

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

Date: Wednesday, February 13, 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
Scott Wardle
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
Andrew Aagard, City Planner
Steve Evans, Public Works Director
Paul Hansen, City Engineer

Minutes prepared by Michelle Pitt

1. Open Meeting

Chairman Pruden called the meeting to order at 5:03 p.m.

2. Roll Call

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

3. Discussion:

- Utah Open Meetings Act Training
Presented by Roger Baker

Mr. Baker explained that the Utah Open Meetings Act training is a yearly mandatory requirement for the Council. It is something that the auditors look for every year. Mr. Baker stated that the Council didn't need to receive training on the whole Open Meetings Act. This year he chose to highlight closed meeting requirements.

Mr. Baker said that a closed meeting needs to be noticed, the meeting needs to begin as an open meeting, then can be closed by 2/3 vote of the quorum.

Mr. Baker said that the items for a closed meeting don't have to be on the meeting agenda, but he recommends that they are included on the agenda. Mr. Baker reviewed the reasons a closed meeting can be held: to discuss real property purchases and sales, but only if it is tied to the value of the property that the City is anticipating buying or selling; the character, professional competence, or physical or mental health of any individual, usually designated as personnel; pending or reasonably imminent pending litigation; criminal investigations; and deployment of security personnel or systems. He added that the reason real property purchases and sales are discussed during a closed meeting is so that the price doesn't get disclosed, so that the City can try to get the best deal they can.

Closed meetings must be recorded unless it is a personnel discussion. If the discussion is based on personnel, and not recorded, an affidavit must be filled out by the Chairman.

Mr. Baker went on to list some things that cannot be done during a closed meeting: discuss the need to fill a mid-term vacancy, interview a person for a midterm vacancy, or approve an ordinance, resolution or contract. Mr. Baker clarified that the Council can discuss a real estate contract, but they can't approve it. The Council also can't approve an appointment to the Planning Commission, or department head, etc., but they can discuss the character, competence or physical or mental health of an employee.

- Berra Boulevard Zoning Map Amendment Request Discussion
Presented by Jim Bolser

Mr. Bolser said that the intent of having this on the agenda is to give the Council a status report, and allow the Council to discuss the application. If there was not a request for a Zoning Map Amendment, the development could begin today. Mr. Bolser added that the site is 55.78 acres, with an additional 1.99 acres of City property, which is landlocked by the site. The property is currently zoned R1-7.

Mr. Bolser stated that in September, the City received the application and it went before the Planning Commission in October. Under the original application, the developer requested to do two things. First, to add a PUD designation to 36.11 acres with the existing R1-7 zoning to help govern things like lot sizes and setbacks, but it would not increase the number of units possible. Second, is a rezone to allow high density residential (HDR) for up to 16 units per acre on the remaining 19.67-acre portion of this development as well as the 1.99 acre landlocked City parcel. The concept plan for the original application showed single-family dwellings in the PUD area with an area of townhomes in the middle of the site and apartments toward the east end.

Mr. Bolser stated that on February 1, 2019, the developer exercised their right to submit a formal request for a revision to their application. This revised application now proposes to have 36.11 acres assigned to the R1-7 PUD for single-family dwellings and the remaining 19.67 assigned to the HDR zoning district for apartments, with the townhome area being removed from the concept plan, and the 1.99-acre City parcel still proposed for the HDR zone.

Mr. Bolser described the differences in development potential between the existing zoning for the site, the original application's proposed zoning changes, and the revised application's proposed zoning changes.

Council Member Gochis asked if an additional traffic study should be done. Chairman Pruden said that two traffic studies had been submitted, one from the homeowners, and one from the builder. He said that the results are mixed, and don't mesh. Mr. Hansen said that the City received an estimate for a City sponsored, independent traffic study at \$5,000 from Hales Engineering. The price for the estimate has been revised to \$8,500 to include the future high school, hospital, a wider area scope of the city, etc. This would also include analysis for the 20-40 year plan. Mr. Hansen reported they could have a draft of the traffic study back to the City within three weeks. Council Member McCall felt like the City should get the independent traffic study done. He felt that the entrance on to SR36 needed to be fixed whether this rezone was allowed or not.

