

**Tooele City Council, the  
Redevelopment Agency of Tooele City, and the  
Municipal Building Authority  
Work Session Meeting Minutes**

Date: Wednesday, April 17, 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, joined the meeting at 5:05 p.m.

**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

Darwin Cook, Parks and Recreation Director

Kami Perkins, Human Resource Director

Ron Kirby, Police Chief

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

Melodi Gochis, Present

Chairman Pruden announced that the Council has been re-invited to be on the Council of Aging board. It was decided to appoint Council Member Pratt to that board.

Chairman Pruden reminded the Council about the phone carrier change over to Verizon next week. Administration has been asked to bring in their I-pads on Tuesday, April 23rd, between 3-4 p.m. in the Council Chambers.

### **3. Discussion:**

- FY20 Labor Cost Projections  
Presented by Kami Perkins

Ms. Perkins handed out updated information because the figures had changed since she provided information for the packet. She indicated that she will be presenting information about the HR Department budget later tonight, but at this meeting she is assisting the Finance Department by providing information about labor costs and benefits.

Ms. Perkins presented a staff report, comparing 2017 to 2018. This comparison shows that the City had a few more employees in 2018. Ms. Perkins also talked about a wage comparison. She pointed out that last year the City increased pay for lower paid employees in order to try to stay competitive.

Ms. Perkins stated that the turnover rate has been steady between the two years. The police force turnover was slightly down over a five year average. In 2018 the City's turnover was at 19%. She said that the City continues to look at this area to see how we can stay competitive. Chairman Pruden asked Chief Kirby if the police department is fully staffed. Chief Kirby answered that they have four officers that are in training or in the military. They need two more officers to be fully staffed.

Council Member Gochis joined the meeting at 5:05 p.m.

Ms. Perkins listed some of the City's challenges: low unemployment which makes it difficult to fill jobs; a blue collar draught which affects positions such as public works; public safety recruitment and retention; retaining and attracting employees for lowest paid positions; trying to raise the entry rate to \$10.20; inflation; increased benefit costs; requests for additional staffing; and economic uncertainties.

Ms. Perkins mentioned that labor projections are difficult to predict. The City is still looking at what insurance costs will look like for next year. The City is trying to get bids so that good options are offered to employees and the City. Life insurance should not increase and costs to the Utah Retirement System have stayed steady.

Ms. Perkins said that every two years she does a comprehensive market study for a possible increase, or COLA. She looked at many other organizations to see what type of increase they offered, some of these include: consumer price index rose by 2.4%, social security income 2.8%

increase, URS 2.4% increase, Tooele County 1.2%, State of Utah 2.5% increase, and Grantsville City 2.5%. For every 1% increase the City provides, it costs the City \$110,000.

Ms. Perkins said the Administration is suggesting that lower paid employees receive a higher COLA than those on the top end, and showed examples of those increases on the current pay scale. Her scenario would generate an increase in costs of about \$515,857. Ms. Perkins explained that this included merit-based step increases, picking up a greater portion of a grant for a police officer, additional staff, and the golf pro's status.

An increase in the fire department benefits would result in additional costs of \$406,459.

Ms. Perkins went on to say that last year, it was discussed that the City contribute more in to the employees' 401K contribution, but the timing may still not be right. Administration is proposing the contribution stays at 2%.

There are some reimbursements of costs: the school district pays 75% of the school resource officer salary, and we have had some grants that have paid a portion of officers' salaries. Council Member Gochis asked if there were more grant opportunities available for officers' pay. Chief Kirby answered that he is working with the school district on a grant for another officer at Blue Peak that would offset the cost to one of the officers that he is requesting. He said he hasn't seen a new grant recently for hiring.

Council Member McCall stated that people don't realize how important water department employees are, because they are controlling the water. He said he felt like they should be paid more. Council Member McCall added that we need to make sure we're not being frugal in the wrong areas. Ms. Perkins said that the entry rates would be adjusted to help in those area, and certifications can help water employees to move up the pay scale.

