

**Tooele City Council
Work Session Meeting Minutes**

Date: Wednesday, December 4, 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

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
Ron Kirby, Police 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
Dave McCall, Present
Scott Wardle, Present
Brad Pratt, Present
Melodi Gochis, Excused

3. Discussion:

- Ordinance 2019-31 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 he worked with Chief Kirby on this Ordinance. Mr. Baker explained that the Council has seen these proposed amendments in prior meetings, but since then an additional amendment had been added. Mr. Baker said that the additional amendment is Section 10-3-25.1 which cross references to 10-2 that regulates heavy vehicles on City streets. The current Code lists no violation other than a class B misdemeanor for parking a heavy vehicle, such as a semi, on City streets. This new section identifies that it is a civil violation to park a semi on a street that is not a truck route. Heavy vehicles destroy the roads, and the width of the road doesn't allow parking heavy vehicles which may impede traffic. The Council indicated they would like the Code to refer to large vehicle parking, instead of truck parking in the title. Mr. Baker said he would make that change before the Council votes on the Ordinance tonight.

Council Member McCall asked that the City get this information out to the public prior to issuing citations. The Mayor indicated that it will be in the City's newsletter, Ninety North Main, and the paper will be asked to do an article about it.

Mayor Winn expressed appreciation to City police officers. She said that she receives reports on how many calls the officers respond to. People have thanked her for getting vehicles off the road. She said she applauds the officers for getting the job done in this area.

Mayor Winn also thanked the snowplow drivers for the fantastic job they did getting the roads cleaned. Council Member Wardle asked when the new snowplow trucks will be in. Mr. Evans indicated that the new trucks won't be ready until March.

- Ordinance 2019-34 An Ordinance of Tooele City Amending Tooele City Code Section 10-2-7 Regarding Large Vehicle Parking on the Public Rights-of-Way Presented by Roger Baker

Mr. Baker stated that this Ordinance addresses large vehicles that are parked on a road that is not a truck route. It eliminates a legal argument that some people try to use when they say that no one saw them driving on the street. This Ordinance says that if the vehicle is parked on a non-truck route, it is presumed that the person has driven it there.

- Resolution 2019-77 A Resolution of the Tooele City Council Approving Budget Amendments for Fiscal Year 2019-2020 Presented by Glenn Caldwell

Mr. Caldwell said that the budget amendments were ready. The Council received copies of the proposed amendments. There will be a public hearing on this matter at the business meeting tonight.

- Multi-Operational Businesses Presented by Jim Bolser

Mr. Bolser stated that there are some local businesses that would like the ability to have multiple businesses and operate them under a single entity and under a single license. Mr. Bolser added that there are some local businesses that currently fall under this scenario. A multi-operational business license would allow a business to operate multiple businesses under a single licensure, as long as each business is listed, the owner is the same, and the businesses are located at the same location. If one business is a permitted use, but one is a conditional use, they would still have to get a conditional use permit. Mr. Bolser explained that there are some businesses currently operating under a single entity, but some are not operating all year round. He stated that even if a business fell under a temporary use, or seasonal use, this change would clean up the process. Mr. Bolser stated that this is an idea that is being brought to the Council to see if they are interested in bringing it in to the City Code.

Council Member Wardle presented a possible scenario of a smoke shop, and the owners want to add another business under that same license, could the City regulate the second business under the current Ordinance. Mr. Bolser answered that it would have to be the same owner in the same location. Each business would have to be listed and go through the same steps. It would have to have the same owner, the same entity, and at the same location. He gave an example of an owner who had a convenience store, then added selling hot dogs, then a video rental. This business owner would have one license with three businesses listed, under a single owner at the same location. Council Member Wardle asked what would govern the zoning because the businesses may have different zoning requirements. Mr. Bolser said that if all three businesses required a Conditional Use Permit (CUP), all three businesses would have to get CUPs, but only one license. He added that each approval would have to be initially obtained, but only one license would be issued for each year going forward.

Council Member Pratt asked if all three businesses would run under the same Tax ID number. Mr. Bolser said that Staff hadn't looked at that issue yet. Council Member Pratt then asked what the charge for the licensing would be; and if there would be the same fee for three businesses as for one business. Mr. Bolser said there would only be one license fee, plus fees for each employee. Council Member Pratt expressed concern about not paying a fee for each business.

