

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

Date: Wednesday, December 5, 2018
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:

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

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
Andrew Aagard, City Planner
Paul Hansen, City Engineer
Randy Sant, 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

3. Discussion:

- 4th of July Funding

Chairman Pruden proposed allocating \$25,000 to the arts council from the PAR tax fund for the 4th of July entertainment. Mayor Winn said that this year's allocation was spent on the 2018 celebration. In order to pay for the 2019 celebration, an allocation would need to be made. Council Member McCall agreed that the City should allocate the money for an entertainer. He added that he would like to pay a little bit more to get someone that was good. The Council said that they would like to know who the City was contracting with, before the performer was signed. The Mayor indicated that Charlie Jenkins was looking for potential performers for the City. The Mayor indicated that Charlie Jenkins will be performing on the 4th after the parade.

Council Member Pratt said that the City always has a good 4th of July celebration. He said he felt it was appropriate to spend money on the celebration because the public voted for the PAR tax. Chairman Pruden said that he has received good comments from the public about the 4th of July festivities.

- Ranked Choice Voting

Chairman Pruden said that all the Council members have been receiving emails about ranked choice voting from the state. The Mayor indicated that in the packet there was a couple of pages from a seminar about ranked choice voting. She felt that the papers in the packet explained the process of ranked choice voting. The Mayor indicated that the County, who does the elections for the City, does not have the equipment needed for ranked choice voting, but could give us information or contact information for someone who has the equipment. She indicated that she would like to see how other communities like ranked choice voting before the City tries it.

Council Member Wardle said that he would like the County to know that not everyone liked mail-in voting. He added that even though there were live voting centers for the last election, they were backed up. Council Member Wardle added that some people were very concerned about whether their ballots were counted, discarded, or disqualified. Chairman Pruden said that Marilyn Gillette, Tooele County Clerk, was aware of the concerns. Council Member Wardle reiterated that people were complaining to elected officials. Council Member Wardle felt that, since a lot of money was paid to the County to run the elections, they should know about the City's concerns. Ms. Pitt said that she would talk to Ms. Gillette about it.

- Resolution 2018-67 A Resolution of the Tooele City Council Approving and Ratifying a Real Estate Purchase Contract (REPC) for 1,778 Acres of Property Located Near Vernon Town Presented by Roger Baker

Mr. Baker explained that state law requires all municipalities to have an ordinance governing the disposal of significant parcels of property, and to have a public hearing about that disposal. Mr. Baker added that the state allows the cities to decide which parcels are considered significant. Tooele City's ordinance says that all parcels are significant. Mr. Baker said that this disposal is unusual in that the property isn't within the City limits. Even though the property is outside of the City, we are still complying with state law by holding a public hearing.

Mr. Baker said that this sale should close in about two weeks.

- Resolution 2018-45 A Resolution of the Tooele City Council Approving an Interlocal Agreement with Tooele County for Solid Waste Disposal Presented by Roger Baker

Mr. Baker stated that he was asked to prepare an agreement with the County for tipping fees because there hasn't been a written contract in the past. Mr. Baker indicated that the agreement lists the tipping fee at \$36.00- \$37.00 per ton. Council Member Wardle expressed concern about the provision for an escalation of \$1 every year. He added that the last time this was discussed, the County had a recycling program, but they no longer have that. He said that he would like to know what the cost was to run that portion of the dump. Council Member Wardle said that he was concerned that the City may be overcharged. Mr. Baker said that the agreement was for a 2 1/2 year term, and \$1 per year increases. Chairman Pruden said that the County didn't explain or break out the costs in the contract. Council Member Wardle said he would rather go year-to-year and renegotiate the contract each year. Council Member Pratt said that the City had to spend a lot of time negotiating to get to the \$37 amount. He expressed concern that the \$1 per year increase would get the City right back to where it was before the negotiations. Council Member Wardle said that during the negotiation, the City found out that we were subsidizing Ibapah's tipping fees. Council Member McCall asked if the City was paying the same fee as other communities.

Mr. Baker indicated that he wrote the contract and put in the amount that the City was currently paying. The agreement was sent to the County in July, and they added the yearly increase. Council Member Wardle said he wanted to table this matter until the Council had time to get more information from the County. Mayor Winn said that she had asked City staff to request paperwork from the County. She indicated that she would like to know if the County is making or losing money in the solid waste department. Council Member Wardle asked what increase the citizens had to pay per year. Mr. Caldwell said that he could get that amount to the Council.

The Mayor indicated that she would look at the County's budget and expenses and would try to get the information for the December 19th Council meeting. Council Member Pratt indicated that he liked the contract but would like additional information.

