

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council will meet in a Business Meeting on Wednesday, February 21, 2018 at the hour of 7:00 P.M. The meeting will be held in the Tooele City Hall Council Room located at 90 North Main Street, Tooele, Utah.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Mayor's Youth Recognition Awards**
4. **Public Comment Period**
5. **Resolution 2018-15 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Water Meter Costs
Presented by Jim Bolser**
6. **Ordinance 2018-04 An Ordinance of the Tooele City Council Amending Tooele City Code Chapter 4-1 Regarding the Building Official and Public Improvements
Presented by Roger Baker**
7. **Ordinance 2018-05 An Ordinance of the Tooele City Council Amending Tooele City Code Section 2-3-2 Regarding Planning Commission Duties
Presented by Roger Baker**
8. **Minutes
February 7, 2018**
9. **Invoices**
10. **Adjourn**

Michelle Y. Pitt
Tooele City Recorder

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 843-2110 or michellep@tooelecity.org, Prior to the Meeting.

TOOELE CITY CORPORATION

RESOLUTION 2018-15

A RESOLUTION OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY FEE SCHEDULE REGARDING WATER METER COSTS.

WHEREAS, Tooele City Code §1-26-1 authorizes the City Council to establish City fees by resolution for activities regulated by the City and services provided by the City; and,

WHEREAS, Utah Code §10-3-718 authorizes the City Council to exercise administrative powers, such as establishing city fees and regulating the use of city property, by resolution; and,

WHEREAS, under the Council-Mayor form of municipal government, established and governed by the Tooele City Charter (2006) and Utah Code §10-3b-201 et seq., the Mayor exercises all executive and administrative powers; however, it has been the practice of Tooele City for all fees proposed by the Mayor and City Administration to be approved by the City Council; and,

WHEREAS, Utah Code §10-9a-508 enables Tooele City to make exactions on development to the extent the exactions have an essential link with a legitimate governmental interest and are roughly proportionate to the impact of the development; and,

WHEREAS, as a standard exaction, Tooele City requires developers to purchase water meters for all developments requiring culinary water service, there being both a nexus and proportionality; and,

WHEREAS, Tooele City has a legitimate governmental interest in seeing that culinary water meters are of uniform standards, specifications, and quality; and,

WHEREAS, to that end, Tooele City purchases and provides all water meters for use by new developments, requiring development applicants to pay to the City the City's actual cost in purchasing the meters; and,

WHEREAS, Tooele City's costs to acquire culinary water meters have risen, and the City Administration recommends that the Tooele City Fee Schedule be amended to reflect the actual current cost of purchasing water meters (see Exhibit A):

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Fee Schedule is hereby amended as shown in Exhibit A.

This Resolution shall take effect immediately upon passage, by authority of the Tooele City Charter, without further publication.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ___ day of _____, 2018.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For)

(Against)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Water Meter Costs

TOOELE CITY CORPORATION

ORDINANCE 2018-04

AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING TOOELE CITY CODE CHAPTER 4-1 REGARDING THE BUILDING OFFICIAL AND PUBLIC IMPROVEMENTS.

WHEREAS, Utah Code §10-8-84 states in pertinent part, “the municipal legislative body may pass all ordinances . . . necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city”; and,

WHEREAS, historically, many municipal codes, including the Tooele City Code, distinguished between public improvements that were “off-site” and those that were “on-site”; and,

WHEREAS, Utah Code Chapter 11-36a (Impact Fees Act) creates a distinction between public improvements that are “system” improvements verses “project” improvements, which distinction does not necessary, and often does not, coincide with the distinction between “off-site” and “on-site” public improvements; and,

WHEREAS, Utah Code §10-9a-508 enables municipalities to make exactions of developments that demonstrate a nexus to a legitimate governmental interest and that are roughly proportionate, including public improvements; and,

WHEREAS, due to frequent dispute about which public improvements were off-site verses on-site, and which public improvements it was a developer’s responsibility to design, construct, and convey to the City, Tooele City moved away from the off-site on-site distinction as being a distinction without a meaningful difference, repealed the respective definitions from the Code, amended public-improvement-related provisions of the Code, enacted a broad definition of “public improvements,” and defined through adopted uniform codes, standards, and specifications, which public improvements are required as proportionate exactions; and,

