

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

Date: Wednesday, May 1, 2019  
Time: 5:00 p.m.  
Place: Tooele City Hall, Large Conference Room  
90 North Main St., Tooele, Utah

**City Council Members Present:**

Steve Pruden, Chair  
Dave McCall  
Brad Pratt  
Melodi Gochis

**City Employees Present:**

Mayor Debbie Winn  
Glenn Caldwell, Finance Director  
Roger Baker, City Attorney  
Michelle Pitt, Recorder  
Jim Bolser, Community Development Director  
Steve Evans, Public Works Director  
Paul Hansen, City Engineer  
Darwin Cook, Parks and Recreation Director

Minutes prepared by Michelle Pitt

**1. Open Meeting**

Chairman Pruden called the meeting to order at 5:02 p.m.

**2. Roll Call**

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

**3. Discussion:**

- Tooele Small Business Development Center (SBDC) Update  
Presented by Jess Clifford

Jess Clifford expressed appreciation to Tooele City for their support and donation over the years. He stated that he was there to give an accounting of what has been done with the City's donation. He explained the SBDC's purpose as being a one-stop shop for anyone looking to grow or start a business. They would like to raise the number of successful small businesses in the Tooele Valley through training, mentoring and access to resources. They offer comprehensive services and assistance to develop the business economy.

Mr. Clifford talked about upcoming events and activities in the valley. He said that Tooele City could share in their research and resources.

The Mayor thanked Mr. Clifford for being accountable and open. She said she understood that helping businesses being successful helps our community and economy.

- Resolution 2019-39 A Resolution of the Tooele City Council Adopting the Budget Officer's Tentative Budget for Tooele City Fiscal Year 2019-2020, and Establishing the Time and Place of a Public Hearing to Consider its Adoption Presented by Mayor Debbie Winn

Mayor Winn stated that the Council had received a copy of the tentative budget. On June 19th, at 7 p.m., there will be a public hearing to consider adopting the final budget. A meeting has been set for a budget discussion on May 8th at 5:00 p.m. in the large conference room.

- Public Works on MWPP (Municipal Waste Water Planning Program) Presented by Steve Evans

Mr. Evans stated that the information included in the Council packet was a report that Ray Henninger, from the Water Reclamation Facility, put together for the City. Mr. Evans stated that the report indicates that the City is following the guidelines of the Department of Environmental Quality. Mr. Evans added that the City Council adopts the plans that are in place.

- England Ridge Subdivision Presented by Steve Evans

Mr. Evans explained that a developer is proposing that the City split the cost with him to finish the road from 810 North up to 520 East. The developer is going to insert a culvert structure in the Middle Canyon drainage ditch. The 36 inch line could take all the storm water from the north through the channel under the Middle Canyon ditch. The proposal for the road and drainage ditch is \$350,000, but doesn't include grading work. Mr. Evans said that the developer has to get with FEMA to get approval to grade that area. To include the grading, the actual amount could be \$400,000, with the City's portion being \$200,000.

Mr. Baker said that the City can't require the developer to do some of the improvements that have been described by Mr. Evans. The improvements would benefit England Acres, and the City as a whole. Mr. Baker added that the developers don't own all of this property, but are still willing to complete the improvements. Mr. Baker said that the City wouldn't have to do the curb and gutter at this time.

Mr. Hansen said that the Middle Canyon drainage is not currently owned by the applicant. City Staff has discussed with the developer two options, either developing within the FEMA flood zone and the City's flood zone, or the developer can choose to develop their property staying outside of those flood zones. The developers are asking to develop all of their property which requires them to get authorization from FEMA. Mr. Hansen added that it could be a very long drawn out process that would be undertaken by the applicant, at their sole cost. Mr. Hansen explained that the applicants don't want to go to that cost without consideration of the City's ability and willingness to share in the cost at this time. The only reason the City is considering this is because we own the adjoining property. Completing these improvements benefits both the development and the City.

Chairman Pruden disclosed that he lives there and has a personal interest in this matter. Steve Evans and Darwin Cook also disclosed that they live near this area.

Chairman Pruden wanted to make sure that if the City punches the road through, it gets completed. Mayor Winn added that the developer is asking the City to participate in the detention pond also. The detention area would be large enough to put 2 homes in that area. The developers are asking the City to allow them to pipe the water underneath the road and put the water on the City's property, as a detention pond. The developer would bear the cost for this, and is asking the City to allow the water to be diverted there. The area could be used as a dog park.