Council Member Gochis indicated she would like to move forward with another traffic study, with the 20-40 year plan. Council Member Pratt stressed that he was in favor of development in this area, but realized the responsibility to look at what might be caused with that development. He also expressed concern about providing services to this area if emergency vehicles were not able to get in and out.

Council Member Wardle asked Mr. Aagard what impact a multi-family development has compared to a single family. Mr. Aagard said that there wasn't much of a difference. Council Member Wardle said he would like to have a meeting with the hospital to include a Council member, the Mayor, and a representative of the hospital about what they would like to see done about the entrance. He added that a traffic study by itself, without the hospital's input, may not make much sense. Council Member Wardle said that he liked that growth would happen in this area, and that the City is anticipating and expecting it, but they are concerned about safety.

Council Member McCall agreed that they should meet with the hospital, but also with the Maverik, the owner of the care center, and the superintendent of the school district. The hospital only has one way in and out. Most other hospitals have more than one way in and out. He felt the hospital may have an idea of another access.

Council Member Wardle said that Stansbury High School has only one way in. If the new Tooele school's entrance was on 400 West, it may alleviate traffic in that area.

Mr. Hansen suggested the traffic study be done first, before meeting with the hospital and others. He felt the traffic study might have recommendations which could be then discussed with hospital, service station and others.

Chairman Pruden summarized that the City will try to get the independent traffic study done, by the March 6th Council meeting. Mr. Hansen cautioned that it would take approximately three weeks for the traffic study, which would be March 6th, so it may not be ready for discussion at the March 6th meeting. Chairman Pruden directed staff to communicate with the developer on whether or not this would be able to go to Council at that time.

- Ordinance 2019-01 An Ordinance of Tooele City Amending Tooele City Code Section 4-8-2 Regarding Street Construction Standards and Tooele City Code Chapter 4-11 Regarding Obstructions Within Street Rights-of-Way Presented by Jim Bolser

Mr. Bolser stated this Ordinance had been discussed with the Council in the past. He explained that the current City Code has a limitation of the allowable length for cul-de-sacs. This proposed Ordinance says that in certain situations, the Public Works Director, Steve Evans, has the ability to make findings based on certain criteria to allow longer cul-de-sac lengths. The criteria is intended and designed to be limiting. One of the adjustments to the original text of the proposed City Code language resulted from a recommendation from the fire department. In the case of a structure fire, at least two engines would respond. In a shorter cul-de-sac, the current length allows them to do what they need to do with a third engine positioned at the entrance to the cul-de-sac. A longer cul-de-sac would require all three engines to be in the cul-de-sac and the turnaround area would need to be increased to allow the fire trucks more room to turn around and maneuver.

Mr. Bolser said that the second part of this proposed Ordinance is about obstructions. Once a development is constructed and homes are being built, there are oftentimes large dumpsters placed in the right-of-way; or large storage containers are placed while people are moving in. Both of these things can, and have caused damages to the roads, sometimes by taking chunks out of the road. They also cause visibility and safety hazards for passing vehicles. The proposed Ordinance requires that the dumpsters or packing containers be placed on the property and out of the right-of-way.

Chairman Pruden said the larger turnaround area also includes a bigger radius for snowplows to turn around. Mayor Winn said she met with Fire Chief Harrison, who indicated that as long as there are enough fire hydrants, looping, pressure, and they meet the required specifications, the length could be extended. Chairman Pruden said that the fees must be paid in a timely manner, or they will not be allowed to go forward on the project. Mr. Bolser said that their office does not accept applications unless they are complete, which includes that fees are paid.

Mr. Baker stated that public works, engineering, community development and the legal department all met to provide these proposed limited provisions for development when there is no other way around it.

Council Member Wardle asked if other cities allowed the large dumpsters and containers in the rights-of-way. Mr. Bolser said that he knew of multiple cities that required them to be placed on the property rather than the right-of-way. Mr. Aagard added that it was a sound requirement.

Council Member Gochis asked if there would be a limit to the length of time that a dumpster can be placed on their property because it could become an eye sore. Mr. Bolser stated that timing was not being addressed with this proposal but may be that this might be addressed in another section of the Code. He said he would research it.

