

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

Date: Wednesday, January 17, 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
Jim Bolser, Community Development and Public Works Director
Paul Hansen, City Engineer
Randy Sant, Economic Development and Redevelopment Agency Director (joined at 5:04 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, Joined the meeting at 5:36 p.m.

Chairman Pruden stated that he received in the mail a mandate from the State saying that they would like the City to numerate affordable housing.

3. Discussion:

- Open Meetings Training
Presented by Roger Baker

Mr. Baker conducted training for the Council members, focusing on when the Council can close meetings. Mr. Baker listed reasons the Council meetings can be closed, and reasons they can't be closed.

Mr. Baker explained that in order to close a meeting, the meeting has to begin with an open meeting, and then the Council can close it. Chairman Pruden indicated that he felt that the Council always does that. Council Member Pratt asked if the Council needed to reopen the meeting once the closed meeting was over, and then adjourn. Mr. Baker answered that statute does not say that the Council needs to reopen the meeting.

Mr. Baker went on to say that the Chairman needs to indicate for the minutes the reasons for closing the meeting. Mr. Baker added that the City currently does that on the agenda. The minutes have to contain the location of the meeting and the vote, by name, of who voted for the closed meeting.

Mr. Baker stated that the Council can't close an open meeting without a vote of 2/3 of the body of the Council. Mr. Baker listed a few reasons why the Council can't close a meeting: to vote on an ordinance, resolution, rule, regulation, contract, or appointment; they can't interview a person applying to fill an elected position; and can't discuss filling a midterm vacancy or temporary absence.

The Council can close a meeting:

- To discuss the character, professional competence, or physical or mental health of an individual. This portion of the meeting is not to be recorded. The Chairman has to sign an affidavit saying that the meeting was closed for this reason.
- To have a strategy session to discuss pending or imminent litigation;
- To discuss property. The discussion has to be tied to the value of the property. The discussion of the value of the property in public would have to jeopardize the City in getting that value and prevent the public body from completing the transaction on the best possible terms.
- Discussion of deployment of personnel, devices, or systems, such as updating the security system of City hall.
- Investigative proceedings regarding allegations of criminal misconduct.

Mayor Winn indicated that she and Council Member Gochis attended Dave Church's open meetings training.

- Resolution 2018-12 A Resolution of the Tooele City Council Appointing Bucky Whitehouse to the Planning Commission
Presented by Steve Pruden

Chairman Pruden indicated that Bucky Whitehouse would service as an alternate on the Planning Commission, representing the fire department. This is a Council appointment, replacing Russ Spendlove. Council Member Pratt said he was complimented this weekend on this choice. The person that approached him felt he would be a good addition to the Planning Commission. Mayor Winn indicated her appointment for the last Planning Commission vacancy would be on the next meeting agenda.

- Resolution 2018-03 A Resolution of the Tooele City Council Repealing Tooele City Code Chapter 1-15 Regarding Nuisance Abatement
Presented by Roger Baker

Mr. Baker stated that as he goes through the City Code, he sometimes finds unexpected things. He discovered an old chapter from 1978 regarding the abatement of nuisances. It covers the same topic of City Code 8-4, but in an antiquated way. Since there is another chapter in the Code that works, this chapter is redundant and antiquated. He recommended it be repealed.

- Resolution 2018-11 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Canyon Village Rust Phase 1 Subdivision
Presented by Paul Hansen

Mr. Hansen said that he was pleased to bring this item before the Council. This is a 27 lot residential development on Copper Canyon Drive. City inspectors have looked at and recommend approval of the public improvements. City staff recommend accepting the public improvements and commence the one year warranty period. Mr. Hansen added that six of these lots can be duplexes, or multi-family housing, if the developers choose to do that.

- Annual De Minimus Water Rights Report
Presented by Jim Bolser

Mr. Bolser stated that the Council adopted a de minimus water rights conveyance ordinance in 2015, saying that applicants can be exempt from the water right conveyance requirement under certain conditions. As part of that ordinance, he is required to provide the Council a yearly report of projects that utilize this exemption. His report is that there were no de minimus water rights-eligible applications filed in 2017.

- Proposed Leisure Villas Senior Living Community Development
Presented by Jim Bolser

Mr. Bolser stated that this is an application that has not yet been submitted. He said that he wanted to discuss this issue with the Council to see if they would like the idea. Mr. Bolser said there were two parts to this matter:

1-Tooele Estates subdivision, the development immediately east of the Mathews property, has two of its lots on 1000 North. The lots are currently dedicated to the City for storm water detention for this subdivision. The potential developer for the property next door is wondering if the Council would be interested in transferring those two lots to their project in exchange for them taking over the capacity of the storm basin and adding it to their storm water detention. The developers would integrate it in to their property and include the storm drain requirement with the one next door.

