

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

Date: Wednesday, February 7, 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
Ron Kirby, Chief of Police
Rachelle Custer, City Planner
Paul Hansen, City Engineer
Randy Sant, Economic Development and Redevelopment Agency Director

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:

- Veterans Statue Placement at Tooele Memorial Park

Presented by Mayor Debbie Winn

The Mayor stated that the Life Worth Living Foundation has done a lot of research on veterans and their high suicide rate. The number who have died by suicide exceeds the number killed during the Vietnam War. Dan Snarr is a sculptor who has been commissioned to sculpt a statue of a World War II Veteran. He would like to put one of the sculptures in the City's Veterans Memorial Park. The statue will be 12 feet tall, with a base of 7 feet. Mr. Snarr has been commissioned to produce only two statues. One of the statues will be placed in Garden City. After the Tooele statue, he will break the mold. Mr. Snarr has been working with Jon Gossett, with the Life Worth Living Foundation, for a donations campaign. The foundation is also working with Marvin Hitesman, who has done a statue of a Vietnam veteran. This statue will be placed on the other side of the park. They are hoping to have the statues in place and unveiled at the park on Veterans Day. The cost of Mr. Snarr's statue is \$50,000, the other statue is \$60,000. The foundation will be soliciting for donations. The Life Worth Living Foundation has been able to reach their fundraising goals in the past. Their Facebook page is able to accept donations. Anyone who is able to donate the whole \$50,000 would have a contract with the City, keep the statue for one year and one day then donate it to the City. It has already been appraised at \$240,000. After the one year and one day, the donor would be able to claim it as a tax write off for the full appraised value. Ensign Engineering will design the base with donated engineering and time. The Mayor has a concrete company who will donate the concrete. Council Member Wardle asked if the Life Worth Living Foundation could apply for a grant through the arts council.

Mayor Winn added that there is a two minute video on the Life Worth Living Foundation's website about the statue. Council Member McCall stated that the stones at the park are from Bountiful Memorial. Council Member McCall thought they might want to match the stones with what is already there. Mayor Winn said that information about the statue will be on the City's Facebook page. Council Member Wardle said he loves the flags and memorial at the park. He felt it would be a great addition.

- Budget Meetings Schedule and Format
Presented by Mayor Debbie Winn

Mayor Winn stated that she would like to hold several budget meetings. She had several dates and types of meetings, but stated that the dates were tentative. She said that it was an enormous task to prepare the budget. She has had a lot of comments from the public about what they want. She felt that the public doesn't understand how public money works, and how certain money can and cannot be spent. She would like to hold public meetings to explain the cost of things and how much of the state tax that is given to the City.

The first proposed meeting would be a Mayor's Town Hall Meeting on March 1st at 7 pm. This would begin with a presentation of City finances, an open forum for public input, and a survey to find out what the public would like. The purpose of the meeting is to try to help the public understand how much things cost and where the money goes.

The Mayor went on to say that she has asked the department heads to prepare and submit their budgets early this year. She has asked the department heads to meet with her February 19-March 2nd.

Ms. Pitt reminded the Mayor and Council that each of the public meetings need to be noticed, recorded, and minutes need to be prepared. Mr. Baker suggested that an agenda be prepared for the meetings, and summarized minutes be prepared from the agenda.

It was suggested that the Mayor's Town Hall meeting be moved to February 28th, at 7:30 p.m., to be held after Planning Commission.

The Mayor explained that budget discussions would be held in conjunction with City Council meetings with March 7th discussing public safety, police and fire; March 21st discussing Parks and Recreation; April 4th public works and community development; and April 18th all other departments.

- Resolution 2018-14 A Resolution of the Tooele City Council Approving a Contract for Sale and Purchase of Natural Gas with Summit Energy LLC, and Ancillary Agreements
Presented by Roger Baker

Mr. Baker stated that Brian Roth has done a lot of research on the use of natural gas at the Pratt Aquatic Center. He has discovered a significant savings of \$6900 per year by making a switch from Dominion Energy to Summit Energy. Mr. Baker explained that the first year probably would not result in savings because the City will pay a \$6500 switch over fee. This is a one-time fee. There is also a one-time \$1000 fee to Big Energy to handle the communications between the City, Summit, and Dominion, to make sure the proper notices are given and a power meter installed.