The Council will table this item, and the toll booth resolution at tonight's Business meeting. The Council would like to get the tipping fee contract signed before approving and signing the toll booth contract.

- Ordinance 2018-16 An Ordinance of Tooele City Enacting Tooele City Code Chapter 5-27 Regarding Small Wireless Communication Services and Facilities in the Public Rights-of-Way,
- Resolution 2018-57 A Resolution of the Tooele City Council Approving a Form Franchise Agreement for Small Wireless Facilities in the Public Rights-of-Way,

- Resolution 2018-58 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Small Wireless Facilities in the Public Rights-of-Way,
- Resolution 2018-64 A Resolution of the Tooele City Council Approving a Form Pole Attachment Agreement for Small Wireless Facilities Attached to Tooele City Utility Poles in the Public Rights-of-Way,
- Ordinance 2018-17 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-24 Regarding Telecommunications Rights-of-Way,
- Resolution 2018-62 A Resolution of the Tooele City Council Approving a Form Franchise Agreement for Telecommunications Services and Facilities in the Public Rights-of-Way,

AND

- Resolution 2018-63 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Telecommunications in the Public Rights-of-Way
Presented by Roger Baker

Mr. Baker explained that the next few items were all facets of the same item, so he will discuss them all together. He stated that in the last meeting, the Council discussed and saw pictures of different types of antennas, and different types of light pole attachments. The state requires cities to allow the facilities on light poles. The state has decided it is a permitted use, but has allowed cities to form a small wireless communication service and facilities program. The program consists of an Ordinance. Mr. Baker further explained that the Ordinance he is proposing provides for two things: 1) Facilities in the City's right-of-way; and 2) Facilities located on City street lights.

Ordinance 2018-16 describes the ability of these companies and facilities to utilize the City's public rights-of-way, streets, sidewalk park strips, and curb and gutter. Mr. Baker further stated that they can't go on the sidewalk or in the street. The companies can also put up new light poles as long as they look the same as the current light poles. This program allows companies, in the form of a franchise, to use the light poles.

Resolution 2018-57 approves a form franchise agreement. Mr. Baker stated that the company has to sign agreeing to the franchise agreement. The franchise agreement requires insurance and describes how to handle damage to a City's pole while they are installing.

Resolution 2018-58 implements the fees that the state law allows the city to implement. Mr. Baker explained that it is not a significant fee. It designates a right-of-way rental fee, a utilization fee for the light poles, and a fee to process the application.

Resolution 2018-64 is in regards to the pole attachment agreement. Mr. Baker stated that the franchise agreement specifies the terms which companies can use the City's right of way. The pole agreement specifies the terms in which companies can attach to the pole, it can't be ugly, can't be dangerous, etc. Mr. Baker said that this was one item that was not in the packet because he was still working on drafting it. He said that he didn't know of anyone that has enacted a full program yet. He expressed disappointment in the league for not assisting cities in this requirement.

Council Member Pratt asked if these facilities extend above a light pole, in the City's right-of-way, and the City has something that impeded the antennae like a tree, whose responsibility is it to trim the tree? Mr. Baker answered that the agreement does address tree trimming. The franchise agreement's purpose is to address those types of issues. Mr. Baker said that he has tried to address every area that state law allowed him to address.

Ordinance 2018-17 is an Ordinance that is already on the books. Mr. Baker said that it governs utilities in the City's rights-of-way, but the new laws governing these are so specific that he felt that one should focus on small wireless facilities. Mr. Baker explained that there are small amendments in the existing chapter, which will not govern small wireless facilities because they have their own chapter. Mr. Baker added that the City can't regulate small wireless providers in a way that is discriminatory to other providers.

- Abatement of Abandoned City Facilities
Presented by Steve Evans

Mr. Evans showed pictures of Reservoir #3, Reservoir #2, and the old sewer plant, saying that they are all abandoned facilities.

Mr. Evans explained that when he first went to Reservoir #3, he found that someone had cut off the City's lock and a put on their own lock. The City cut off that lock, and put on a new lock. A month later, the City's lock was cut off again. The City put on another lock, and 36 hours later it was cut off again. Mr. Evans pointed out that there are confined space hazards and fall hazards at this facility. Mr. Evans said that the City purchased steel and welded the lid shut, hoping that it would keep people out.

Mr. Evans explained that Reservoir #2, across from La Frontea, had the hatch stolen off it which left an open hole on the top. The City has welded plates over the hole.