Council Member Wardle asked if it would be beneficial to the City. Mr. Bolser answered that the public detention basin is for public use. The conveyance would transfer to a private entity. The upside is greater than the down side. Mr. Bolser said that the question is, would the City incur any historical liabilities for doing this. Mr. Hansen stated that there is a mixture of public and privately owned storm detentions around the City. He added that there are a few ponds that are privately owned, that cause the City some issues.

Chairman Pruden asked if it would cause problems by any future developers saying that the City did it for them, so they need to do it for us. Council Member Wardle said that it fit their plan better. Council Member Wardle added that if the developers were to indemnify the City on it, why wouldn't the City do it. Council Member McCall asked what the estimated value was. Mr. Bolser answered that an appraisal would have to be done. Council Member McCall said that the City should sell it with the intent that the developers do what they said they would do. Council Member Pratt asked if it would be smaller if it was left as it is. Mr. Bolser said that it would.

Council Member Wardle asked what exposure the City would legally have if this was done. Mr. Baker asked if the City owned this parcel in fee, or as a dedication of plat. Mr. Bolser answered that he believed the City owned it in fee. Mr. Baker indicated that if the City required something from a developer, then decided that they don't need it, they would need to give it back to the person it was acquired from originally - unless a certain amount of time had passed.

Mr. Bolser said that it seemed the Council was willing to discuss it further. Chairman Pruden said that it would take that corner off, and make it so that the City didn't have to maintain it, but expressed concern about the property owner being responsible for the flow of everything that went in to the basin. He also expressed concern about any possible precedent for other developers. Mr. Hansen said that from a storm water management position, it was always better and economical to have land regionalized, instead of having multiple smaller basins. He added the more that can be centralized, the better. Mr. Baker said it was better to eliminate the maintenance. He said that if the City acquired the property less than 15 years ago, the City would have to offer it back to the person that dedicated it, but it sounded like it has been even longer than that.

Mr. Hansen said that the City wouldn't be selling land. The City would be exchanging the land for detention. It's moving the pond capacity, not selling land. Mr. Baker said that if the City owned it in fee, then they were selling it.

Council Member Wardle said it becomes a feature for that development. It still has to have the capacity to handle the storm water from their own development and what would be coming off the other development. Mr. Bolser said that assuming that the legalities get answered, as the developers come in with their proposal, the Council would have the opportunity to accept it or not.

2- The developers are seeking a rezone to high density residential (HDR) so that they can achieve a certain number of units and a PUD overlay for setback requirements. They are seeking lower setbacks to allow buildings closer to the lot lines. Chairman Pruden asked if they would have an HOA. Mr. Bolser said that they probably would. Chairman Pruden said that he was not comfortable with the streets being public streets. If the developers want less set back, it changes the dynamic. Mr. Bolser said that the main interior streets would be interesting and that they might need to be public streets.

Council Member Wardle thought it was an interesting concept. He said that since it's senior living, the lot lines might fit for that age group. He expressed concern about where a public road was needed. Mr. Hansen said that as the City plows public roads. It's a difficult transition for snowplows from public to private roads. Council Member Wardle said that he would like to see discussions with the developer. Going from single housing to multi housing like this is a better buffer. Mr. Bolser stated that he would have the developer put together a formal proposal then bring it back to the Council for further discussion. These developers have similar developments in other cities. Mr. Bolser stated he would like to go look at them. Council Member Wardle stated he liked the concept.

Council Member Gochis joined the meeting.

- Castagno Place Development
Presented by Jim Bolser

Mr. Bolser indicated that there were two purposes for discussion – if the Council is interested in seeing something like this certain type of detention, and then a broader discussion of detention ponds. Mr. Bolser explained that within this development, there are two lots pertinent to this discussion. There is a request for a subdivision, which meets City code. In the area of 640 East 1210 North there is a vacant field. There are two properties -the one on the corner is identified as a detention basin for this development. The developer is asking how to do the detention basin. The developer is wondering if it could be dedicated to the City and developed, or if it could be included within the next lot, developed, then an easement recorded over the lot to be maintained by the owner. Mr. Bolser showed a picture of where this was done on another lot in another jurisdiction. The home was built by, and landscaped by, this same developer. Mr. Bolser asked if the City would be interested in having the basin dedicated to the City or if they would like to keep the basin maintained by a private property owner.

Chairman Pruden asked if the rest of the lots were developed. Mr. Bolser answered they were not as this project has not yet been approved. Chairman Pruden asked how the City would guarantee that the property owner would maintain it, and if the owner would be responsible to maintain it if it belonged to the City. He thought it could become convoluted. Mr. Bolser said that this is in a low spot and good for a detention basin.

Council Member McCall asked if the basin would meet the capacity required, with all the stones depicted in the picture. Mr. Bolser said that it would have to meet the requirements. City code currently says the developers are to provide storm drain detention, but it leaves a lot of room to determine how and whether that provision is a formal dedication or an accommodation as is proposed here. Mr. Bolser asked if the Council would like to entertain an idea such as this. Council Member Wardle said he would. He added that if the policy didn't mandate it, why not? Council Member Wardle said that there were other detention basins that were not maintained very well by the City.