Mr. Hansen said that under current Code, the developer is obligated to complete 30 feet of asphalt which would not complete the City's park frontage all the way to 1000 North. The current proposal would only complete the full road width to the Middle Canyon drainage wash. At some point, the City would need to allocate additional funds as the park further develops, in order to complete the west side of the road on 520 East.

Mr. Baker recommended that, if the Council agreed to the cost sharing, that the City only commit to a cost reimbursement, with a cap on the amount. This would avoid the need for a development agreement. He further explained that the developer should put in the improvements, and the City reimburse. Mr. Hansen also recommended that this would be contingent upon a final approval of the subdivision.

Chairman Pruden asked for a plan showing where the parking lot drive approach would be, and asked Mr. Hansen for a cost estimate for this project to complete the road all the way to 1000 North.

- Water Rate for Right Hand Fork  
Presented by Steve Evans

Mr. Evans stated that the City has the opportunity to purchase water from Settlement Canyon Irrigation Company from Right Hand Fork. The irrigation company is asking for \$130 per acre foot.

Mr. Evans stated that in comparing rates with other entities, the City's rate is \$915 per acre foot, the largest purveyor in the valley is \$1100 per acre foot, and another source is \$1500 per acre

foot. Mr. Evans stated that the City can counter with another offer, if they choose. Mr. Evans added that they are about two weeks away from a spillover from the dam. Mr. Evans explained that there is a pipeline that can take the water to the City's station and pump it up to our tank. Mr. Hansen added that this line is tied to one of our culinary water storage tanks, and the water is approved by the Division of Drinking Water. The spring produces water year-round.

Mr. Hansen said that over 20 years ago the price was set at \$30 per acre foot. During Mayor Dunlavy's tenure, when it was last available to us, the irrigation company asked for \$60 per acre foot. He added that the asking price is not outrageous. It would save the City pumping costs and holds the City's ground water level in supply. Mr. Evans reiterated that right now the City is paying electrical costs to pump water. This option would give the City water without the need to pump it.

The Council agreed to the \$130 per acre foot.

- Accessory Dwelling Units  
Presented by Roger Baker

Mr. Baker stated that Mr. Aagard couldn't attend. The Ordinance in the packet includes the changes the Council and Staff requested at the last meeting. He stated that this is the fourth opportunity the Council has taken to discuss this important policy initiative.

Mr. Baker reviewed some of the changes that were requested, such as setting the minimum lot size for a detached ADU at 8,500 square feet, listing the same size of 8,500 square feet for an attached dwelling unit, and taking out the restrictions on using them as short term rentals. Mr. Baker said he would like to take this Ordinance to the Planning Commission in May. He asked if the Council would like to see any more changes in the proposed Ordinance. Council Member Gochis expressed a concern about making an ADU a business, as a rental unit or short term rental, such as an AirBnB. Chairman Pruden said that the building department probably won't get a flood of applications for this type of rental. If there are complaints generated from ADUs, the City can look at possible changes. Mr. Baker stated that if someone chooses to finance and build something like this and chooses to use it as a short term rental, the impact to the City's systems would be less because it wouldn't be occupied all the time. Parking would still be required, and bedrooms are still limited to two. He added that he didn't see a down side to allowing the owner to use the ADU as they wanted. Mr. Baker felt that the owner would get more of a return on investment as a long term rental rather than a short term. Council Member McCall expressed concern about enforcement, or how to monitor them. He worried about opening a door to allow people to take their RVs in the back yard and renting them out. Mr. Baker said that he has tried to address this on the Ordinance by not allowing anything mobile being used for this purpose. All ADUs will require a building permit to verify compliance with building codes and design; this will minimize the amount of enforcement needed after the fact.

It was decided to take the Ordinance forward to the Planning Commission in May, then to the Council on June 5th.

- Resolution 2019-37 A Resolution of the Tooele City Council Declaring Surplus Certain IT Equipment, and Authorizing its Disposal  
Presented by Michelle Pitt

Ms. Pitt stated that the City's IT department has cleaned out and organized the supply room. While doing that, they identified a number of items, including computers, and other IT equipment, that the City can neither use, nor need. A list of the items is attached to the Resolution. Ms. Pitt added that the Disposal of Surplus IT Equipment policy says that we need to keep the items for at least 3 months. During that time, IT uses parts from the items if they can. This equipment has met the time requirement, can no longer be used in any way by the City, and we are asking the Council to declare it surplus so that it can either be disposed of or recycled.

