

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, February 5, 2020

Time: 7:00 p.m.

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

City Council Members Present:

Justin Brady

Tony Graf

Ed Hansen

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

Cylee Pressley, Deputy Recorder

City Employees Excused:

Michelle Pitt, City Recorder

Minutes prepared by Kelly Odermott

Chairman Wardle called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by City Attorney Roger Baker.

2. Roll Call

Justin Brady, Present

Tony Graf, Present

Ed Hansen, Present

Scott Wardle, Present

3. Swearing-In of Fire Department Officers

Presented by Cylee Pressley

Mayor Winn stated the fire department body votes on who they would like to serve as the first assistant chief, second assistant chief, and the fire chief for a period of two years. Once the elections are done, the Mayor is brought the names for confirmation. She stated that the new chiefs are very dedicated, trained and, are willing to serve.

Cylee Pressley swore in

- Fire Chief Chris Shubert
- 1st Assistant Chief Jed Colovich
- 2nd Assistant Chief Kip Childs

Chairman Wardle thanked Chief Harrison for his service and work to improve the fire department. He also thanked the other chiefs who have served with Chief Harrison.

4. Mayor's Youth Recognition Awards

Presented by Mayor Winn and Police Chief Kirby

Mayor Winn welcomed visitors for the Mayor's Youth Awards and introduced Tooele City Police Chief Ron Kirby and thanked him for his collaboration. Mayor Winn 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:

- Ella Fowler
- Avery Houpt
- Bella Guinn
- Bailey Workman

5. Tooele Technical College Student of the Year for 2020.

Presented by President Paul Hacking

President Paul Hacking presented a presentation and slide show to the audience about the Tooele Technical College. He discussed building relationships with students, the numbers of students attending, and the programs being offered at the school. He discussed the needs for new buildings and funding sources for development, as well as changes in the state legislature over technical colleges.

Chairman Wardle asked Mr. Hacking about the changes in legislative governing structure and how would that affect the certificate to an associate's degree to bachelor's degree. Mr. Hacking stated that it should make it easier because they will be universal throughout Utah.

He presented Madison Thomas. Ms. Thomas gave a brief speech about how she ended up at Tooele Technical College and what she is doing in her cosmetology program.

6. **Public Comment Period**

Chairman Wardle opened the meeting for public comment.

Mr. Mike Housden stated that he lives off of Smelter Road. He stated that there is a new subdivision in the neighborhood and his residence falls at the low point of the development. He is worried that the developer will be protective of his property while developing the rest of the development. He wanted to see if there is any plan to protect his property.

Mr. Leroy Kobs stated that he wanted to thank the persons responsible for adding stop signs at Utah Avenue and First East. He stated that he is concerned about the intersection at 1280 North, beginning at the Apollo Restaurant as the cars go north, it is 40mph, but coming south it is 50mph. He stated that the 40mph is ignored.

Chairman Wardle asked the Mayor if the City sets the speed limits or it is set by the corridor agreement. Mayor Winn stated that it is set by UDOT and they could be asked about it.

Mr. Jeff England stated that he is speaking on behalf of the rezone off 2100 North. He stated that he owns property to the east of 400 East and is zoned Light Industrial. He stated he is in opposition to the rezone. He stated that the main corridor of entering Tooele should be general commercial. He stated for a tax basis, general commercial will be a higher tax basis and to eliminate the tax area, there will be a potential to lose the tax income. The third item he spoke about is that he has owned the property to the east for over 30 years and there is a contract for storage units on the property.

Mr. Bryton Lawrence, stated that he is speaking in regards to the golf course subdivision. He stated that they have gone through the required steps with the City and they should be covered for construction.

Chairman Wardle closed the public comment period.

7. **Board Appointment**

- a. Resolution 2020-04 A Resolution of the Tooele City Council Acknowledging the Mayor's Appointments of Nathan Thomas and David McCall to the Planning Commission.

Presented by Mayor Winn

Mayor Winn stated that the resolution is to acknowledge the appointment of two individuals to the Planning Commission, Mr. Nathan Thomas and Mr. Dave McCall.

There are two vacant seats currently, with one being a full time position and one being an alternate. The term is for four years and will expire December 31, 2023. Mr. Thomas reached out the Mayor recently, expressing interest in being on the Planning Commission. The alternate position is for Dave McCall who is former City Council Member and served many years as the Council liaison to the Planning Commission. His term will also be for four years.