WHEREAS, TCC Chapter 4-1 (Building Official) contains the frequent reference to “off-site” improvements, including an obsolete definition; and,

WHEREAS, Chapter 4-1 contains other antiquated references, including 1) City Planner oversight over the Building Official; 2) reference to the Planning and Zoning Board (should be Planning Commission); and, 3) reference to direct billing of developers by the City Engineer for engineering services; all of these provisions need to be modernized; and,

WHEREAS, in light of the above, the City Administration recommends that Chapter 4-1 be amended as shown in redline and strikethrough in Exhibit A:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that TCC Chapter 4-1 is hereby repealed as shown in Exhibit A.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and shall take effect immediately upon publication.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2018.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

TCC Chapter 4-1

TITLE 4. BUILDING REGULATIONS

- Chapter 1. Building Official.
- Chapter 2. Sign Code.
- Chapter 3. Building Code.
- Chapter 4. Electrical Code.
- Chapter 5. Plumbing Code.
- Chapter 6. Residential Housing.
- Chapter 7. Mechanical Code.
- Chapter 8. Road and Bridge Construction Standards.
- Chapter 9. Street Excavation.
- Chapter 10. Swimming Pool, Spa and Hot Tub Code.
- Chapter 11. Sidewalks.
- Chapter 11a. Residential Park Strip Landscaping Requirements.
- Chapter 12. Municipal Improvement District Act.
- Chapter 13. Flood Damage Prevention Ordinance.
- Chapter 14. Abatement of Dangerous Buildings Code.
- Chapter 15. Development Impact Fees.
- Chapter 16. Uniform Administrative Code.
- Chapter 17. APWA Manual of Standard Specifications and Manual of Standard Plans Adopted.

CHAPTER 1. BUILDING OFFICIAL

- 4-1-1. Responsibility.
- 4-1-2. Permits.
- 4-1-3. Powers and duties.
- 4-1-4. Approval of ~~public off-site~~ improvements by city engineer.
- 4-1-5. Definition of ~~public off-site~~ improvements.
- 4-1-6. Repealed.
- 4-1-7. Surveying and engineering performed by city engineer.
- 4-1-8. Amendment of fees by resolution.
- 4-1-9. Building permits required for ~~public off-site~~ improvements.

4-1-1. Responsibility.

Administration and enforcement of this Title shall be the responsibility of the Building Official, under the direct supervision of the Director of Community Development ~~/City Planner~~, who shall direct the Building Official as to the performance of his duties as provided in this Title, but the Mayor may from time to time entrust the administration and enforcement of some part or the whole of this Title to any other officer without amendment to this Chapter. All departments, officials, and public employees who are vested with the duty or authority to issue permits or licences shall conform to the provisions of this Code and shall issue no such permits or licences for uses, buildings or purposes where the same would be in conflict with the provisions of this Title. ~~and a~~Any such permits or licences, if issued in conflict with the provisions of this Title, shall be null and void.

(Ord. 99-11, 04-21-99); (Ord. 75-28, 12-08-75; Ord. 67-3, 08-14-67)

(March 23, 2005)

4-1-2. Permits.

The construction, alteration, repair, removal, or occupancy of any structure or part thereof as provided or as restricted in this Title, shall not be commenced or proceeded with except after the issuance of a written permit for same by the Building Official; provided, that no permit shall be necessary where the erection, construction, reconstruction, or alteration is minor in character as defined herein, or as determined by the Building Official.

Permits are required for temporary uses incidental to construction. Such permits are limited to the duration of the construction work. The maximum time for such a permit is one year. However, another permit may be issued if cause is shown. All applications for building permits shall be accompanied by a ~~plant~~, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the existing buildings, buildings to be erected and buildings existing on adjacent property, and such other information as may be necessary to provide for the enforcement of this Code.

A careful record of such applications and plats shall be kept in the office of the Building Official or other officer charged with administration and enforcement. No yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be used as a yard or open space for another building. (Ord. 99-11, 04-21-99); (Ord. 67-3, 08-14-67)

4-1-3. Powers and duties.