- Resolution 2019-38 A Resolution of the Tooele City Council Amending Golf Cart Fees  
Presented by Darwin Cook

Mr. Cook stated that this Resolution is before the Council to approve a change to the current golf cart fees, which haven't been changed for 10 years. This change will bring fees in line with the current market. The proposed change for 9 holes is from \$6/person to \$8; and 18 holes from \$12/person to \$16. It will generate an estimated \$112,000 in revenues.

- Subdivision Preliminary Plan for the Lexington Greens at Overlake Subdivision, Located at Approximately 600 West 1200 North in the R1-7 Residential Zoning District for the Purpose of Creating 192 Single-Family Residential Lots  
Presented by Jim Bolser

Mr. Bolser said that an application had been submitted for a preliminary plan for Lexington Greens. The Council had received the staff report and project drawings in their packet. The Planning Commission has reviewed this application and forwarded it with the additional condition that it be required to have fencing along 400 West to match the fencing in that area.

Council Member Gochis asked what the frontage landscaping strip would be. Mr. Bolser answered that it would be about 20 feet wide between the road and the lots. It is the developer's intent that this the frontage be landscaped and have green space.

He said that they aren't part of the North Tooele City Special Service District, and not required to have the same standards.

- Subdivision Final Plat for the Dow James Subdivision, Located at 438 West 400 North in the OS Open Space Zoning District, for the Purpose of Consolidating 4 Existing Lots of Record into 2 Platted Subdivision Lots  
Presented by Jim Bolser

Mr. Bolser stated that this plat handles the various properties and rights-of-way, and creates two lots. One lot is for the baseball field, and the other lot is for all the remaining park space. The

baseball field will be transferred to the Tooele County School District and the remainder of the area will be held by the City.

- Condominium Final Plat for Canyon Village – Rust Phase 1 Condominiums, Located at 1770 North 350 East in the MR-16 Multi-Family Residential Zoning District, for the Purpose of Amending the Canyon Village – Rust Phase 1 Subdivision Plat and Creating Condominium Units and Associated Common Areas  
Presented by Jim Bolser

Mr. Bolser said that Phase 1 and 2 have already been approved by Council. Phase 1 had several lots that were larger, and at the time the developer wasn't sure if they wanted to develop them as single-family lots, or as an attached residential product. Mr. Bolser indicated that the developers have decided they would like to do townhome plats for 24 units on those lots. It is currently zoned for multi-family residential, which fits with their request.

- Subdivision Final Plat for Sunset Estates Phase 8, Located at Approximately 400 West 2300 North in the R1-10 Residential Zoning District, for the Purpose of Creating 24 Single-Family Residential Lots  
Presented by Jim Bolser

Mr. Bolser stated that this is the final plat for Phase 8 of Sunset Estates. The Council recently saw this request for the preliminary plan.

- Building Permit Fees  
Presented by Jim Bolser

Mr. Bolser said that the Council received information about this item prior to the meeting. Mr. Bolser explained that there are three required non-City fees for every building permit: a plan review, review and a permit fee established by the building code, and a state surcharge fee. That fee is set by the State. The City has a limited flexibility in how the first two fees are calculated. The method of calculation of those fees is determined by a table from the 1997 Uniform Building Code. Currently, the City bases building permit fee amounts off the 2001 Building Code cycle. Mr. Bolser went on to say that the Building Code cycles go every three years. Soon it will be mandated that the City go to the 2018 cycle. Fees are dictated by the type of construction. The International Building Code has the number values for the equation to make sure that all the valuations are the same for everyone. There is a limited amount of flexibility because the City can decide whether to stay with prior Building Code cycle values, or update with the current Code cycle. The City is proposing to update to the 2015 code cycle, instead of staying with the 2001 code cycle. Mr. Bolser explained that the building permit fees are to help cover the cost of providing services. It is not something that is a money making adventure, but rather just trying to keep up with the cost of providing services.

Mr. Bolser indicated that Staff has spoken with Tooele County and Grantsville City who are currently using the 2009 cycle and transitioning to the 2015 cycle. It is the Administrative proposal to begin the new fees on June 1st. Mr. Bolser said that there is a notice posted in their

office so that everyone may be notified as they come in to the Community Development Department office and inspectors are talking with builders in the field to make sure they're aware.

- Rezone/Water Modeling  
Presented by Council Chair Steve Pruden

Chairman Pruden tabled this item.

#### **4. Close Meeting to Discuss Litigation and Property Acquisition**

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

The meeting closed at 6:12 p.m.

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

No minutes were taken on the closed meetings.

#### **5. Adjourn**

**Council Member Pratt moved to adjourn.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall "Aye," Council Member 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 15th day of May, 2019

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Steve Pruden, Tooele City Council Chair