Mr. Evans said that at the old sewer plant there are fall hazards and confined space issues. The facility has a fiberglass cover that may give way if stood on.

The City would like to demolish these facilities. To demolish the reservoirs, they would collapse them in to themselves, haul the steel away then put in a gentle slope. As City crews do work, they'll place material on it and it will become native.

Mr. Evans indicated that Mountain States would like to take out the scrap metal out of the old sewer plant, at their expense. They would do an indemnity agreement to start the process. The

facility would be demolished in a similar manner as the reservoirs, of going two feet below the subgrade, crushing the material, and filling it in.

Council Member Wardle asked what the City would do with the property in 20 years. Mr. Evans said that the City would incur costs at a later date to take out the floor of the facilities.

Mr. Aagard indicated that he had been approached about developing the land at the old sewer plant. The company said that they would be willing to do their own clean up if the City would give them the property. The Mayor indicated that they asked those developers interested to bring back a proposal to the City. Council Member McCall asked about water flow through this property. He said that if the City was planning on allowing the water to flow through the old sewer plant, they may not want to allow development. Mr. Bolser said that one of the benefits of this site, was that there was an existing pump house on the site. He added that he didn't know if it was still viable, and that they would be starting over by trying to use it. Mr. Evans said that before the City liquidated any property, a ground water study would be done to see if the property was needed for future endeavors. Mr. Bolser said that an additional benefit to this property, was that it was a potential extension of Tooele Boulevard. He added that it could potentially accommodate both aspects of redevelopment and an access point for secondary water. Chairman Pruden said that, based on the proposal they receive from the person that wants to develop his area, they will discuss this further. Mr. Baker indicated that another developer has looked at the property as well, proposing to move their park to this area, at their expense, and then develop the current park area.

Mr. Evans indicated that the first priority is to get the metal out.

- Ordinance 2018-24 An Ordinance of Tooele City Amending Tooele City Code Section 7-1-5 Regarding Land Use Definitions, Establishing Section 7-2-20 Regarding Temporary Uses and Temporary Seasonal Uses, and Amending Table 1 of Section 7-14-3 and Table 1 of Section 7-16-3 Regarding Permissibility of Seasonal Uses, Temporary Uses, and Recreational Uses Within Various Zoning Districts
Presented by Jim Bolser

Mr. Bolser indicated that the City sees businesses come through with new business license ideas that cause the City to try to find ways to classify those businesses with current Ordinances. This Ordinance clarifies several provisions to make it more reasonable and feasible to address new business ideas as they come in. Mr. Bolser added that the City now won't try to lump businesses of these types in to other categories, and instead makes things clean and clear.

- Ordinance 2018-25 An Ordinance of Tooele City Amending the Moderate Income Housing Element of the Tooele City General Plan
Presented by Jim Bolser

Mr. Bolser said that having a moderate income housing element is a state mandated function that the City needs to do every two years. He indicated that credit for the housing element goes to Andrew Aagard and Richard Jorgensen because they put the plan together. In the past, the City

has piggy-backed on the County's Housing Authority's plan. However, the state now requires the City to do their own study. There is an obligation to have the plan approved by the end of the calendar year. Mr. Bolser said that the Planning Commission reviewed the plan and forwarded it with a positive recommendation.

- Providence at Overlake, Phases 3-6 – Preliminary Plan Request
Presented by Jim Bolser

Mr. Bolser said that the City has approved Phases 1 and 2 of this subdivision. Phases 3-6 are the next four phases, and coming to the Council as a preliminary plan request for about 100 single family residential units. The Mayor said that the first phase for Providence wanted to be part of the North Tooele City Special Service District. She asked if the other phases wanted to be part of the special service district. Mr. Bolser said that no such desire has been expressed to this point.

- Lexington Greens at Overlake, Phase 1 – Preliminary Plan Request
Presented by Jim Bolser

Mr. Bolser indicated that this development is across the street from the Providence development, and to the west. This phase is a preliminary plan for 17 lots. Chairman Pruden asked if it caused any problems for the future if the City wanted to put some limitations or restrictions on his next plan. Mr. Bolser answered that he didn't believe so because those phases would be a separate proposal. Mr. Baker added that the developer would have to find a way to get his water and sewer to the development.

- Land Use Policy, Transportation and Utility Modeling for the Overlake Area
Presented by Jim Bolser

Mr. Bolser said that this discussion was for two purposes: 1 - to update the Council on the application for a rezone near the railroad tracks on the east side along Berra Boulevard and Aaron Drive. The Council had requested that utility modeling and a traffic study be done. Mr. Bolser said that they haven't received the traffic study or the utility modeling information yet, but it is underway. 2- to look at and discuss an overall land use, transportation and utility policy for this area. Mr. Bolser said it was the staff's intent to provide the Council an update on the existing application and allow discussion on a grander scale on the modeling policy. Chairman Pruden said that the City was waiting for the traffic study before making a decision on their proposal. Mr. Bolser stated that the developer is aware that they need to do a traffic study.