It shall be the duty of the Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. The Building Official shall enforce all of the provisions of this Code, entering actions on the court when necessary. ~~his/her~~ The failure to do so shall not legalize any violation of such provisions. The Building Official shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all zoning regulations then in effect.

The Building Official is authorized to order disconnection and approve connection or re-connection of utility services, including water, sewer, natural gas, and electric power, to any structure or service regulated by the construction codes as adopted by this jurisdiction or the State of Utah. Upon written order from the building Official, any serving utility shall immediately terminate such service. The Building Official shall not authorize any termination or refuse connection without reasonable cause, as detailed in the order.

(Ord. 99-11, 04-21-99); (Ord. 67-3, 08-14-67)

4-1-4. Approval of ~~public off-site~~ improvements by city engineer.

The construction of all ~~public off-site~~ improvements within Tooele City shall not be commenced or proceeded with except after the approval of the City Engineer. All preliminary and final plats, plans, and specifications for ~~public off-site~~ improvements shall be submitted to the City Engineer for ~~his~~review and approval prior to submission to the ~~p~~Planning Commission and Zoning Board or the City Council. A plan checking fee shall be collected by the City ~~Engineer~~ when the said plans, plats,

and specifications are submitted for **review and** approval. The fees shall be as established in the Tooele City Fee Schedule adopted by Resolution of the City Council. (Ord. 98-27, 08-05-98); (Ord. 75-27, 12-08-75)

shall result in the same penalties as are applicable for building permits under the International Building Code as may be **adopted and amended** ~~enacted~~ from time to time. (Ord. 2004-15, 10-20-04); (Ord. 80-11, 04-10-80)

4-1-5. Definition of ~~public off-site~~ improvements.

“Public improvements” shall have the meaning given in Section 7-1-5 of this Code, and shall be interpreted inclusively, not exclusively. ~~Off-site improvements include all sewer, storm and culinary water, natural gas, underground utility systems installed outside the boundaries of lots owned or to be offered to the public for private ownership, and all streets, curbs and gutters, sidewalks, alleys or other improvements considered off-site improvements in the construction trade.~~ (Ord. 75-27, 12-08-75)

4-1-6. Repealed.

(Ord. 87-16, 11-05-87)

4-1-7. Surveying and engineering performed by city engineer.

The City Engineer, in his discretion, may do preliminary surveying, engineering, and construction surveying of **public off-site** improvements for minor improvements to property for curb and ~~gutter~~ replacements or initial installation, where none previously existed and the property owner requests the same at his own expense, or when a special improvement district is created for the purpose of providing **public off-site** improvements within the district. When the City Engineer performs such labor, ~~his agent, or the special improvement district for whom the work is performed,~~ the City Engineer shall charge fees consistent with the prevailing rate for such services as may be available in the private sector as determined by the City Engineer. ~~All such fees collected by the Engineer shall be accounted for by him and shall be remitted to the City Treasurer.~~ (Ord. 80-11, 04-10-80; Ord. 75-27, 12-08-75)

4-1-8. Amendment of fees by resolution.

The fees provided by Sections 1, 8 and 9 of this Chapter may be amended from time to time by resolution. (Ord. 75-27, 12-08-75)

4-1-9. Building permits required for **public off-site improvements.**

All ~~public off-site~~ improvements within Tooele City, except those **public off-site** improvements installed pursuant to the subdivision process covered under Title 7 of this Code, shall be required to be done with a building permit, and fees collected therefore shall be according to the fee schedule for building permits then in effect. Such fees shall be payable prior to issuance of the permit. ~~for purposes of this Section, off-site improvements shall include the installation of sidewalk, curb and gutter, roads, water and sewer lines and the like.~~ A separate building permit shall not be required for **public off-site** improvements where a building permit for any given structure is obtained in connection with doing the same improvement, provided that the valuation of the **public off-site** improvement shall be included in the computation of the permit fee. A failure to comply with this ~~s~~Section

TOOELE CITY CORPORATION

ORDINANCE 2018-05

AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING TOOELE CITY CODE SECTION 2-3-2 REGARDING PLANNING COMMISSION DUTIES.