Ms. Perkins informed the Council of the City's Spring Cleanup Day where employees are helping at the Railroad museum. She invited the Council to also come on that day.

- Resolution 2019-34 A Resolution of the Tooele City Council Re-Approving and Readopting Resolution 2017-18 Approving the Annexation of 49 Acres of Additional Sunset Estates Property into the North Tooele City Special Service District  
Presented by Michelle Pitt

Ms. Pitt explained that in April of 2017, the Council approved Resolution 2017-18 annexing Sunset Estates in to the North Tooele City Special Service District. Utah State Code says that within 30 days of the Council passing a Resolution to annex, the City must provide to the Lieutenant Governor a copy of the final entity plat. The City has only recently received the local plat for annexation, so it is necessary to readopt Resolution 2017-18.

- Ordinance 2019-11 An Ordinance of Tooele City Amending Tooele City Code Chapter 10-3 Regarding Parking in the Public Rights-of-Way  
Presented by Roger Baker

Mr. Baker stated that last fall the Council asked the Administration to look at the legal authority to tow vehicles that are in violation of City's parking laws. A special concern is vehicles parked on the street during snow storms, affecting the City's safety in plowing the streets, and causing ineffective plowing of the streets. While looking at those provisions, Mr. Baker indicated that he reviewed the entire chapter, which had not been done since 1990. He stated that the definitions of the Code have been updated. In this amendment, he researched towing authority as outlined in State Code, and looked at Salt Lake City parking ordinances. He found that the ability of a municipality to tow a vehicle from a public street is linked to public safety concerns. If that vehicle is a threat to public health and safety, then it is lawful to have the vehicle towed. If a vehicle is just an irritation, it may exceed state authority to tow. Mr. Baker went on to say that this Ordinance hasn't provided an expansion of towing authority. It allows towing if there is an obstruction to those who use the right-of-way, an obstruction of an emergency vehicle to travel the right-of-way including a snow plow, a risk to public safety, or if the vehicle is abandoned. Council Member Wardle asked what the standard of abandonment was. Mr. Baker explained that abandonment meant a situation in which a totality of the circumstances indicate that the vehicle is abandoned. It is difficult to put those circumstances in the City Code where they will be different in every situation. Mr. Baker indicated an example of where a vehicle has been on a road for at least two months with two flat tires. He said that it was hard to include all examples in the Code.

Mr. Baker indicated that he worked with Chief Kirby and Steve Evans on this Ordinance. Council Member Wardle asked about the fine, and if the amounts could be switched so that if the fine was paid within 15 days it would be a certain amount, then increase it if it was not paid within that time frame. Mr. Baker said that the current fine was \$25.00. The new default fine would be \$100.00 unless it is quickly paid, then it would be reduced to \$50.00. He added that the financial clerks would decide if it could be reduced, and whether it was within the time line. Council Member Pratt said he liked the increased amount if it is not taken care of in a timely manner. Mr. Baker stated the fine could be structured either way, depending on Council preference. Council Member Wardle indicated his preference for a \$50 fine, increased to \$100 if not paid within 15 calendar days.

The Mayor stated that they had an incident where someone was parking his trailer on the street and that person said that paying the \$25.00 fine was less than paying storage fees. After some discussion the Council agreed to a fine of \$50.00, to be paid within 15 calendar days, with an escalator to \$100.

- Accessory Dwelling Units (ADUs)  
Presented by Roger Baker and Andrew Aagard

Mr. Baker stated that he prepared a new draft of the ADU Ordinance which includes the Council's and Staff's feedback from the prior meeting. The new draft Ordinance includes a minimum lot size of 10,000 square feet for a detached ADU, regardless of the zoning district. It breaks out minimum and maximum ADU sizes by ADU type, requires ADUs to have connections to the water and sewer mains through shared laterals with the primary dwelling, distinguishes ADUs from short-term rentals, and provides that ADUs can't be used or rented as

short-term rentals. It requires one parking stall per ADU bedroom. ADUs are capped at two bedrooms. The Ordinance clarifies what would happen if a lot containing an ADU is subdivided, and requires the ADU to stay on the lot with the primary dwelling. It prohibits an ADU from becoming a primary dwelling, and adds a violation, penalty, and appeal section.

