

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, December 4, 2019

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Brad Pratt

Steve Pruden

Dave McCall

Scott Wardle

City Council Members Excused:

Melodi Gochis

City Employees Present:

Mayor Debbie Winn

Jim Bolser, Community Development Director

Chief Ron Kirby, Police Department

Roger Baker, City Attorney

Steve Evans, Public Works Director

Darwin Cook, Parks Department Director

Glenn Caldwell, Finance Director

Paul Hansen, City Engineer

Michelle Pitt, City Recorder

Cylee Pressley, Deputy Recorder

Minutes prepared by Kelly Odermott

Chairman Pruden called the meeting to order at 7:03 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Council Member McCall.

2. Roll Call

Steve Pruden, Present

Brad Pratt, Present

Dave McCall, Present

Scott Wardle, Present

3. Mayor's Youth Recognition Awards

Presented by Mayor Winn, Stacy Smart, Communities that Care Coordinator, and Chief Ron Kirby.

Mayor Winn welcomed visitors for the Mayor's Youth Awards and introduced Tooele City Chief Ron Kirby and thanked him for his collaboration. Ms. Smart highlighted Communities That Care Programs including Second Step, QPR, and Guiding Good Choices.

Ms. Smart, Chief Kirby, and the Mayor then presented the Mayor's Youth Recognition Awards to the following students:

- Rilynn Cowan
- Macie Gustin
- Clarissa Jones
- Elyjah Petersen
- Issac Whitney

4. Public Comment Period

Chairman Pruden invited comments from the public, there were none.

Chairman Pruden closed the public comment period.

5. Public Hearing on Community Development Block Grant (CDBG) First Public Hearing.

Presented by Shilo Baker

Ms. Baker stated that the purpose of the public hearing is to provide citizens of Tooele City pertinent information about the Community Development Block Grant Program and to allow for discussions of possible applications for the 2020 funding cycle. This grant money must be spent on projects benefiting low to moderate income persons. Funds have not yet been allocated to the Wasatch Front Regional Council in which Tooele City is a member, but in the 2020 program year, the Wasatch Front Regional Council is expecting to receive approximately \$900,450. All eligible activities are identified in CDBG application policies and procedures manual. Some of the eligible activities include construction of public works and facilities, such as water, sewer lines, fire stations, acquisition of real property and provision of public services, such as food banks or homeless shelters. Tooele City has not applied for a CDBG grant since 2013. In 2013 Tooele City applied for sponsoring Rocky Mountain Care Facility but did not receive funding. In 2012 Tooele City did not apply for funding. In 2011, the City applied, but did not receive funding. 2010 was the last time the City applied and received funding in the amount of \$100,000 for a down payment assistance program for the Tooele County Housing Authority and \$150,000 for kitchen equipment at the new Refection House. Both of those grants have been completed and closed. Tooele City has a capital investment plan as part of the Regional Consolidated Plan with the Wasatch Regional Council. This list shows a list of projects identified for being needed in the community.

Chairman Pruden asked if there are any pending requests. Ms. Baker stated the Broadway Heritage Apartments had approached the City, but no commitments for an application have been confirmed. Chairman Pruden asked when the deadline for the application is due. Ms. Baker stated the application deadline is January 15.

Chairman Pruden asked the Council if there were any questions or comments, there were none.

Chairman opened the public hearing, there were no comments. Chairman Pruden closed the public hearing.

6. Public Hearing and Motion on Resolution 2019-77 A Resolution of the Tooele City Council Approving Budget Amendments for Fiscal Year 2019-2020.

Presented by Glenn Caldwell

Mr. Caldwell stated that there are a few midyear adjustments that need to be performed on the budget. He stated the following funds were affected by transfers, General Fund, Golf Advertising Trust Account, Golf Operating Budget, Junior Golf Trust Account, Police Department Budget, Evidence Trust Account, Microchip Trust Account, Animal Control, PAR Tax, Water Fund, Waste Water Fund, Storm Water and Road C Maintenance Fund. The transfers of funds include activities such as; capital projects and capital outlay for equipment, purchases for activities at the golf course, and police department insurance payments.

Chairman Pruden asked the Council if there were questions, there were none.

Chairman Pruden opened the public hearing, there were no comments. Chairman Pruden closed the public hearing.

Council Member McCall motioned to approve Resolution 2019-77. Council Member Pratt seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

7. Public Hearing and Motion on Ordinance 2019-29 An Ordinance of Tooele City Amending the Tooele City Code for Medical Cannabis Production Establishments and Pharmacies.