Council Member Wardle also asked about fees. Mr. Bolser stated that Staff hadn't looked at the fee aspect yet. Mr. Bolser said that the change should make it easier for business owners because they would be submitting one form instead of three forms. The Council asked Mr. Bolser what the fee for a CUP was. He answered that the fee for a CUP is either \$750 or \$150.

Council Member McCall said he felt that a multi-business license should be a little more than a single business license, maybe not double, but a little bit more.

Mr. Bolser indicated that he would like to get this Ordinance in place by January 1st. He thanked the Council for the discussion and indicated he would try to figure out the financial side of it. The Council would like this item to be discussed at December 18th work session. Mr. Bolser said he would get language out to the Council prior to that.

Mr. Bolser stated that this matter will need to go to Planning Commission before it will come back for a vote from the Council.

- Residential Driveway Location Requirements
Presented by Jim Bolser

Mr. Bolser stated that residential driveway location requirements have been looked at by City Staff for some time. Mr. Bolser explained that the City has a provision in the current City Code for multi-family developments and non-residential developments requiring a certain distance where a driveway access and an intersection can be, but there is not a provision for a single-family home driveway. His department is getting more requests for driveways to go in the intersection. The City has tried to work with developers to move the driveway to the opposite side of the house, without changing the layout of the house. Most developers will make the change, but a few of the developers have said that if the City Code doesn't require them to move the driveway, they won't do it.

Mr. Bolser said that the City is proposing an Ordinance to establish a distance for single-family home driveways and show how the distance is determined. Mr. Bolser summarized that it is basically saying that it is 30 feet to the end of the driveway. The Ordinance would also show what is and is not allowed on either side of the intersection. Mr. Bolser added that this will need to go to the Planning Commission. Council Member Pratt indicated he liked the change. Mr. Baker said that there is a Pending Ordinance Doctrine that the City can use. This allows the City to immediately put the changes in the Ordinance in place, by announcing that this Ordinance is being changed. Mr. Baker went on to say that this would allow the City to make the change prior to voting on the change.

The Council advised City Staff to get this matter to the Planning Commission and then use the Pending Ordinance Doctrine.

- Pool Fees
Presented by Darwin Cook

Mr. Cook said that the current swim lesson fee is set at \$25 for the school year and \$30 for the summer. The pool staff would like to change the fee to a year-round \$30.00. Mr. Cook explained that even though Josh DeCola has brought in two additional swim classes, all classes fill up quickly. Council Member Wardle suggested charging non-residents a higher fee. He stated that the pool doesn't make money as it is. The City is subsidizing the pool. It may be that non-residents are pushing out residents from using the City pool. It was suggested to charge an additional fee of \$10 for non-residents.

That change will be brought back to the Council the first work meeting in January.

Mr. Cook added that another fee for discussion was for promotional nights and events at the pool. He said that the golf fee schedule says "the golf pro has the discretion to modify fees during promotional events." Mr. Cook asked if the same language could be added in the pool fees. Chairman Pruden felt that comparing the golf course and pool was like comparing apples to oranges. Mr. Cook asked to allow the pool manager to decide fees if it was a City sponsored event at the pool. Council Member Wardle felt that promotional nights and events would need to

be defined; and there would need to be some limits on the discretion. Council Member Wardle suggested that instead, an amount be set aside to sponsor City events. The Mayor added that she does not even have the authority to waive a fee. The Council asked for an example of a type of City sponsored event at the pool. Mr. Cook said that there is an Elf Dive event planned and the pool is charging \$4.00 per person instead of the \$2.50 regular fee. This additional fee is to help cover the cost of the event, and the pool will be closed during the event. Council Member Wardle said he had an issue with the City closing the pool to sponsor an event, because this did not allow the public to use it by charging more than the regular fee. He felt that the event should be done after hours. Council Member Wardle cautioned that the City should be careful limiting citizens access to the pool.

Mr. Baker clarified the Council's feeling about the pool fees. The Council agreed to the swim lessons being a flat fee of \$30, with a fee of \$40 for non-residents. This portion will be brought back to the Council with those changes, but the Council would like more discussion on the discretion for special events.

4. Close Meeting to Discuss Litigation and Property Acquisition

Council Member Pratt 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 6:01 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, Chief Kirby, Council Member Wardle, Council Member Pratt, Council Member McCall, and Chairman Pruden.

No minutes were taken on the closed meetings.

5. Adjourn

Council Member Pratt 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," and Chairman Pruden "Aye."

The meeting adjourned at 6:59 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 18th day of December, 2019

Steve Pruden, Tooele City Council Chair