WHEREAS, by Ordinance 2013-07, the City Council enacted Tooele City Code (TCC) Chapter 1-28, providing for the appointment of administrative hearing officers to hear appeals from the administrative decisions of the City; and,

WHEREAS, by Ordinance 2016-15, the City Council eliminated the Board of Adjustment as an appeal authority for administrative decisions of the City; and,

WHEREAS, TCC Section 1-28-2(2) provides that “The Hearing Officer shall be the appeal authority in the event that this Code does not expressly provide an appeal authority for administrative actions or decisions related to the interpretation, application, or enforcement of the City’s land use ordinances”; and,

WHEREAS, TCC Section 2-3-2(6) continues to authorize an appeal authority role for the Planning Commission in administrative design review decisions made by the Community Development Department; and,

WHEREAS, the City Council’s intent in enacting TCC Chapter 1-28 (Administrative Hearing Officer) and in eliminating the Board of Adjustment was, in part, to provide for nearly all Tooele City administrative decision appeals to be heard by appointed administrative hearing officers; and,

WHEREAS, the City Administrations suggests that TCC Section 2-3-2(6) is obsolete and in conflict with newer and more specific TCC administrative appeal provisions, and recommends that subsection (6) be repealed; and,

WHEREAS, the amendments recommended by the City Administration in this Ordinance are in the best interest of Tooele City, including in terms of efficiency of government operation, clarity of code interpretation, and fundamental fairness in land use regulation; and,

WHEREAS, TCC Section 2-3-2(6), in the context of TCC Chapter 2-3, is shown in Exhibit A, in redline format:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that TCC Section 2-3-2 is hereby amended to repeal subsection (6) regarding Planning Commission appeal authority, as shown in Exhibit A.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and shall take effect immediately upon publication.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2018.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

TCC Chapter 2-3

CHAPTER 3. PLANNING COMMISSION

2-3-1. Planning commission created.

2-3-2. Duties of planning commission.

2-3-3. Organization.

2-3-4. Assignments to each member.

2-3-5. Compensation.

2-3-6. Meetings.

2-3-7. Proceedings and records.

2-3-1. Planning commission created.

There is herewith created a commission to be hereafter called the Planning Commission. (Ord. 78-26, 10-26-78)

2-3-2. Duties of planning commission.

The duties of the Planning Commission shall be as follows:

(1) To make and certify to the City Council a zoning plan, including the text of zoning ordinances, and maps designating the boundaries of the various zoning districts of the City.

(2) To recommend changes, amendments, additions, and deletions to the zoning ordinances or maps within thirty days of any proposal being submitted to the Commission by the Community Development Director (Director). Failure of the Commission to make a recommendation within said thirty day period or to obtain an extension from the City Council prior to the expiration of said period shall be considered as the approval of the proposal for all purposes.

(3) To hold public hearings, make recommendations and certify to the City Council a master plan for at least the uses of the land within the boundaries of Tooele City.

The Commission may include in any master plan proposal areas outside the geographic boundaries of the City, if the Commission finds said areas bear relation to the proper or expected development of the community and the concurrence of the governing body of the county or municipality having jurisdiction to govern the area proposed to be included is first obtained.

(4) To amend, change, add to, delete or alter the master plan from time to time as the Commission shall see fit, with the concurrence of the City Council.

(5) To review all applications for building permits proposals of any person, company, corporation, partnership or other legal entity for all uses requiring a conditional use permit. Commercial buildings are buildings used for commercial purposes including residential structures greater than a fourplex. Said proposals include but are not limited to proposals to construct, erect, reconstruct, improve, repair, alter, move, divide, subdivide or use any improvement, fixture or parcel of real property within the City and the review shall be for the purpose of determining, if the proposal complies with the ordinances, codes, specifications, regulation or requirements of Tooele City and its departments. No

construction, erection, reconstruction, improvement, repair, alteration, move, division or subdivision proposal for other than standard single family residences shall be implemented or commenced until said proposal has been approved by the Commission in accordance with this Code.

