- Resolution 2019-24 A Resolution of the Tooele City Council Approving a Purchase and Financing Documents with Yamaha Motor Finance Corporation for the Purchase of 80 New Golf Carts
Presented by Brian Roth

Mr. Roth said that he was directed to proceed with a contract for getting new golf carts purchased. The contract is for \$246,960, with payments of \$46,040 per year for five years, and a residual to purchase on the 6th year. Mr. Roth added that the carts should be here mid-May. Council Member Pruden asked Mr. Roth to let the Council know the amount of cart revenues at the end of the season.

- Resolution 2019-22 A Resolution of the Tooele City Council Approving and Ratifying a Contract with LTS Enterprises LLC for the Construction of a New Deck at the Tooele Valley Museum
Presented by Darwin Cook

Mr. Cook stated that the east and north side of the deck project has been completed. This contract will allow them to finish the project, and make it accessible by adding a ramp.

- Resolution 2019-19 A Resolution of the Tooele City Council Approving a Contract with the Tennis and Track Company to Install Pickleball Courts at Elton Park
Presented by Darwin Cook

Mr. Cook said that the contract with the Tennis and Track Company originally didn't include separation fences between the six courts. It has been revised to include the additional cost for the fences. The pickleball courts will be on the east set of the courts, closest to the parking lot. Mr. Cook said the courts should be done in 4-5 weeks. Mr. Roth added that they talked about staging the Tennis and Track Company in the other tennis court area because it's fenced and a little more secure.

Council Member Wardle asked about the irrigation system at Elton Park. Mr. Cook said bids for this project are due April 1st. They are trying to get this project done by October 15th. He said that Terra Sherwood has developed agreements with the soccer leagues, and has let them know about this project. The school provides a summer lunch program there, so he is meeting with the school to see how the project might impact them. Mr. Baker said that since the bids are due on April 1st, it would be difficult to bring the contract to the Council by their meeting on April 3rd. The Council suggested bringing the resolution before them at the April 3rd meeting, knowing that the contract may not be ready at that time. Mr. Baker will prepare a blank resolution for the agenda and packet, and the blanks can be filled out after the bid opening.

- Resolution 2019-25 A Resolution of the Tooele City Council Approving an Agreement with Broderick & Henderson to Construct Public Restrooms at the City Park at 200 West and Vine Street
Presented by Darwin Cook

Mr. Cook stated that the public restrooms will be placed at the south east corner of the City park. There will be four individual bathrooms, and a utility corner for cleaning supplies. The price of the vandal-resistant equipment is expensive, so bids were higher than expected. A sewer line needs to be installed which also affects the price. Mr. Cook added that that restrooms should be done by June 1st.

- Resolution 2019-26 A Resolution of the Tooele City Council Approving and Ratifying an Agreement with State Fire DC Specialties LLC for Fire Suppression System Upgrades at the Tooele City Water Reclamation Facility
Presented by Steve Evans

Mr. Evans said that this contract will allow eight of the out-structures at the water reclamation facility to get fire suppression systems. This will come from wastewater funds.

- Subdivision Final Plat for the Skyline Ridge, Phase 1 Application by Todd Castagno, Located at 1430 East Skyline Drive in the R1-14 Residential Zoning District for the Purposes of Creating 25 Single-Family Residential Lots
Presented by Jim Bolser

Mr. Bolser stated that this plat is the first phase of the Skyline Ridge project, and is located at the east end of where Skyline Drive currently ends. Mr. Bolser reminded the Council that this project includes the annexation that was Arbshay's property a few years ago. The project is now ready for final plat approval so that construction can begin.

- Ordinance 2019-04 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the MDR Medium Density Residential Zoning District for 16.4 Cres of Property Located at 600 West and 650 West Utah Avenue Presented by Jim Bolser

Chairman Pruden said that the applicants requested that this be postponed until the April 17th meeting.

- Ordinance 2019-05 An Ordinance of Tooele City Vacating a Public Easement Associated with Frank's Drive Presented by Jim Bolser

Mr. Bolser explained that when the plat for the Providence at Overlake Phase 2 subdivision was recorded, the City was notified by the County that there is an easement that goes underneath the area that is Frank's Drive, but it doesn't follow Frank's Drive. Mr. Bolser said that the subdivision has a dedicated right-of-way for the actual alignment of Frank's Drive, so it is recommended that the City vacate this easement since it is not needed. Mr. Baker added that state law requires the City to make a finding that the vacation is in the public's interest and will not cause harm to any person. Mr. Baker said that the ordinance builds that finding in to the ordinance, and will satisfy that requirement.