Mr. Baker said that the more the gas you use, the more you save under the proposed contract. Because of the high volume used to heat the pool, there will be a lot of savings by making the switch. It is not viable for other buildings because the volume used at other buildings wouldn't yield much if any savings. The ancillary agreements refer to Dominion's agreements to get out of their contract. The City will still have a relationship with Dominion for the use of their pipes. The City will receive two invoices every month, but the combined cost will be a lot less than the current cost.

Mr. Baker stated that Terra Sherwood would be making the presentation at the business meeting because he has asked to be excused from that meeting. Council Member Wardle asked what the term "force majeure" meant. Mr. Baker explained that it is the provision that explains what would happen if there was something out of our control, like an earthquake, or another act of God. The Mayor stated that the reason to get this before the Council tonight was that Dominion needed notice by February 12th. She added that the City could change their mind, but they have to provide notice by that date. She stated that the school board is switching all the schools over to Summit Energy.

Council Member Wardle said that outside counsel, Ted Barnes, had told the Council that if it became necessary to go to a lawsuit, they were to request a bench trial. He asked if that could be written in the contract. Mr. Baker replied that that was sound advice when the City was providing a service. In this contract, someone else is providing the service to the City. If the City wanted to take on Dominion Energy, it would be in the City's interest to take it to a jury trial, not a bench trial. Mr. Baker recommended the City reserve the right to a jury trial, not limit it to a bench trial. Mr. Baker added that Dominion would be thrilled to have a provision to have the City waive their right for a jury trial. Council Member Wardle reiterated that the Council was told to request a bench trial. Chairman Pruden said he saw no reason not to ask. Mr. Baker reiterated the advantage of a single customer like Tooele City retaining the right to a jury trial against a major utility. Council Member Pratt asked if Summit Energy was a wholesaler to Dominion. Mr. Baker replied that they are a competitor. Council Member Gochis asked if the school paid the City for the use of the pool. Mr. Baker answered that the school district made a one-time payment for the use of the pool.

- Explorer Program
Presented by Police Chief Ron Kirby

Chief Kirby explained that he floated the idea of an Explorer program to his police staff. The staff at the police department responded favorably. The Mayor and human resources also gave positive feedback. Chief Kirby said that the City's population continues to grow, especially the youth. There are police explorers in Tooele that travel to Draper, and other Salt Lake areas to participate in Explorer programs. With a recent change in Scouting, there are fewer opportunities for older boys to participate in Boy Scouts. Chief Kirby went on to say that there wouldn't be much cost for the program and that they should be able to fund the program with the money allocated to youth court. The school has taken over youth court, so funding for that program is no longer necessary. The Chief will be the executive officer of the Explorers. Officer Tanya Kalma will be the advisor. James May has worked in the program in West Valley, and will be an assistant advisor. There will be a scout committee and citizens will be involved as well. Chief Kirby stated that the Explorers could do things such as Honor Guard for City Council meetings, traffic control assistance at the 4th of July, fingerprinting, and traffic counts. They have six applicants so far.

The Council liked the idea of the program. Council Member Gochis asked if the police department would be working with the church for recruitment. Chief Kirby answered that the Explorers were not affiliated with the church at all. The program is for 14-20 aged boys and girls and focuses on police experience.

- Storm Water Detention Discussion
Presented by Jim Bolser

Mr. Bolser stated that Rachele Custer has done a lot of research on this issue. The research shows that there is not one way to do storm water detention. Cities across the state are all doing it differently. Mr. Bolser said that he could have brought 20 different drafts for the Council to look at, but instead wanted to ask some questions that would aid him in drafting a code. He

asked the Council if they wanted to allow detention on private property, or if it should be required to be dedicated to the City in all cases.