~~(6) To act as an appeals board for applicant(s) or person(s) who disagree with the requirements of the Community Development Department concerning design review issues which are not otherwise required to come before the Commission. Such appeals will be placed on the next available regularly scheduled Planning Commission meeting for which proper notice can be given and is submitted to the director in writing by the applicant.~~

~~(67) To adopt a Major Street Plan for Tooele City indicating the existing and proposed major streets, roads, and thoroughfares of the community.~~

~~(78) To amend, change and to delete or alter the Master Street Plan, from time to time as the Commission shall see fit, with the concurrence of the City Council.~~

~~(89) To review all redevelopment agency recommendations regarding the selection and designation of a redevelopment project area and project plans to make its recommendation regarding the selection and designation thereof to the City Council.~~

~~(949) In general, to have all powers as may be necessary or convenient to provide for, promote, and perform municipal planning.~~

All city staff personnel, private consultants, and planners shall be under the immediate supervision of the Director.

The Commission shall also have among its powers, the right and authority to enter upon any land, at reasonable times, to make examinations, surveys, or to place markers and monuments; to make reports and recommendations to the City Council or other public agencies and bodies, and the public in general, regarding the planning and development of the City. (Ord. 2004-10, 09-15-04); (Ord. 81-35, 01-07-82; Ord. 78-26, 10-26-78)

2-3-3. Organization.

There shall be seven members of the City Planning Commission, three of whom shall be appointed by the City Council, and four of whom shall be appointed by the Mayor. The City Council and Mayor may each appoint an Alternate Commissioner, to act with full authority for an absent Commissioner. The initial appointment shall be for staggered terms as determined by the Mayor. All appointments after the initial appointments shall be for periods of four (4) years each, beginning on January 1 of even-numbered years.

(Ord. 2006-09, 03-29-2006); (Ord. 2005-04, 02-0205); (Ord. 2004-10, 09-15-2004); (Ord 99-31, 12-01-99); (Ord. 79-03, 04-05-79)

2-3-4. Assignments to each member.

The chairman may assign specific areas of concern to each member of the Commission and said members of a subcommittee of such composition as the member and the Mayor shall see fit. The Commission member shall be the Chairperson of the subcommittee he/she is appointed to, and the subcommittee shall assist the commission member in the area of his special concern as designated by the Commission Chairperson. (Ord. 2004-10, 09-15-2004); (Ord. 78-26, 10-26-78)

2-3-5. Compensation.

The members of the Commission shall receive such salary and reimbursement for expenses as the City Council shall from time to time by resolution determine. Any subcommittee members appointed shall serve without compensation other than for reimbursement of out-of-pocket expenses incurred with the prior approval of the Chairman of the Commission. (Ord. 79-03, 0405-79)

2-3-6. Meetings.

The Commission shall meet at least once each month and all meetings shall comply with the Open and Public Meeting Law of the State of Utah, Section 52-41 et seq. Should any member of the Commission fail to attend three consecutive meetings without first having made arrangements to be excused, he shall be automatically ineligible for membership on the Commission; and his position shall vacate, to be filled by appointment of the Mayor in the manner heretofore prescribed. (Ord. 2004-10, 09-15-2004); (Ord. 78-26, 10-26-78)

2-3-7. Proceedings and records.

The Commission proceedings and records, the comprehensive plan, and the ordinances administered and enforced by the Commission shall be available for public inspection at all times during regular business hours. Copies of all ordinances shall be available for purchase at such cost as the Mayor shall determine to be adequate to reimburse the general fund for the cost of the preparation and administration of selling the documents.

The Director shall see that the Commission Secretary or other designee prepares the minutes of all meetings of the Commission and that the same are prepared and preserved by the Director. Minutes shall be deemed the official record of the meeting upon the approving vote of the Commission and the approving signature of the Commission chairperson or designee.

On or before the 31st day of June of each year, the Director shall present to the City Council and the Mayor an annual report covering the activities of the Engineer's Office and the Commission. (Ord. 2009-14, 10-21-2009); (Ord. 2004-10, 09-15-2004); (Ord. 78-26, 10-26-78)

2-3-8. Removal from office.

(1) Members of the Planning Commission serve at the pleasure of the appointing authority, whether the Mayor or the City Council. Members of the Planning Commission do not have a property interest in their position on the Planning Commission.

(2) Members of the Planning Commission may be removed from office by the appointing authority, whether the Mayor or the City Council, for cause. Cause shall include unprofessional conduct, dishonesty, insulting or abusive behavior, conflicts of interest that remain unresolved after notice, criminal acts, and malfeasance in office.