Presented by Roger Baker

Mr. Baker stated the ballot initiative and state legislation have legalized the production, sale, and use of medical cannabis in the state of Utah. The special session of 2019 the legislature passed Senate Bill 1002. This bill had two mandates on local land use laws. The first is that municipalities must allow a cannabis production facility as a permitted use in certain zoning districts. If the City does not specify a zoning district, by state mandate the production facilities are allowed in all agricultural and industrial zones. The recommendation for the Council is to allow cannabis production in the industrial zoning district.

Mr. Baker stated that a medical cannabis pharmacy is a permitted use in all zoning districts that are not residential zoning districts. These would be allowed in commercial and industrial zoning districts. They would not be allowed in residential and mixed-use zoning districts. Staff recommends that the mixed-use zoning districts Broadway and General are primarily residential in nature. The purpose of the ordinance does not include making a policy statement about medical cannabis. It is simple implementing the State mandate of permitted uses in certain zoning districts.

Chairman Pruden asked if there were any questions or comments from Council, there were none.

Chairman opened the public hearing.

Mr. Peter Clegg stated that he is representing Valley Behavioral Health Prevention Services. He stated that from a prevention standpoint, as medical cannabis continues to move forward, it is going to increase assess ability and opportunities to be misused. Valley Behavioral Health would ask the Council to support the prevention services that are in place, such as Tooele Communities that Care, to continue to address and prevent substance misuse in the community. Also, to ensure that as medical cannabis is being used, it is being used for medical purpose.

Chairman Pruden stated that the City agrees with the statements that were said and the City is obligated to go through with this, but trusting that the legislature will monitor the rules and regulations.

Chairman Pruden closed the public hearing.

Council Member McCall motioned to approve the Ordinance 2019-29. Council Member Pratt seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

8. **Resolution 2019-79 A Resolution of the Tooele City Council Approving a Lease Agreement with Eco-Site II, LLC, for a Cell Tower.**

Presented by Roger Baker

Mr. Baker stated that this item has been discussed in prior work meetings, and the staff has been working with T-Mobile on and off since 2011, to place a cell tower in Elton Park. T-Mobile has approached the City during these discussions and the City has not solicited the tower. The lease will involve a lease of a 40 by 40 foot pad, that will not decrease any functionality of the park or interfere with maintenance of the park. The resulting revenue of the lease will be \$15,000 per year for potentially 30 years with annual escalators. Staff is recommending approval of the lease.

Chairman Pruden asked the Council if there were any questions or comments.

Council Member Wardle stated that as part of previous discussions, a line item was going to be created for revenue of the tower to be used at Elton Park improvements, does that need to be stated on the record.

Mr. Cook stated that the discussion from the previous meeting had evolved into the revenue being used for all parks and park equipment.

Mr. Baker stated that the vote can be conditioned to be implemented however the Council would like. That would be implemented at budget time to ensure the policy is carried through.

Council Member Wardle asked if that needs to be stated on the record or included on the Resolution so that other administrations know that it is there?

Mr. Baker stated that it is a statement of policy. Council Member Wardle stated that the vote implements that moving the revenue from that line item, would require a vote. Mr. Baker stated it would not bind future Councils, but they would have to vote to move the revenue line item.

Chairman Pruden asked if there were questions or comments from Council.

Council Member Wardle motioned to amend Resolution 2019-79 and in the be it resolved clause to include that the proceeds from this cell tower be put in the 741 fund of the parks department, to be used for parks equipment throughout the City. Council Member McCall seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

9. **Ordinance 2019-31 A Ordinance of Tooele City Amending Tooele City Code Chapter 10-3 Regarding Parking in the Publics Rights-of Way.**

Presented by Roger Baker

Mr. Baker stated that he would present item 9 and item 10 together. The main purpose of the two ordinances is to add additional clarifications to the parking regulations for the benefit and understanding by the public and police department. A number of definitions have been added. There is a suggestion of removing the historical practice of enforcing the High School parking rules on the high school campus for the high school administration. The police department will enforce the rules on the public rights-of-way.

Mr. Baker stated that large vehicles are typically semi-trucks. City code establishes truck routes on which those vehicles can operate. Currently, there is not a parking violation section for large vehicles. There is some language in the criminal code and makes it a class B misdemeanor to

operate or park a large vehicle outside the truck routes. For parking large vehicles, the City Administration is making a suggestion that a large vehicle can only park on roads on which it can legally operate. If a large vehicle is parked on a non-truck route, it is presumed to have been operated to get to the non-truck route.

Chairman Pruden asked the Council if there were any questions or comments from either of the agenda items.

Council Member Wardle motioned to approve Ordinance 2019-31. Council Member Pratt seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

10. Ordinance 2019-34 A Ordinance of Tooele City Amending Tooele City Code Section 10-2-7 Regarding Large Vehicle Parking in the Public Rights-of-Way.

Presented by Roger Baker

Presented under agenda item 9.