Mr. Baker shared a three minute video provided through the League of Cities and Towns regarding ADUs from Salem, Oregon.

Mr. Aagard showed an example of a 7,000 square foot lot, with a 1,500 square foot primary dwelling and an 800 square foot ADU. In this scenario, it would leave enough room for the ADU and a shed. Mr. Aagard said that this demonstrated that an ADU can function on a 7,000 square foot lot.

Chairman Pruden said that regardless of what the minimum lot size is, ADUs still have to meet the setback requirements. He felt like 7,500 square feet was a fair number. Mr. Baker added that they could decrease the setback, similar to what is done for a shed. Council Member McCall expressed concern when someone wanted to subdivide the lot after an ADU was constructed, because then the property owner wouldn't have to pay impact fees. The City wouldn't be getting impact fees, even though the City would be impacted by the ADU's use of water and sewer. Mr. Baker said that they weren't recommending waiving the impact fees completely. The drafted policy recommended that the impact fees for ADUs be 50% of the impact fees for the primary dwelling. Mr. Baker explained that the reasons for lesser fee was that ADUs are smaller and accessory in nature, there is an assumption that fewer people will live there, and the amount of yard to be watered will be lessened. Mr. Baker added that he was recommending that there not be a conveyance of water rights because they have already been provided for by the primary residence. Mr. Baker drew a scale on the white board, with ADU costs on one side and ADU impacts on the other. The policy question for the Council is how to balance ADU affordability with ADU impacts to the Cit. The draft Ordinance is the City Administration's policy recommendation for this balance.

Council Member Wardle felt more comfortable with the 10,000 square foot minimum. Chairman Pruden suggested an 8,500 minimum lot size to split the difference between 10,000 and 7,000 square feet. Council Member Wardle felt that the City shouldn't dictate to the property owner that they can't do a short-term rental. Mr. Baker said that the reason this draft recommended not allowing short term rentals is because this Ordinance was a tool to close the short fall on affordable housing and short-term rentals would not help close the housing gap. Council Member Gochis said that it was hard to regulate short term rentals, because it generates issues such as determining whether it is still a home or if it is now a business. Mr. Baker stated that the City allows people to rent their primary residence. Council Member Wardle felt that millennials don't go to hotels, they stay at AirBnBs, and VRBOs. He didn't want to create something that may have an unintended consequence.

After some discussion, the Council decided they would like to see 8,500 square feet as a minimum lot size for detached and attached ADUs. Mr. Baker will bring back a draft Ordinance to the next work meeting.

- Parade Guidelines  
Presented by Roger Baker

Mr. Baker explained that he attended a Special Events Risk Management webinar sponsored by the Utah Local Governments Trust. The webinar confirmed Mr. Baker's prior advice that candy should only be distributed from parade walkers and never from a moving vehicle. He also recommended that no riders be in the bed of pick-up trucks. The Council agreed.

The Mayor will advertise, and it will be included in the rules, that anything thrown such as candy, frisbees, or balls must be distributed by walkers instead of from a float or moving vehicle.

- Ordinance 2019-09 An Ordinance of the Tooele City Council Amending the Tooele City General Plan Land Use Map for Various Properties Located Throughout the City to the Medium Density Residential and High Density Residential Land Use Categories and Renaming Referenced Zoning Districts  
Presented by Jim Bolser

AND

- Ordinance 2019-10 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Various Properties Located Throughout the City to the MR-8 Multi-Family Residential, MR-16 Multi-Family Residential, and MR-25 Multi-Family Residential Zoning Districts  
Presented by Jim Bolser

Mr. Bolser indicated that about a month ago the Council adopted new multi-family zones and provisions for the City. At the time the changes weren't put on the map. These Ordinances change the Land Use Map of the General Plan, and the Zoning Map to specifically reference these new zones. Anything that's currently HDR on the Zoning Map will be reassigned to MR-16, and similarly from MDR to MR-8. The also provide an opportunity for the Council to look at other areas of the community to see if they should be assigned to these new zones. Mr. Bolser stated that the Planning Commission has recommended projects such as the neighboring apartment complex to 100 East, and project near Dow James to be reclassified. Mr. Bolser stated that these Ordinances also provide for a future planning effort for 1000 North where there is an existing area wedged between light industrial and R1-8 that is zoned RR-5.