(Ord. 2014-06, 05-07-2014)

**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 Rachelle 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

DRAFT

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, February 7, 2018
Time: 7:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Steve Pruden
Brad Pratt
Dave McCall
Scott Wardle
Melodi Gochis

City Employees Present:

Mayor Debra E. Winn
Jim Bolser, Community Development and Public Works Director
Chief Ron Kirby, Police Department
Matt Johnson, Assistant City Attorney
Glenn Caldwell, Finance
Michelle Pitt, City Recorder
Lisa Carpenter, Deputy City Recorder
Paul Hansen, City Engineer
Randy Sant, Economic Development Consultant
Jami Carter, Library Director
Terra Sherwood, Assistant Parks and Recreation Director

Minutes prepared by Amanda Graf

Chairman Pruden called the meeting to order at 7:00 p.m. He welcomed the Tooele City School District Superintendent Rogers, Tooele County Sheriff Wimmer, and others in attendance. He also welcomed Boy Scout Troop 1513 who was in attendance.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Councilman McCall

2. Roll Call

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

3. Mayor's State of the City Address

Presented by Mayor Debra Winn

"Members of the Tooele City Council, department heads, staff, and residents of Tooele City; it is an honor and a pleasure for me to stand before you this evening to present the annual State of the City address.

During the past several weeks, I have made an effort to meet with all employees of the city. These individuals are exceptional people who are willing to not only do their jobs each day but they are aware that they are serving the public.

The main purpose of local government is to provide services to the people. These services include bringing clean water to your home and taking the dirty water away. We build streets, we collect your garage and most importantly we provide public safety through our police and fire departments. We provide recreational opportunities through our parks, golf course and aquatic center. We provide educational opportunities through our library. We ensure that new homes and businesses are constructed in a safe manner. I, the staff and the city council will be working together as a team to work for you.

As we perform the services that we are responsible for, our team has set a goal to work together to provide excellent customer service. Taking care of your concerns in a timely manner will be at the top of the list.

Our next goal is to work closely with the Chamber of Commerce as we support local businesses. We will be forming a plan to enable our city to become business friendly. I will be calling on business owners and residents to serve on committees as we work on this project. I will also work with the Chamber to renew the 'Come Together Campaign' to continue educating our residents of the importance of shopping local. This will also include the commitment of our businesses to providing the best customer service possible. I pledge my support to listen to our business owners and do all that I can to help them succeed. We will also welcome new businesses to our city and commit to easing the process of getting a business up and running. Our team will listen to all entrepreneurs who wish to experience the American dream.

Our Tooele City team has made a commitment to work together with all local government leaders. We understand how important it is that all Tooele County elected officials collaborate their efforts in behalf of all our residents. Our team will also continue our great partnership with the Tooele County School District and their leaders as we work together to educate the future leaders of our city.

Financial issues will always be a concern to myself and the council as we put together budgets each year. There is never enough funding to complete all projects that we would like to complete, nor will there ever be. We are not unlike any other city in the state. We must prioritize and listen to what is important to our constituents. To accomplish the goal of fiscal transparency we are asking for involvement from our taxpayers. We will be holding a town hall meeting where we will welcome all of you to come to city hall and learn about our budget process. We will also listen to your ideas and work together to incorporate those into the budget. During the weeks following the town hall meeting, the council and I will hold several public budget discussion meetings where you will be able to attend and watch your elected officials at work. As always, citizens may email me or the council at any time or give

us a call to discuss your concerns. All contact information is available on our website and will be included in the 90 North Main publication that is included in your water bill.

I would like to recognize the importance of the many volunteers who serve our community. Our city is a great place to live because of the involvement of civic organizations, non-profits, church congregations and leaders; and many individual volunteers who give of their time and talents.

The local chapter of the GFWC Ladies Community Club of Tooele will work with us to beautify our downtown this summer as we bring back the beautiful flower pots.

The Life's Worth Living Foundation and its supporters are currently conducting a fundraiser to place two beautiful bronze statues of veterans to be placed in our Veterans Memorial Park. These monuments will honor our veterans who have served our country and also remind us of their needs. Unfortunately, the number of veteran suicides increases daily.