Council Member Hansen motioned to approve the Resolution 2020-04. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

8. Second Reading Items.

- a. Minor Subdivision Request by Zenith Tooele LLC for Lexington Greens Consisting of 5 Lots Located at Approximately 400 West 1200 North in the MR-16 Multi-Family Residential Zoning District.
Presented by Jim Bolser

Mr. Bolser stated that in the fall there was a Zoning Map Amendment to reassign the properties to the MR-16 Multi-Family Residential zone from its previous R1-7 Residential zone. The application was approved by the City Council. The applicant is desiring to take that property and divide it up into five larger lots for the purpose of ownership. There is no development with the subdivision plat approval. All development will have to come back on each of the lots for development review.

Mr. Bolser stated in December Tooele County had found an error in property related to the parcels between the time of the Planning Commission review and the first Council review. There is a narrow strip parcel that was identified from the early 1900's. It was provided to Tooele County in fee title ownership for the understood intent of a road. It has not been developed. With the annexation of property, it is the County Recorder and County Attorney's position that the City took over ownership of the property due to its intended use as a road. With the help of the City Attorney, Mr. Baker and the County officials, it has been determined that the plat as is, is recordable. There will be some deed work done between the County Commission and Tooele City Council to provide clear record of the parcel being transferred to the city and then deed it to the applicant as part.

Mr. Bolser stated that the Planning Commission has forwarded this to the Council with a unanimous positive recommendation.

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

Council Member Brady motioned to approve the Minor Subdivision Plat by Zenith Tooele LLC, for Lexington Greens. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

9. First Reading Items.

- a. Subdivision Final Plat Request for the Golf Course View Subdivision by Bryton Lawrence for Property Located at 136 Smelter Road in the R1-7 Residential Zone for the Creation of 13 Single-Family Residential Lots.

Presented by Jim Bolser

Mr. Bolser stated that the property is the far northeast corner of the golf course. This project has been before the Council as a preliminary plan. This is the final step before construction as a final plat approval. The property is zoned R1-7 Residential. The Planning Commission has heard this and forwarded a unanimous positive recommendation.

Council Member Hansen asked about the underground water lines. Mr. Bolser stated that there are water lines that run through a portion of this property that are owned by third parties. Anytime there is a third party utility there are concerns that the lines are accurately located. With any development project a requirement from the state level is that the developers outline the boundaries of construction, have identified through blue staking where all utilities are and then they are the responsible party for protecting those utilities during the construction project. The retention pond design has been reviewed so that impact should not be on the current property owners, unless extraordinary circumstances. The responsibility for protecting all owners falls to the developer. Council Member Hansen asked that if a line is hit, who would be responsible for damage and repair. Mr. Bolser stated the developer would be responsible for the immediate repair, but the ultimate responsibility would be a civil matter between the owner of the utility and the developer.

Chairman Wardle stated that there has been a request to waive the second reading of the Subdivision Plat request.

Council Member Graf motioned waive the second reading of the Subdivision Final Plat Request for the Golf Course View Subdivision by Bryton Lawrence. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

Council Member Hansen motioned to approve the Subdivision Final Plat Request for the Golf Course View Subdivision by Bryton Lawrence. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- b. Subdivision Preliminary Plan for the Millennial Park Development, requested by Mountain Partners Investments LLC for Property Located at 300 West 400 North in the MR-16 Multi-Family Residential Zone for the Creation of 17 Townhome Lots

Presented by Jim Bolser

Mr. Bolser stated that this project is right next to the Dow James Facility. This property is just south of the City skate park. This zoning for the property was filed as a Zoning Map Amendment petition and was approved in 2019. The City also looked at the area of one of several areas that could be rezoned for more compliance with zoning requirements. The project includes the roadway of 300 West. The Planning Commission has reviewed this application and forwarded a unanimous positive recommendation.

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

Council Member Brady asked about the parking requirement for townhomes. Mr. Bolser stated that all residential zoning carry the same parking requirement which is two spaces per unit, with an additional space for every four units for guest parking in multi-family residential developments. Townhomes have a little flexibility because they typically have driveways and garages but still must meet the multi-family parking standards.

Chairman Wardle declared the item moved to a second reading for the February 19th City Council Business Meeting.