Council Member Wardle said that he had gone through the Planning Commission minutes regarding on-street parking. He asked if there were policy considerations that could be looked at that would limit on-street parking. Council Member McCall agreed. He added that people parking on the street should get fined, and that the fine should be at a decent rate. He said that there is a problem enforcing on-street parking. Council Member McCall added that the City only has one enforcement person, who can't get to everyone. If the City is going to fine someone for on-street parking, it should be fair and be done the same across the board. Chairman Pruden

clarified that the code enforcement officer does not enforce parking. The code enforcement officer has jurisdiction from the curb outward. The police have jurisdiction for parking issues. Council Member Wardle said that one solution he thought of was to require certain parking regulations at certain times in the day. He said that Salt Lake does this. He added that the City could issue permits for those that live there. Council Member Wardle went on to say that the City is going to be pushed by the state for multi-family projects. The City needs to figure out how to get ahead of this so that the City is prepared for whatever is done on the development. Council Member Wardle reiterated that parking policies and enforcement for parking on City roads needs to be discussed. Chairman Pruden said that City staff discussed this issue in staff meeting. Chief Kirby talked about the fine being \$25, but if it is paid within a certain amount of days it's only \$10. Chief Harrison indicated that that the fine rate is antiquated. Council Member Wardle agreed that policy development needs to be done. Parking during winter months is an additional problem with snow plows not being able to plow the streets.

Council Member Wardle said that the City has put together committees in the past to look at concept ordinances, and may need to do that for this issue. Council Member McCall said that there were a lot of houses in the City that only have a single driveway, but have three cars so they don't have enough parking at their own home. Council Member Pratt added that there are areas in the City where parking on the street doesn't affect traffic flow, but other streets are narrow and parking on the street makes an impact. Mr. Bolser indicated that this item was intended to be a discussion for the Council.

Chairman Pruden said that after the first of the year, the City will look at putting together a committee. The Mayor stated that Mr. Baker is looking at putting something together as well.

- Resolution 2018-68 A Resolution of the Tooele City Council Approving an Agreement with Rocky Mountain Power for Required Electrical Work on the Police Station Site
Presented by Paul Hansen

This item was moved to the end of the agenda because Mr. Hansen was still speaking with the attorneys. Mr. Hansen was not able to join the meeting yet, so the Mayor presented this item. She indicated that a couple of months ago, invoices were brought to the Council for about \$100,000 to move power poles. The City is now adjusting the plan a little, leaving the overhead poles along the road, and amending the amount to about \$27,000. Mr. Bolser clarified that the poles that remain on the property will be changed to underground lines.

Council Member Wardle said he would like a discussion about how invoices are brought to the Council. He said that some invoices over \$20,000 are brought to the Council, and some are not. He indicated he looked at the ordinance on invoices, and it says that invoices over \$20,000 should be brought to them. He would like some clarity on the policy. The Mayor indicated that staff would bring something to them at their meeting on the 19th.

Mr. Hansen joined the meeting 6:10 p.m.

4. Close Meeting to Discuss Litigation and Property Acquisition

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

The meeting closed at 6:12 p.m.

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

The meeting recessed at 6:53 p.m.

The meeting reconvened in a City Council closed meeting at 8:33 p.m.

Council Member McCall moved to close the City Council closed meeting, and to convene the RDA closed meeting to discuss property acquisition and personnel. Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall “Aye,” Council Member Wardle “Aye,” Council Member Pratt “Aye,” and Chairman Pruden “Aye.”

The RDA closed session began at 9:06 p.m.

Those in attendance during the closed sessions were: Mayor Debbie Winn, Glenn Caldwell, Paul Hansen, Michelle Pitt, Jim Bolser, Steve Evans, Roger Baker, Randy Sant, Andrew Aagard, Council Member Wardle, Council Member Pratt, Council Member McCall, and Chairman Pruden.

No minutes were taken on these items.

City staff was excused from the meeting at 10:04 for the personnel discussion.

No minutes, and no recordings, were taken on this item.

5. Adjourn

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

The meeting adjourned at 10:54 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 19th day of December, 2018

Steve Pruden, Tooele City Council Chair

Brad Pratt, Redevelopment Agency Chair