

**Tooele City Council
Work Session Meeting Minutes**

Date: Wednesday, October 2, 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
Scott Wardle
Brad Pratt
Melodi Gochis

City Employees Present:

Mayor Debbie Winn
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Michelle Pitt, Recorder
Jim Bolser, Community Development Director
Steve Evans, Public Works Director
Paul Hansen, City Engineer
Darwin Cook, Parks and Recreation Director
Ron Kirby, Police Chief
Kaylene Young, Assistant to the Chief

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

3. Discussion:

- Water Department/Street Department Equipment Discussion
Presented by Steve Evans

Mr. Evans indicated that the water department's 1987 front end loader was recently tagged out due to safety concerns. He explained that when it stalls, or gets plugged up, the engine stalls and the breaks don't work. He said that he saw the loader stall and it started rolling backwards. An employee jumped on the equipment, between the tires, and put the bucket down to stop it. He tagged out the loader from future use. Mr. Evans got a bid for a new machine at \$137,000, which can come out of the water fund. The street department's frontend loader went to the shop and it was discovered that brakes are due because they were metal on metal. A new loader would be about \$150,000 to replace that one. This can be taken out of the street enterprise fund.

Mr. Evans explained that the City rented the County's equipment during the recent water line break. The water and streets departments need equipment to do their jobs.

Mr. Evans added that the City needs to clean ditches, which requires an excavator at \$72,000. He stated that this can be taken out of the storm drain fund.

The Council agreed to allow these purchases.

- Resolution 2019-70 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Providence at Overlake Phase 3 Subdivision
Presented by Paul Hansen

Mr. Hansen indicated that this is a development that has been completed. Inspectors and the water department have verified that the improvements have been completed. The City is recommending approval and that the one-year warranty begin.

- Resolution 2019-72 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Home Towne Court Development
Presented by Paul Hansen

Mr. Hansen stated that this development is a private street development on Utah Avenue between Coleman and Main Streets. This completes some water and sewer improvements for the final 2-3 lots on that street. The City inspectors have certified that the improvements are complete. The City will hold a 10% warranty bond and begin the one-year warranty period.

- Police Station Budget Update
Presented by Paul Hansen

Mr. Hansen stated that the Municipal Building Authority obligated funds to building the new police station, but there are a number of additional expenditures outside the scope of the building. The City is at a point where we are ready to order things like a phone system, 50 desks, antenna system, furnishings, appliances, equipment for the lab, evidence lockers, computers, server upgrades, etc.

Mr. Hansen further explained that the phone system will be the same as City Hall's and will allow us to transfer calls back and forth. Mr. Hansen listed some of the estimates:

45

Phone system \$45,000.

Antenna system \$15,000.

Furnishings and appliances \$460,000 – recommending Midwest Furniture to supply furniture similar to what City Hall has,

Computers and servers \$106,000

Copy machine \$15,000

Mr. Hansen stated that there is a total of about \$936,000 in expenses for furnishings and the items listed above. He said that \$362,801 will come from impact fees, \$431,850 from the bond payment, and a fund transfer from the 53 fund at \$500,000. This would leave a \$357,956 balance in those funds. Mr. Hansen said that the budget is in good shape and is below what was thought. He said that he is asking for the Council's support as invoices are brought for approval.

Chief Kirby added that they are only buying computers to replace the computers that are three years and older. They will keep the computers on the rotation replacement program.

Chairman Pruden said that the Council is committed to make sure the police department has everything they need. He asked what the police department was doing with the old building and furnishings. The Mayor indicated that the building is being appraised. The Chief said that some file cabinets are being moved to the new building. The furniture is hand-me-downs and not worth much. Mr. Hansen said that a city-wide email will be sent out to see if anyone wants or needs any of the leftover furniture.

There was a question about the camera security system. Mayor Winn indicated that it will be discussed at next month's meeting. She added that City Hall's security system did not get approved in the budget.

The Council agreed that expenses for the new police department can be brought to the Council as invoices.

- Buffalo Pass Final Plat Subdivision by Land Development, LLC, located at 150 West 600 North, 6 Lots, 1.1 Acres in the R1-7 Residential Zoning District
Presented by Jim Bolser

AND

- Buffalo Ridge Final Plat Subdivision by Land Development, LLC located at 204 West 600 North, 6 Lots, 1 Acre in the R1-7 Residential Zoning District
Presented by Jim Bolser

Mr. Bolser stated that this is the area north of the rodeo grounds. Developers are proposing to subdivide these properties in to six lots each. This will finish the improvements on the west side of the roads.

Mr. Ed Hansen expressed concern about traffic issues already in this area, saying that this development will make it worse, particularly allowing cars to back onto these roads. Mr. Bolser said that the current Ordinance allows for this type of development in this area.

Representatives from the Utah Housing Authority was present. They said that they are excited to have this project move ahead to build 12 rent to own homes.