Chairman Pruden stated that he would like to discuss the 1000 North planning at the second meeting in May. Mr. Bolser suggested that the Council, at their business meeting, indicate that they would like to approve the Ordinances without the 1000 North portion.

- Skyline Vista Concept Plan  
Presented by Jim Bolser

Mr. Bolser pointed out that there were members of the public in attendance to discuss an opportunity to develop a parcel across from the cemetery. They have submitted a concept plan for townhomes and apartments on that parcel. Mr. Baker asked if this would require a rezone. Mr. Bolser said that it would. Council Member Wardle asked how it met the concerns of the Staff about slope. Mr. Bolser said that they have largely met those concerns now, when it didn't before. He added that there are design elements that have not yet been addressed, but until they get in to the design work, those concerns will remain.

Chairman Pruden stated that the City owns Little Mountain with the exception of this property. He asked if there was liability if a boulder from the City's property came off the mountain. Council Member McCall said that it looked like they were not cutting in the mountain like they were before, and felt it was a good use of that area.

Council Member Pratt asked if the developers would be required to finish curb and gutter along Skyline. Mr. Bolser said that they would have to do the public improvements, and extensions of water and sewer. Council Member Wardle said he liked it, and added that it could spur development on the corner, where La Frontera is, for commercial development. Council Member McCall felt the City needed to look at the safety of that intersection.

Council Member Gochis asked if it would be a private drive, and if so, would it allow access in case of a wildfire. Mr. Bolser said that if there was a wildfire, the fire department will use the drive, private or not. He added that the developers would have to design the drive to meet the minimums for a fire truck. Council Member Gochis asked about the number of parking stalls to each property. Developers answered that they would put in as many as were required by the parking ordinance, and said that the townhomes have garages. They added that there would be visitor parking as well.

Council Member Pratt said that the road would provide a fire barrier between the mountain and the residences. Mr. Hansen said that, as a matter of policy, this would require a rezone, and they are also required to look at water and sewer capacities.

The developers said that they set this up as the City requested with the fire safety and to limit impact. They also thought of the impact it could make on downtown Tooele. They may be open to creating a dog park. They indicated they have tried to meet all existing codes.

Council Member Gochis stressed her concern with a possible fire in that area.

- Minor Subdivision Final Plat for the Mountain View Meadows Subdivision, Located at 560 South 50 West in the R1-7 Residential Zoning District for the Purposes of Creating 4 Single-Family Residential Lots Presented by Jim Bolser

Mr. Bolser stated that this is an application that the Planning Commission forwarded with a recommendation to approve. The L-portion of lot 1 would provide a retention area. Mr. Bolser said that accessibility would be off 50 West.

- Subdivision Preliminary Plan for the Hunter’s Meadow Subdivision, Located at Approximately 760 West 700 South in the R-17 Residential Zoning District for the Purposes of Creating 54 New Single-Family Residential Lots  
Presented by Jim Bolser

Mr. Bolser stated that Hunter’s Meadow is the field on the south side of Westland Mobile Estates. Developers are proposing a single-family development. Mr. Bolser indicated that they have met the requirements, and the Planning Commission forwarded it with a favorable recommendation.

Council Member Wardle asked if the City could do a reimbursement agreement with whoever owns a small piece, maybe 400 to 500 feet, so that the road could be finished. Mr. Bolser said that this development might create interest and spur others to develop, which may cause this portion of the road to be completed. Mr. Baker said that if the City was prepared to upfront the costs, the City could cause the road to be completed and get reimbursed when a developer is ready to develop. Mr. Hansen estimated the cost to be about \$80-90,000.