- Resolution 2019-12 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Providence at Overlake Phase 2 Subdivision
Presented by Jim Bolser

Mr. Bolser stated that this is a request to accept part of the public improvements. The public landscaping portion and a certain amount of street lights have not been completed. Mr. Bolser said that street lights are one thing that City Code doesn't allow to be postponed. The applicant is requesting, due to a delay of getting parts and supplies, to delay the requirement so that the developer and building can move on with recording the plat and getting building permits issued to begin building homes while waiting on those parts to come in. The developer has bonded for both the landscaping and street lights. Mr. Bolser explained that the City allows developers to bond for, and delay the landscaping because of winter conditions, but the City has not allowed delaying street lights or other public infrastructure before. Mr. Baker stated that the City has allowed acceptance of public improvements to be split into two resolutions in the unique circumstance in Copper Canyon where the subdivider bonded for trail improvements; these trail improvements were accepted separately from the subdivision's other improvements.

Council Member Wardle asked if this type of exception should be written in the Code, since it currently isn't included. Mr. Baker answered that there was nothing in the Code prohibiting issuing building permits, if all the public improvements are done. Council Member Wardle said that this was a parts issues, not a lack of trying issue. Mr. Bolser added that it was his understanding that the developer's supplier dropped the ball and the parts are now backordered.

Council Member Gochis stated that if the project was bonded, it would be taken care of. There was a question of who monitors the bond. Mr. Bolser said that he would coordinate with the attorney's office for the release of bonds.

Council Member Wardle said he was reticent to allow exceptions to the Code. Council Member McCall said that there may be an issue if the City is told that the parts are on order, but they are 20 weeks until they are delivered. He asked how long the City was willing to wait. Council Member McCall added that other developers have been able to complete their phase and then move on to the next one. He didn't want the City to pick and choose who is allowed exceptions. He said that it wasn't the City's fault when the developer wasn't able to get their parts. The City needs to stay focused and enforce the Ordinance.

Council Member Wardle felt that the Code shouldn't penalize a builder. He added that if the exception is allowed, the burden of proof should be on the builder to prove that the parts have been ordered. Mr. Baker said that the City could make this allowance, but would need to have the new Code written. Council Member Gochis said that the lights are unique in the Overlake area. She knows that the lights and parts are hard to get.

Mr. Baker said that he could efficiently prepare language for a new Code. He said that he needed the Council to think about public improvement bonding as not tied to building permits to build. He said the bonding was to get the improvements done within the City's time frame. He emphasized that the City does not bond to issue building permits. If the two were connected, the City would essentially be saying that houses can be built before public improvements are completed; or telling people that your house is built, but you cannot move in because the improvements are not put in. Historically, the City Council has been unwilling to shift this burden from the developer to the home buyer, and that is the policy contained in the City Code.

Council Member Wardle asked City staff what their recommendation was. Mr. Bolser said that he felt the staff's hands were tied in this case and they had followed the Ordinance. Mr. Baker stated that the proposed Resolution was lawful, and if approved, the developer could record the plat and sell lots. Mr. Baker said that there was not a concern about accepting the public improvements that are complete, and the remaining improvements are bonded for. Mr. Baker clarified that a plat can be recorded when all the public improvements are accepted by the City Council or bonded, or a combination of the two.

Council Member Pratt expressed concern about the term "accepting completed improvements" when they were not complete. He said the landscaping issue was understandable in winter, and it is not a public safety issue. He said he has a severe worry about public safety. If the City moves forward with the development with bonding in place, the City needs to have something from the developer to say when those improvements will be put in. He indicated he was not opposed to writing in an allowance for an exception under this circumstance, with certain criteria. Council Member Gochis also expressed concern about what acceptance meant. Mr. Baker explained that the improvements have been completed, inspected, and certified that they have been inspected.

Council Member Wardle proposed that this be postponed until next week's meeting to allow an Ordinance change.

The developer asked if the lights could be included as landscaping, since they are in the landscape area on 400 West.

Chairman Pruden said he realized that an exception can't be made for one development. He asked staff to write something for the Council meeting next week.

The developer asked if they could pull building permits with the landscape bond. Chairman Pruden said that as it was now, no.

- Resolution 2019-13 A Resolution of the Tooele City Council Approving and Ratifying a Contract with Middle Canyon Electric for Installation of Underground Conduit and Related Facilities for Rocky Mountain Power and Xfinity/Comcast for Construction of the Police Station at 50 North Garden Street
Presented by Paul Hansen

Mr. Hansen stated that an email was sent out to the Council two weeks ago asking that the contract be awarded so that contractors could begin work on this project, and the response was unanimous. The contract is for \$24,132.00. Mr. Hansen said he was going to ask for two change orders: paying for additional trench work and a pipe at \$1,600, and \$3,000 for backfill because the snow has compromised the backfill. Mr. Hansen added that even with the modifications, the total price is still half of what the other contractors bid.