- c. Minor Subdivision for the Hunter Minor Subdivision for Property Located at 240 West Utah Avenue on Property in the R1-7 Residential Zone for the Creation of 3 Single-Family Residential Lots

Presented by Jim Bolser

Mr. Bolser stated that this could be considered an infill project. There is an existing home that faces Utah Avenue and applicant desires to split off the back portion of the property for two new lots. New lots will face 230 North. The new property lines have been carefully laid out by the applicant so that none of the buildings that will remain will cause nonconforming status as far as setbacks.

The Planning Commission has heard this and forwarded a unanimous positive recommendation.

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

Chairman Wardle asked where the residents will enter the property. Mr. Bolser stated that the existing property will enter from Utah Avenue and the new properties will enter from 230 North. Chairman Wardle asked if the project falls into the infill lot ordinance for setbacks. Mr. Bolser stated that it does fall into the infill within area B.

Chairman Wardle declared the item moved to a second reading for the February 19th City Council Business Meeting

- d. Subdivision Preliminary Plan Request for the Bevan Estates Subdivision by JRS Development LLC for Property Located at Approximately 201 East 700 North for the Creation of 111 Single-Family Residential Lots in the R1-7 Residential Zone. Presented by Jim Bolser

Mr. Bolser stated that this is a development in the R1-7 Residential zone. This will take over a fairly large parcel that is vacant and with the other approved developments it will complete the area. To the west, property is currently under construction for the Legacy Apartment Project. To the southwest is a townhome project. Property to the north is the Country View Villas, a 55 and older community, which is also approved for the development phase. This property is intended for single family use with 111 lots. The lots within the project conform with development within the R1-7 Residential zone. The Planning Commission has heard this and forwarded a unanimous positive recommendation. The project is intended to build out in phases.

Council Member Hansen asked about the existing home on the property. Mr. Bolser stated that lot 101 is an existing home that will stay and the property lines have been laid out to not cause nonconformity. Chairman Wardle asked about the point of egress at the Country View Villas development. Mr. Bolser stated that it does and the roads in Country View Villa will be public.

Chairman Wardle stated that there has been a request to waive the second reading.

Council Member Brady motioned waive the second reading of the Bevan Estates Subdivision Preliminary Plan Request by JRS Development LLC. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council

Member Brady, “Aye,” Council Member Graf, “Aye,” Chairman Wardle, “Aye.” The motion passed.

Council Member Graf motioned to approve the Bevan Estates Subdivision Preliminary Plan Request by JRS Development LLC. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Brady, “Aye,” Council Member Graf, “Aye,” Chairman Wardle, “Aye.” The motion passed.

- e. Resolution 2020-02 A Resolution of the Tooele City Council Accepting for Further Consideration the Annexation Petition of Robert D. Smart, Trustee of the Jack Braton Tomlin Trust.
Presented by Jim Bolser & Roger Baker

Mr. Bolser stated that this is a resolution at the initiation point of the annexation process. The state code sets out a detailed and lengthy process for annexing property into the City. The first formal step is the adoption of the resolution by the City Council to consider the annexation. It does not approve the annexation, only the acceptance of the petition to begin the review process. It is south of Utah Avenue at the edge of the Industrial Depot. The property lines up on the east side of Emerald Road which is a private road. The property does not have a City zone identified for it, that will be part of the consideration of the annexation, but is surrounded by industrial and LI Light Industrial zoning to the east. The property being asked to be annexed is a portion of a larger property that is split between the City and County. Most of the property is already within the City but a sliver of the parcel was left in the County. The applicant desires to have the entire property under the same jurisdiction.

Council Member Graf asked if there is right-of-way access. Mr. Bolser stated that currently there would need to allow access onto Utah Avenue, but it is not the ideal location for access. There are some private issues regarding the access onto the private road to the west. There is access today, but it is limited. Chairman Wardle stated that he was not aware that the private road had been closed off and asked for a discussion item to be made for a future meeting. Mayor Winn stated that it is a temporary closure caused by a construction project. Chairman Wardle stated that the access onto Utah Avenue is not ideal due to its closeness to the railroad tracks. Mr. Baker stated that regardless of how the annexation goes, the access of the parcel already in the City remains.

Chairman Wardle declared the item moved to a second reading for the February 19th City Council Business Meeting.