Several youth and religious organizations have offered to help our city. I will be calling upon these groups to help clean up our parks and neighborhoods. We will be organizing a spring clean-up project to encourage residents to improve their property by cleaning up trash and working to beautify our city. We currently offer a bulk pick up once per month to enable you to get rid of large items that will not fit into the trash cans. We will be reminding residents of this service and encouraging all to participate. We will also welcome your ideas on what you would like to see or that you would help us with to make our spring clean-up a successful event.

I would like to take this opportunity to personally thank our employees. For several years after the 2008 financial crisis our country experienced, our employees received no step increases or cost of living increases; yet many of them stayed because of their willingness to serve. I am appreciative of their dedication and their commitment.

Thank you to the members of the city council. I am grateful for your support and for your enthusiasm to serve.

Last but certainly not least, thank you to all of the residents of our great city. Thank you for your support to myself and our team as we try to better serve you. Thank you to my beautiful family for all of their love, support and understanding as they allow me to spend much of my time serving others.

We are blessed to live in an incredible city. We will have great opportunities that will enhance our city and continue to improve our quality of life. As we face challenges in the future, we will face them together; elected officials, staff and citizens. Working as a team will enable us to be successful. I believe that it's the people that make our city great."

4. Public Comment Period

Chairman Pruden invited comments from the audience.

Joe Lidell came forward. About 35-40 years ago at approximately 18 West Utah Avenue he fell on an uplifted sidewalk and sustained an injury to his shoulder. About five years ago he fell in the same spot

on the sidewalk and injured the other shoulder. He expressed his desire to have the sidewalks taken care of so that the pedestrians can traverse the City in safety. He compiled a list of sidewalks that are in need of repair and gave them to the City recorder.

Chairman Pruden expressed his appreciation to Mr. Lidell for sharing his concerns.

Superintendent Roger expressed his appreciation to the City for their involvement in the lives of the Youth in the City. He thanked the government officials for the partnership they share with the School District.

5. **Resolution 2018-13 A Resolution of the Tooele City Council Acknowledging the Mayor's Appointment of Tyson Hamilton to the Planning Commission as an Alternate Member**

Presented by Mayor Debra Winn

Mayor Winn presented Tyson Hamilton as an alternate member to the Planning Commission. He is a local business owner who sells antiques. He has been attending Planning Commission and City Council meetings. He is currently serving as the Vice Chair of the Tooele City Chamber of Commerce. The Planning Commission has seven members and two alternate members.

Chairman Pruden asked the Council if there were any questions or concerns; there weren't any.

Council Member Wardle moved to approve Resolution 2018-13. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Chairman Pruden, "Aye," Council Member Pratt, "Aye," Council Member Wardle, "Aye," Council Member Gochis, "Aye." The motion passed.

6. **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 Terra Sherwood

Summit Energy LLC is a natural gas wholesale distribution company that proposes to sell discounted natural gas to Tooele City for the Pratt Aquatics Center. Calculations that were based on the consumption of natural gas at the Aquatic Center show that there will be a savings to the City if the natural gas was purchased at a wholesale rate.

To realize these savings, the City administration proposes entering into a contract for the sale and purchase of natural gas with Summit Energy LLC. Upon entering into the contract with Summit the City will need to enter into an agreement with Dominion for the use of their pipes. We also recommend entering into a contract with Big Energy for the installation of the required equipment for this.

Chairman Pruden expressed his appreciation to the Parks and Recreation Department for their hard work on behalf of the City.

Council Member Pratt moved to approve Ordinance 2018-14. Council Member Gochis seconded the motion. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Chairman Pruden, "Aye," Council Member Pratt, "Aye," Council Member Wardle, "Aye," Council Member Gochis, "Aye." The motion passed.

7. Minutes

Chairman Pruden asked the Council if there were any comments or questions about the minutes; there weren't any.

Council Member Wardle moved to approve the minutes from the meeting dated January 17, 2018. Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Chairman Pruden, "Aye," Council Member Pratt, "Aye," Council Member Wardle, "Aye," Council Member Gochis, "Aye." The motion passed.

8. Adjourn

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

The meeting adjourned at 7:27 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