- Resolution 2019-14 A Resolution of the Tooele City Council Approving and Ratifying a Contract with Broken Arrow Construction for Asbestos Abatement and Demolition of an Existing Structure Located at 59 North 100 East
Presented by Paul Hansen

Mr. Hansen said that he had solicited the Council by email, and the response was unanimous, to approve this contract to begin the asbestos abatement and demolition. Mr. Hansen indicated that Broken Arrow is currently working on the asbestos abatement, and Monday, the 19th they will commence demolition of the building.

- Resolution 2019-11 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Peterson Industrial Depot Water Line
Presented by Paul Hansen

Mr. Hansen stated that Peterson Industrial Depot has a rail service that serves several businesses. They want to add an additional rail spur line that will cross the City's water line, and have installed a steel casing to protect the existing water line. The work has been completed and inspected.

- Resolution 2019-15 A Resolution of the Tooele City Council Declaring Surplus Certain Technology-Related Equipment, and Authorizing its Disposal
Presented by Michelle Pitt

Ms. Pitt stated that the library has included a list of technology-related equipment that is out of date, and can't be used for parts. The library would like to dispose of the property, by recycling what they can, and disposing of the rest.

- Middle Canyon Toll Booth
Presented by Roger Baker

Mr. Baker said that the County is asking that the Middle Canyon Toll Booth Agreement not be held up while the City considers the tipping fee agreement. The Mayor added that Rocky Mountain Power will not start on this project until the agreement is signed. Chairman Pruden felt that the toll booth would help to get the canyon secured. Mr. Baker indicated that it was a perpetual lease, with no monetary value or termination. If the County breaches the lease, the City can terminate it.

- Tooele Valley Museum Dock Project

Presented by Mayor Debbie Winn

This item was tabled.

- Irrigation Company Water Shares
Presented by Steve Evans

Mr. Evans stated that the Settlement Canyon Irrigation annual shareholders meeting is March 5th in the County courthouse auditorium. Their board members are Bob Clegg, Ned Bevan and Mike McCoy. Mr. McCoy's seat is up this year which provides an opportunity for the City, as the 2nd largest shareholder, to possibly have a seat on the board. The City has 16% of the shares. Mr. Evans stated that Bob Clegg asked him to notify the Council that Tooele City had an employee on the committee through the 1970s. In the 70s, Mayor George Diehl told Mr. Clegg that the City agreed to no longer have an employee on the board. No one else remembers this agreement. Mr. Evans said that having a board representative from Tooele City would greatly influence a partnership with Settlement Canyon, and the culinary water use in the summer. When there isn't enough irrigation water, they start irrigating with culinary water causing a huge strain on the City's system. He felt that a partnership was needed.

Council Member McCall felt that the City should try to get someone on the board. Council Member Wardle stated that he had a conflict because he owns shares. Mayor Winn and Council Member Gochis also have shares. Council Member Wardle suggested that a representative of the City should not serve on the board if they own shares. It was suggested that the Public Works Director be the board member because it takes the politics out of it. The Mayor felt that the City would be a great asset to the board, had great resources, and would make a great team member.

Council Member Wardle asked if being shareholder was a conflict. Mr. Baker answered that it wasn't a conflict because he would be voting as a private shareholder.

The Council agreed that the Public Works Director should try to become a member of the board.

- RDA Resolution 2019-03 A Resolution of the Redevelopment Agency of Tooele City, Utah ("RDA") Approving a Contract with RS Contract Management for Policy-Related Economic Development and Redevelopment Services
Presented by RDA Chairman Brad Pratt

This item was tabled.

4. Close Meeting to Discuss Litigation and Property Acquisition

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

The meeting closed at 6:46 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, Council Member Wardle, Council Member Pratt, Council Member McCall, Council Member Gochis, and Chairman Pruden.

No minutes were taken on the closed meetings.

5. Adjourn

The meeting adjourned at 7:08 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 20th day of February, 2019

Steve Pruden, Tooele City Council Chair