- Ordinance 2019-08 An Ordinance of Tooele City Amending Tooele City Code Chapter 7-1, Chapter 7-4, Chapter 7-11A, Chapter 7-13, Chapter 7-14, Chapter 7-15, Chapter 7-15A, Chapter 7-16, and Chapter 7-29 Regarding Multi-Family Zoning Districts, Allowable Uses, Design Standards, Supplemental Provisions, and Associated Technical Amendments Presented by Jim Bolser

Mr. Bolser said that this is the multi-family text amendment that had been discussed on multiple occasions. This ordinance will amend the text of the City Code. The ordinance will come back before the Council in April to apply the new zoning to the map. Chairman Pruden expressed appreciation to Mr. Bolser, Mr. Baker, Mr. Aagard, Mr. Hansen, the Mayor, Commissioner Hamilton, and Mr. Evans for their work on this ordinance.

Council Member Gochis reported on the line up for Fridays on Vine.

- Accessory Dwelling Units Presented by Roger Baker

Mr. Baker stated that in the last two legislative sessions, the Utah League of Cities and Towns meetings, and the Utah Land Use Institute meetings, the primary topic of discussion has been the housing gap. The housing gap is the disparity of the amount of available housing units and the number of families needing housing. Mr. Baker said that there are 40,000 more families looking for housing than there are houses to be had in Utah. Most of the people looking for housing are young people of Utah families, not people from out of state. Solutions have been explored on how to close the housing gap to accommodate the people that need it. The legislature is looking

at whether municipalities have done enough to allow housing developments, or if building regulations are too strict. Mr. Baker explained that a bill was passed that lists, in the State Code, a menu that cities must choose from in their affordable housing plan. Tooele City already has at least half of them in the City's housing plan; the new state law requires only two or three. Mr. Baker said that the ordinance that Mr. Bolser talked about earlier tonight, amending many chapters of the City Code, makes it a more favorable regulatory climate for affordable housing.

One of the menu items is Accessory Dwelling Units. An Accessory Dwelling Unit (ADU) is a second small dwelling on the same ground as the primary dwelling. The second dwelling has to be accessory to the primary dwelling. The most common forms of an ADU is a basement apartment, carriage house, coach house, garage apartment, tiny home, etc.

Mr. Baker handed out a list of 20 benefits of ADUs, and highlighted these: they're smaller and affordable because the property owners already own the land and don't have to build the cost of land into the rents, can use the same water and wastewater lines that are already in place, increases the property value, provides supplemental income to the property owner, allows people to age in place, provides social assistance and community support, allows people of all stages of life to live together in a neighborhood, provides additional property rights to the property owner, reduces lawn irrigation, legitimizes the current housing that is already in place, and gives a gentle density in the community that is easily absorbed.

Mr. Baker added that he felt ADUs would be self-controlled because of the setback requirements and lot coverage already in place. There must be a balance between the structure and common yard area.

Council Member Wardle asked about parking for an R1-7 lot, and if it would spill over on to the street. Mr. Baker said that it may work out that it is difficult for an R1-7 lot and the City may need to require a square foot lot minimum in order to qualify for an ADU. The ordinance could require one additional parking lot stall, at least. Mr. Baker added that the City doesn't want additional paved driveways, or parking in front yards. Council Member Wardle asked if other cities have ADUs, and how they handled parking issues.

Council Member McCall felt this could be a good thing for lots that are deep. He wondered about putting a limit of 10,000 square feet minimum for ADUs to be added to lots. Council Member Wardle wondered about having a test area to see what the impact would be on traffic, water, and public safety.

Chairman Pruden asked if Mr. Baker and Mr. Aagard could come up with a plan for a test area to see how it goes. Mr. Baker said that a test area would be a small percentage of the whole City and would take the market years to put in. Chairman Pruden said that there is a core part of town that has lots that exceed the minimum necessary for an ADU. The Council felt that the lot minimum should be 10,000 square feet.

Mr. Baker explained that there are 10 cities on his spreadsheet that have ADU ordinances, but in his opinion, most of them are awful. He said that they basically don't allow ADUs because the restrictions are very severe.