- Linda Vista Subdivision Phase 1 Plat Amendment by Jack Walters, located at 240 South 1250 East, 12 Lots, 5.6 Acres in the R1-7 Residential Zoning District
Presented by Jim Bolser

Mr. Bolser stated that this is a relatively simple subdivision. The developers are changing the name from Vista Linda to Linda Vista, adding two previously undevelopable lots into the plat, and completing the first two phases of the subdivision.

- Domestic Violence Advocacy Discussion
Presented by Chief Ron Kirby

Chief Kirby said that in the late 90s Tooele City was a leader in Domestic Violence advocacy. He stated that Roger Baker was instrumental in bringing the first domestic violence advocate to the City. The position has grown from part time to full time. In 2011, the County Attorney's office picked up a VOCA grant, which is bigger than the City's VAWA grant. The VAWA grant is more narrow and specific. The VOCA grant is specifically for court advocacy, focusing on helping victims to know what is happening in the court system. The County Attorney's office was going to drop that grant and the City picked it up which began a partnership with the City, County and Valley Behavioral Health (VBH).

Chief Kirby further explained that the County Attorney's office shifted all of their advocacy programs to VBH in 2013. These services have grown in the City and the County. The police department became frustrated with VOCA grant because they were spending \$80,000 in order to get a \$20,000 grant. With that \$20,000 grant, came a huge amount of work to administer and monitor the conditions of the grant. Chief Kirby indicated that he met with the State grantors, Grantsville City Police and VBH to look at other options.

Chief Kirby proposed a partnership with VBH, explaining that the police department will retain the VOCA grant and provide office space in the new building for an advocate from VBH to help victims that walk in the station. He feels that victims will not see a difference in service, and neither will the police officers. Valley already provides these services to the sheriff's office, Grantsville and Wendover City.

Council Member Wardle expressed appreciation to VBH for their efforts in this and drug issues. He felt that victims will have more access to more services through this program.

Mayor Winn expressed appreciation for the opportunity to continue to work with VBH. She disclosed that Teresa Winn, VBH Director, is her sister-in-law.

- City Hall Ramp
Presented by Mayor Debbie Winn

Mayor Winn indicated that a ramp in front of City Hall for ADA services has been discussed for several years. The City has done some small projects with concrete this year and asked for a bid for this project too. The bid came in at \$3,500 to put in the ramp. It will need a railing, so the estimate is \$1,500-1,800. The company completed the concrete project between City Hall and the fire station. The Mayor asked for about \$5,000 to come out of the Council line item for these projects and indicated that the ramp could be done before the downtown trick or treat. The parks department will move the sprinklers. Council Member Pratt said that he would be glad to see that the sprinklers would no longer be watering the City Hall building, causing hard water on the bricks.

Chairman Pruden suggested taking the \$5,000 out of the 41 fund balance for this project.

- Tooele Army Depot Swimming Pool
Presented by Roger Baker

Mr. Baker stated that the 1992 BRAC surplus or excessed 1,700 acres of property and buildings in two different areas, including the industrial area and the administration area. The Army Depot swimming pool is operated by MWR. The Army had some facilities that they didn't want to let go of, within those 1700 acres, and asked that they be allowed to lease those areas from the City. The pool was conveyed to the RDA, then conveyed to Mathew Arbshay's company. Mr. Arbshay talked to the City about the City having ownership of that building so the City took ownership of it. The City does not have any rights to possess, alter, or do anything to the pool or the pool building. The Army has decided, for internal reasons, that it will no longer maintain the pool and would like to fill it in. Since the City is the property owner, the Army would like the City's permission to do that.

Mayor Winn stated that the pool has not been open for two years. It needs extensive repair. The Army doesn't have the money to repair or maintain the pool because of funding cuts. It is a liability. They would like fill the pool with dirt.

Council Member Gochis said she attended the school bond meeting. There is not a plan for a pool in the new proposed high school. That will cause another school to want to use the City pool for another swim team. Council Member Gochis asked if the school board should be approached to see if they would be interested in this pool. Mayor Winn said that this is an outdoor pool, and swimming competitions take place in the winter.

Council Member Wardle asked if they would be removing all the piping for the chlorination, so that there wasn't a liability to the City. Mr. Cook said that they chlorination is a shared system with the hot tub, which the Army is leaving. The system will stay so that they can continue to use the hot tub. Mr. Baker said that the Army has all environmental liability for property that

they own or operate. The Army doesn't have to ask for our permission to fill the pool, and he's not sure why they are asking, but feels they are including the City as a show of good faith.

Mayor Winn added that all of the property that surrounds that building, such as the Eagle's Nest, is owned by the National Guard. She indicated that she discussed with them several weeks ago if they were interested in purchasing that property from the City, or in doing a trade. The National Guard will eventually get rid of their building they have that is located in the City.