Mr. Bolser said that the City would need to have a broader discussion about City basins. They have become a code enforcement nightmare. He asked if the City should require the developer to develop them, and then maybe require the parks department to maintain them as localized parks with an additional budget allocation for that, or if code enforcement were to maintain them, a budget allocation would be needed to do so properly.

Council Member Wardle said that he liked the concept at Anderson Ranches. They weren't City maintained, and were not turning in to a weed patch. Chairman Pruden said that they should be turned over to be maintained by the property owner. Council Member Wardle said that the City code didn't mandate any requirements. He added that if the City wanted to mandate, it needed to be in the code.

Mr. Bolser said that there could be a consequence in either direction. He said that if the City requires developers to maintain the basins, there's a park maintenance problem. He felt it was a greater policy discussion. He indicated he was looking for direction to see if Council wants to consider this possibility.

Mayor Winn said that there was a detention pond lot in a subdivision on the north end of town. The developer owns it. It has an abandoned sewer lift station. A couple purchased the property through a tax parcel sale, then found out what it was, then gave the City a proposal to purchase the property. Council Member Wardle said that the City can't require from a developer what is not in the code.

Council Member McCall said that he didn't have a problem with this concept. He said the scenario looked good, but there may be a problem with a second or third owner. If the next property owner decided to re-landscape it or put in something else, what would or could the City do. The property owner will think it's his property to do with as he pleases.

Chairman Pruden asked if the developer could wait until the Council meets again in three weeks. He proposed that both of these developmental questions be put on the next agenda and given the whole hour to discuss. That way, the City could set a policy, so that this wasn't being done once

or twice. Mr. Baker stated that he would have time to research these items by the first February meeting.

Council Member Wardle indicated that he would like a liberal change, and a code discussion. Mr. Baker said that the City has experience with this concept on Skyline drive. There is a detention basin that is privately owned and maintained. Chairman Pruden asked what provisions in the code allowed those independently owned basins, or if something needed to be put in to the code. Mr. Baker said that there is nothing in there now that allows the City to require this specific type of basin configuration -something would need to be added.

Mr. Hansen said that the ordinance must include flexibility. He said that this concept would work for a small development or subdivision, but it wouldn't work for a large development. Chairman Pruden asked City staff to put together ideas and suggestions for the meeting in three weeks. He suggested that the Council look around town to see these spots, then come back and discuss it further.

- RDA Resolution 2018-02 A Resolution of the Redevelopment RDA of Tooele City Utah ("RDA") Approving an Interlocal Agreement for Tax Increment Participation with the Tooele County School District, for the 1000 North Retail Community Reinvestment Project Area, and Authorizing the Chair to Sign the Same Memorandum of Agreement with the Utah National Guard
Presented by Randy Sant

Chairman Pruden turned the time over to RDA Chairman Pratt.

Mr. Sant indicated that he met with the school board in December to discuss their participation in the 1000 North retail community reinvestment project area. At the end of the meeting, they indicated they would be willing to participate. They wanted to be in the project no more than 50% of the total cost. The RDA now knows where the school district would like to be for future projects.

The school district agrees to give up to \$1,250,000 of the tax incentive generated from the retail project. The RDA has up to 15 years from the first year of collection to collect the \$1,250,000. The RDA agrees not to take any increment from the housing development - they get 100% of that. For collection purposes, the County will pay the RDA the tax increment, and the RDA will cut the school board a check. This gives the latitude to the school board to use the money however they see fit. They agreed to terms but they have not yet signed the agreement. Mr. Sant will send the agreement to the county school board after the RDA board approves it tonight. He will then have to talk to the county.

RDA Chairman Pratt said the resolution authorizes the Chair to sign the agreement. Board Member Wardle stated that there has been a lot of discussion over the last year, about coming together and working together. This has been one of the most useful discussions to sit down and find a way that the City can move forward in an economic cooperative way. Not knowing the school board's concerns, it was difficult to find a way to meet their concerns. Board Member Wardle went on to say that this change has been tremendous. The City needs to be flexible.

RDA Chairman Pratt expressed appreciation for Mr. Sant and the school board's willingness to see how economic development assists them. He added that Mr. Sant did a great job at turning the school board's thoughts around. Mr. Sant stated that he meets with the superintendent once a month. He felt that they have identified common ground. Mr. Sant said it was his goal is to have this be the example for other cities as it relates to development.

4. Council Reports

Chairman Pruden indicated that there was not time to do discuss Council reports.

5. 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 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 6:20 p.m.

No minutes were taken on these items.

6. Adjourn

Council Member McCall 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 7th day of February, 2018

Steve Pruden, Tooele City Council Chair