Council Member Pratt motioned to approve Ordinance 2019-34. Council Member McCall seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

11. Ordinance 2019-32 An Ordinance of Tooele City Amending Tooele City Code Chapter 4-14 Regarding the Abatement of Dangerous Buildings.

Presented by Roger Baker

Mr. Baker stated that this Ordinance has been in place for 25 years. The current version of the uniform code for the abatement of dangerous buildings remains the 1997 code. Other City uniform codes have issued newer additions. The state and other municipalities have the opportunity to alter codes as long as it complies with law. Staff is recommending two main revision besides the general modernization of the ordinance. The first is to change the appeal structure, rather than go to a building board of appeals that sits on an ad hoc basis, but shift the appeals to the administrative hearing officer appeals process. The current appeals process is rarely utilized and it is hard to maintain an active appeal board. The board has not been utilized in over 20 years. From an administrative efficiency standpoint, it would be appropriate to utilize an existing administrative process that reviews many administrative matters. The second, of the changes is to implement a standard process for collecting the City's cost to abate a dangerous building. Mr. Baker stated that the state law has a good process and is currently used by the City in the nuisance abatement process. Staff is recommending adopting the same process for the dangerous building abatement process as well. It involves documenting the costs, informing the property owner of the costs, filing the costs with County offices and putting a lien on the property

Chairman Pruden asked the Council if there were any questions or comments.

Chairman Pruden thanked Mr. Baker and stated that he thought it was a good process.

Council Member Pratt motioned to approve Ordinance 2019-32. Council Member McCall seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

12. Public Hearing and Ordinance 2019-33 An Ordinance of he Tooele City Council Amending the Tooele City Zoning Map for Property in the Overlake Area B Neighborhood Commercial Zoning District, for the Epic Apartments at Overlake Development Located Near 600 West 1000 North.

Presented by Jim Bolser

Mr. Bolser stated that this is an application for a Zoning Map Amendment on the north side of 1000 North. The 400 West roadway as it moves south out of the Overlake area curves over to the 600 West roadway on the north side of 1000 North. The curved area of roadway is called Franks Drive. This application is for a portion of property on the north side of 1000 North. The property owner is also the applicant and owns approximately 60 acres that runs along 1000 North. The request is reassigning a little over 18 acres on the east side of Franks Drive. The entire property along 1000 North is identified as NC Neighborhood Commercial. The 18.18 is proposed to be reassigned to the MR-16 Multi-Family Residential zoning district. The MR-16 Multi-Family Residential would match property to the north and property across 1000 North to the south. The Planning Commission has reviewed this, held their own public hearing, and forwarded a positive recommendation with a four to three vote.

Chairman Pruden opened the public hearing.

Mr. Drew Hall, the applicant asked if the Council had any questions, there were none.

Chairman Pruden closed the public hearing.

Council Member Pratt motioned to approve Ordinance 2019-33. Council Member Wardle seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

13. Subdivision Final Plat for Country View Villas Plat A by Irish Creek, LLC to Create 56 Lots Located at Approximately 1000 North 200 East on Approximately 12 Acres in the MR-8 PUD Multi-Family Residential Zoning District.

Presented by Jim Bolser

Mr. Bolser stated that the Council adopted a Zoning Map Amendment for a PUD designation for the entirety of the vacant property shown on the screen. The intent is for development of a 55 and older living community. The PUD creates the provisions for the specialized project. There will be 130 to 135 units. The applicant is proposing the final plat for the first phase of the property containing 56 units. The buildings will be four plex pods that will be a single building. There will be two road connections with the first phase, one onto 1000 North and the second to the west and will connect to the new road that has been constructed with the apartment project to the west. The Planning Commission has reviewed the final plat and forwarded a positive recommendation to the Council.

Chairman Pruden asked the applicant if they had determined if they will finish the sidewalk along 1000 North as part of the first final plat phase. The applicant responded they are still working out the details and have not made a determination yet.

Council Member Wardle stated that it is a great project.

Council Member Wardle motioned to approve Subdivision Final Plat for Country View Villas Plat A. Council Member McCall seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

14. Minutes

Chairman Pruden asked if the Council if there were any comments or questions, there were none.

Council Member McCall motioned to approve minutes from the City Council November 20, 2019. Council Member Pratt seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

15. Approval of Invoices

Presented by Michelle Pitt

An invoice in the amount of \$20,000 to WSRP, LLC for the audit.

Chairman Pruden asked when the audit will be completed. Mayor Winn stated the audit results will be presented on December 18.

Council Member McCall motioned to approve invoices. Council Member Pratt seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

16. Adjourn

Council Member Wardle moved to adjourn the City Council meeting. Council Member McCall seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

The meeting adjourned at 7:59 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