The Council was in agreement to fill the pool.

- Medical Cannabis Act
Presented by Roger Baker

Mr. Baker stated that there was a ballot initiative that passed, and legislation that followed, to implement the growing, production, and dispensing of medical cannabis. Bill 1002 came out of last week's special session to resolve some difficulties with municipal control of these facilities. Mr. Baker said that an Ordinance may need to be brought before the Council allowing a medical cannabis production facility as a permitted use in industrial and agricultural zoning districts.

Council Member Wardle asked if there was a proximity to schools clause. Mr. Baker said that there wasn't that he knew of, and that the City can't require a minimum distance between one facility and another, like they can with smoke shops. Chairman Pruden said he would like to impose a minimum distance between schools.

Mr. Baker said that there will be a minimum of about 12 medical cannabis pharmacies throughout the State. The State will be dividing the territory up so that all populations can be served. He added that there may not be any of these facilities in Tooele. Council Member Wardle asked if there is sales tax on these facilities. Mr. Baker stated that he will find out about that, and about the proximity of schools.

Mr. Baker added that State law restricts the type and size of signage that a production facility and dispensary can have, but that it must include a green cross.

- Water Rights for Irrigation Water
Presented by Roger Baker

Mr. Baker stated that in 2015 a comprehensive amendment of the City's water rights chapter was brought to the Council for approval. One of the new provisions that was recommended, and was implemented, was a provision allowing property owners to satisfy their outdoor irrigation water right requirement by dedicating a share of irrigation water stock. It didn't have to be conveyed to the City provided that if the City become aware that they had stopped using that secondary water and were replacing it with culinary water, and they didn't provide water rights or impact fees, the City could bill them or ask them to provide water rights.

Mr. Baker went on to say that there are a number of challenges with trying to impose this provision. The Ordinance does not require those shares of stock to be tied to the property. Quite

frequently people sell their land to one person, and then sell their irrigation stock to another. This would then allow a development that does not have any culinary water rights, and they have subverted the requirements. The current Ordinance is very difficult to enforce and administer, and there's no mechanism to monitor whether people are using their irrigation water or culinary water.

Mr. Bolser stated that there are cases where people are utilizing the irrigation shares, then they move and take their irrigation shares with them. This leaves no water rights for the new homeowners and causes an issue that is unexpected for new home buyers. Mr. Bolser added that it has been a very good year for water for the irrigation company, but that is not always the case. Sometimes the irrigation company shuts off water in mid-July then people desire culinary water. Sometimes there are illegal cross-connections done in these situations.

Mr. Hansen gave an example of most of the applications the City has seen, as: someone wants to build a home, or subdivide. They want to supply the entire subdivision with water from irrigation. New residents don't know that they're buying this deal. He said that he didn't want to discredit the value of irrigation shares, but when a home is built, it is supplied with full power capability from Rocky Mountain Power. If the homeowner then decides to install solar panels, it becomes a personal use. There may be a question of whether the City should consider irrigation shares as a secondary source, instead of the primary source, to reduce the culinary demand.

Mr. Baker asked if the City should require all developments to provide culinary water, then, if they choose secondary water shares that they own, it would reduce their rates. He felt this would be a more defensible and an easier policy to administer.

Council Member Wardle said that he struggles with this change. He pointed out that he owns Settlement Canyon shares, and so does the Mayor. As an owner in that he has a hard time, and asked if there was a different way to do it. He added that when someone has a secondary water connection, by title, they have to show that that water goes with it. He asked if people show they are using secondary water, would they receive a rebate each year. Chairman Pruden said that there would just be a savings in their culinary water bill. He asked if the properties that are served by Settlement Canyon irrigation could have something on the title of every new development, so that when buying and selling, homeowners would know. Council Member Wardle asked how many lots were affected by this. Mr. Baker answered that there were seven lots recently. Mr. Hansen added that five more are requesting to use Middle Canyon shares, and that they are seeing a larger interest in developers want to use this as a cost savings. Council Member Wardle asked if the City should bring in Settlement Canyon Irrigation Company for a discussion. Council Member Gochis indicated that she has a meter, but Council Member Wardle does not. The percentage of the community who is on Settlement Canyon shares is small.

It was decided to give the City administration a month to talk with the irrigation company, look at options, and bring this matter back to the Council in the 2nd meeting in November. It was suggested that he talk with Riverton, West Jordan, and Grantsville to get their policies. Mr. Hansen cautioned that not all districts are the same, and that some of them do not require water rights because the water is supplied by the company. Comparisons may not be apples to apples.

4. Close Meeting to Discuss Litigation and Property Acquisition,

There was not a closed meeting.

5. Adjourn

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

The meeting adjourned at 6:28 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 14th day of October, 2019

Steven Pruden,
Tooele City Council Chairman