Mayor Winn said that one of the requirements is that the ADU matches the home. Mr. Baker said that the ordinance specifies that the ADU can't have wheels, but he could add that it has to be constructed on site. Council Member Pratt said he was worried that the electrical to the ADU would just be an extension cord, and a hose from the house to provide the water. Mr. Baker said that the ADU would have to have a certificate of occupancy and a building permit.

Mr. Baker said that the contention points are impact fees and water rights because those two issues could price ADUs out of existence. Council Member McCall worried that this might cause an issue for the City because in the past some people have wanted to subdivide to add a home, but couldn't because of the required water rights, etc. Chairman Pruden said that splitting the lot made it different because the lot could then be sold.

Chairman Pruden recommended that Mr. Aagard and Mr. Baker meet to look at whether it is practical to have a test case area, then schedule a 45 minute discussion for the meeting in four weeks, which would be the second meeting in April. Chairman Pruden added that this could really be a great thing for aging couples, that he liked the idea, and wants to discuss it further.

Mr. Hansen said that since the City already retained a company to update the City's utilities and master plans, the City could ask them to work the ADU study into their plan. The Council decided to add it to the scope of work. Mr. Hansen suggested the study could provide information and options for the Council to consider based upon the level of ADUs per area (e.g. 10% of the neighborhood were allowed ADUs, 30%, and so on).

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

The meeting recessed at 6:52 p.m.

The meeting reconvened at 8:10 p.m.

- Report on 2019 National League of Cities Conference
Presented by Council Members Brad Pratt and Scott Wardle

Council Member Pratt explained that he and Council Member Wardle attended the National Convention for League of Cities and Towns in Washington DC. While there, they attended a meeting which discussed the necessity for housing that can't be filled. Council Member Pratt agreed with Mr. Baker's discussion that there is not enough housing. There is an emphasis for cities to look for ways to put in stages of housing, such as apartments, affordable low income housing, through the steps people take through life in housing. They are looking at whether regulations in housing are driving the costs of housing up. Council Member Pratt went on to say that the conference was dedicated around infrastructure shortfalls in the nation. He said that there are many communities that have had a detrimental water situation caused by the military. There are now treatment facilities in their communities to clean up the water. He and Council

Member Wardle were able to talk with some representatives of other communities that received grants to help mitigate the detrimental water conditions caused by the military. Council Member McCall said he knows that the military monitors the quality of the army depot water. Council Member Wardle said that the arsenic plume is moving across the valley and there may be federal money to get it cleaned up. He added that there may be an opportunity for the Barrick mine water, too.

The Councilmen were able to meet with other communities of similar size that had similar issues.

Council Member Pratt reported that Tooele City made the first round of cuts for the USDA research facility to be constructed in Tooele. It would bring 700 jobs. The Council Members were able to meet with senators and their staffs about this building. They were told they will next whittle the list down to about 20 sites. There will be site visits to Tooele which will need the Governor, Lt. Governor, GOED, and EDCU to be in attendance. Representative Stewart will carry this for the City.

Council Member Wardle said that the requirement for the USDA research facility, was that it had to go with a partnership with a college campus and be within 30 minutes of an airport. It would be on a 30 acre development with 700 jobs. When the application was submitted, the City was hopeful to make it to the second round. Council Member Wardle went on to say that Tooele is the only site in Utah that made it to the second round. Tooele has been a federal government community before, and that is to our favor.

Council Member Wardle said that there are grants for things like a new fire building since we're surrounded by BLM and federal land. Council Member Wardle expressed interest in looking for a grant writer.

Council Member McCall said that he knows the Wasatch Front Regional Council has grant writers on their staff. He thought that since the City is a member of that council, they may be willing to help with grants, or they could suggest someone.

Mr. Baker stated that in the mid-90s, when the City was working with the federal government for the BRAC closure, the City went to then Senator Bennett who told the City who he recommended the City to hire to assist in the closure. The City did hire that person, and that person helped the closure to be in the City's benefit.

4. Close Meeting to Discuss Litigation and Property Acquisition

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

The meeting closed at 8:42 p.m.

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

No minutes were taken on the closed meetings.

The Council called an emergency personnel meeting and excused staff at 9:22 p.m.

5. Adjourn

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

The meeting adjourned at approximately 9:30 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 3rd day of April, 2019

Steve Pruden, Tooele City Council Chair