Chairman Pruden said that for him, the driving issue was legal responsibility. If the City claims ownership of the detention pond, then the City assumes the liability for it. Chairman Pruden asked if the detention was on a citizen's property, would they claim responsibility and liability? What would happen if there was a 100 year storm that swamped it? He asked if the code had to be a "one size fits all". Mr. Baker said that there were liabilities either way. He said that there are several detention basins that are privately owned, and some have code enforcement issues, because of problems with fencing and weeds. The City has a way to enforce the code enforcement issues, but some private owners are not going to pay the property taxes, and will not maintain them. If they aren't purchased at a sale, the County would end up taking ownership of the City detention basins or private people will purchase them at a sale thinking they can build on them, when they can't. Mr. Baker said that if the Council could identify the policy that they thought was best, Mr. Bolser's department could draft some codes that would make it an ordinance in the City Code. Mr. Bolser suggested that if the City wanted to pursue private ownership, the owners would have to present a plan, and the City would consider it. It could be on a case-by-case basis, but would be somewhat binding because there would be some criteria set. The plan would need to specify what the use would be, and included in their proposal.

Council Member Wardle stated that there were detention basins that the City owned that aren't maintained. He said they are a mess. He felt it was difficult to require private owners to maintain them when the City didn't maintain the ones that they owned. He asked if code enforcement had been involved in cases with privately owned storm basins. Mr. Bolser answered that when owners had been notified of code enforcement issues, they had taken care of the issues. Council Member Wardle said that if the basins were going to be owned by the City, there needed to be a mechanism in place to take care of the maintenance. He said he didn't care who owned them, as long as they were maintained. Council Member McCall said he also could go either way. If they were privately owned, the City has very little control. If someone decided to change the use, what could the City do about it? He said he agreed that the City doesn't maintain their own properties. If the City keeps the detention, though, the City has more control in what happens in that area. The City could have the means to hopefully catch the water in the case of a 100 year storm. Mr. Hansen said that the storm water utility fee is to be used for management of storm water in the City. Council Member Wardle asked if those funds could be used for maintenance. Mr. Hansen said that there may be some fields that the City would want to be made in to a park, but others might need to be xeriscaped. Council Member Wardle said that he looked at some areas in Grantsville. They have some areas there that were rocked. He felt that whichever way the City decided to go, there would be maintenance issues. If the City needs flexibility, then they should allow flexibility, but it needed to be maintained. Chairman Pruden asked if the City would be able to mitigate some of these issues by cementing some of the areas. Ms. Custer said that they could. Mr. Hansen said that Sandy City cemented theirs with stamped cement and trees. Xeriscape is a brand name and requires maintenance. It does require less water, but still needs to be maintained. Mr. Hansen said that the City needed to look at the cost and see what it would require to maintain those.

Chairman Pruden asked if the City had heard back from the person that requested it last time. Mr. Bolser said that the City requested information from the applicant, but he hasn't got back to them. Chairman Pruden suggested that Mr. Hansen, Mr. Baker, Ms. Custer, and Mr. Bolser work together to draft a code to address this issue. Council Member Wardle asked if a council member could be on that committee. It was decided that Council Member Wardle would help with the storm water detention draft code. Mr. Bolser suggested that staff put together a draft with an option in it, then bring it to Council for more discussion

Mayor Winn stated that a property owner purchased a piece of property at an auction for nonpayment of taxes. They have offered to sell it to the city for \$11,000. It is a storm water runoff area and has an abandoned sewer lift station on it. The property owner purchased it without knowing what it was. It is located near the Cedar Wood Subdivision. Mr. Baker said that there was another developer on another subdivision who offered to give a similar piece of property to the City. The City answered that we would be happy to take it if they changed out the fence, put in a tot lot, sod it, and irrigated it. It went to tax sale. Chairman Pruden asked if the lift station was of any value. Mr. Hansen answered that it was not. Council Member McCall asked if the Mayor knew what was paid for this property. Mayor Winn said that she didn't know what was paid for it, but said that the price was negotiable.

Mr. Baker left the meeting at 6:45 p.m.

4. Close Meeting to Discuss Litigation, Property Acquisition, and Deployment of Security

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, Paul Hansen, Michelle Pitt, Jim Bolser, Randy Sant, Ron Kirby, Council Member Wardle, Council Member Pratt, Council Member McCall, Council Member Gochis, and Chairman Pruden.

The meeting closed at 6:09 p.m.

No minutes were taken on these items.

5. Adjourn

Council Member Pratt moved to adjourn 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."

The meeting adjourned at 6:52 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 21st day of February, 2018

Steve Pruden, Tooele City Council Chair