- Zoning Map Amendment from the R1-7 Residential Zoning District to R1-7 PUD for 36.11 Acres of Land Along Berra Boulevard and Aaron Drive  
Presented by Jim Bolser

Mr. Bolser stated that this amendment application is a new application by the same applicant. The intent is the same as before, except they’re requesting to remove all the property previously proposed for multi-family. This application is for a zone change from single family R1-7 to R1-7 PUD. There is a reconfiguration of the lay out. Council Member Gochis asked if there was only a 3 foot setback along the shared lot line. Mr. Bolser answered that it was, which was not uncommon. He added that they are called garden units.

- MBA Resolution 2019-02 A Resolution of the Municipal Building Authority of Tooele City, Utah, Approving a Contact with GSH Materials Testing & Inspection, Inc. for Material Testing and Special Inspection Services on the New Police Station Project  
Presented by Paul Hansen

Mr. Hansen stated that materials testing is something that the City hires out to a third party because the City doesn’t have the equipment. The Staff has selected GSH, for an estimated price of \$31,000. Mr. Hansen said that the price will likely increase during the contract.

**Council Member Pratt moved to recess the meeting.** Council Member Gochis 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 recessed at 6:51 p.m.

The meeting reconvened at 9:00 p.m.

- Proposed Revisions to Chapter 7-4 Regarding Parking  
Presented by Jim Bolser

Mr. Bolser stated that it is difficult to draft a parking Ordinance that fits every situation and every business. He indicated that he tried to make it as clear as possible for all applicants. Mr. Bolser explained that his Staff has had these same parking provisions for design elements, parking space widths, and lengths, in policy rather than in an Ordinance. He would like them to be included in City Code to formalize them. He indicated that he has worked with Fire Chief Harrison while drafting this Ordinance. They discussed things like how to take the shortest route to get to the fire, and how to be right at the front door to set up as quickly as possible. The Council felt that this Ordinance addressed their issues and expressed appreciation that Mr. Bolser included Fire Chief Harrison in formulating the Ordinance.

- Budget Meeting Calendaring  
Presented by Chairman Steve Pruden

Chairman Pruden asked the Mayor to explain this year's budget process. Mayor Winn stated that instead of giving each Council Member a binder with everyone's requests, she will put together a table with personnel requests, a table with equipment requests, etc. Those tables will indicate which department the requests belong to. Mayor Winn says she will also show capital projects, one time purchases, and leasing information. She said that she is still working with finance to get those numbers together. Chairman Pruden also requested a spreadsheet on revenues, other than sales tax. The Council will get the Mayor's proposed budget by May 1st.

Council Member Wardle also asked for information, by department, if budgets are over or under budget.

There was a discussion regarding the disbursement of police station funds. Chairman Pruden explained the process for payments from CIB and US Bank. Mr. Hansen clarified that there are two separate items: Big D had a maximum price that included everything they are providing through their subs, with a built in 3% contingency; the other budget is for items such as furnishings, computers, phone system, etc., which are not a part of the Big D contract. The Mayor added that the CIB loan won't pay for items that aren't part of the building.

Council Member Wardle said that the Council needs to approve a Resolution to pass the police station budget. It was decided that after the Council approves the police station budget Resolution, change orders over \$20,000 will go to Council for approval, otherwise the invoices will get paid through the City's internal process.

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

**Council Member Pratt moved to close the meeting.** Council Member Wardle 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 9:30 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 Wardle, Council Member Pratt, Council Member McCall, Council Member Gochis and Chairman Pruden.

No minutes were taken on the closed meetings.

## **5. Adjourn**

**Council Member Wardle moved to adjourn.** Council Member McCall 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 adjourned at 10:28 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 1st day of May, 2019

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Steve Pruden, Tooele City Council Chair