- f. Resolution 2020-05 A Resolution of the Tooele City Council Accepting the Completed Off-Site Sewer Main Line Public Improvement Associated with the Lexington Greens Subdivision
Presented by Steve Evans

Mr. Evans stated that this is the public improvement is for the Lexington Greens Subdivision off site sewer main line only. Mr. Evans stated that it is signed off by staff. Mr. Baker added that the Certificate of Completion is in the packet and should be signed by the City Council Chair.

Council Member Hansen motioned waive the second reading for Resolution 2020-05, 2020-11, and 2020-12. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

Council Member Graf motioned to approve the Resolution 2020-05. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- g. Resolution 2020-11 A Resolution of the Tooele City Council Accepting the Completed Public Improvement Associated with the Skyline Ridge Phase 1 Subdivision
Presented by Steve Evans

Mr. Evans stated the Certificate is for the Skyline Ridge Phase 1 Subdivision.

Council Member Brady motioned to approve the Resolution 2020-11. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- h. Resolution 2020-12 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Overlake 1L Phase Subdivision
Presented by Steve Evans

Mr. Evans stated this is the improvements for Overlake 1L Phase Subdivision.

Council Member Hansen motioned to approve the Resolution 2020-12. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye,"

Chairman Wardle, "Aye." The motion passed.

- i. Ordinance 2020-02 A Text Amendment to the Tooele City Code Amending the Text of Section 7-4-8 Related to Driveway Locations and Making Related Technical Changes to Section 7-4-9, Section 7-4-10, and Section 7-4-11 of the Tooele City Code
Presented by Jim Bolser

Mr. Bolser stated that this is a text amendment that affects one part of the City Code, Section 7-4-8, and renumbers figures in Sections 7-4-9, 7-4-10, and 7-4-11. In Section 7-4-8 there is a new diagram that made the need for renumbering of diagrams in the following sections. Staff has noticed that with permits that have been coming in for homes located on corners lots, there is a desire to put the driveway on the intersection side of the home. This is a concern because it not only places the driveway on the intersection side, but also presents a safety hazard and presents conflict with other city ordinances and state law. If The driveway is on the intersection of the home a car parked in the driveway will be in conflict of the clear view provisions for intersections from the City Code. State Law Section 41-6a-1401, Standing and Parking Vehicles, and Exceptions, states that a stopping of the traffic cannot occur within 30 feet of the intersection control device such as a stop sign, beyond stopping for the intersection.

Mr. Bolser showed the Council a graphic on the screen illustrating the new provisions and conflicts with the provisions. The proposal suggest that there be a safety zone behind the point of intersection. The safety zone for a safe intersection prevents a driveway from being placed within a standard distance of the intersection. The provision is for single-family residential units, two-family homes and townhome units as well as all other residential units which have individual driveways. There is also a similar provision for residential uses that have common access points into a combined parking area like it typically seen with apartment complexes. By implementing the provision, the City will be in compliance with clear view provisions and State mandates. It will force applicants to mirror image their homes or take other measures if the driveway comes into conflict with the intersection. There is also a provision for residential housing types that use collective parking lots rather than individual driveways.

Mr. Bolser stated that the Planning Commission forwarded this with a unanimous positive recommendation. This is also a first reading item and does not need a vote.

Chairman Wardle asked how this affects a double frontage lot ordinance for multi-family residential. Mr. Bolser stated that the difference is the frontage of

the project. Chairman Wardle mentioned the homes on the corner of Utah Avenue and Coleman Street. Mr. Bolser stated that the access to the homes is not on the corner. The fencing is affected by the clear view triangle and has to be set back from the road for sight line. Chairman Wardle asked who maintains the property between the fence and the sidewalk. Mr. Bolser stated it is the responsibility of the homeowner or development if there is an HOA.

Chairman Wardle declared the item moved to a second reading for the February 19th City Council Business Meeting.

- j. Resolution 2020-09 A Resolution of the Tooele City Council Authorizing the Disposal of Lost and Mislaid Personal Property
Presented by Chief Kirby

Chief Kirby stated that the police department has more bicycles and the department would like to get rid of them before moving into the new building. The department is looking for approval to get rid of them. The bicycles are donated to West Valley City Fire Department who refurbishes them, sells them and donates the money to a burn unit.

Chairman Wardle asked if notice of disposal will be published for people to claim their bike if they so choose. Chief Kirby stated that it will be published.

Chairman Wardle declared the item moved to a second reading for the February 19th City Council Business Meeting.

- k. Ordinance 2019-35 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property at Approximately 2100 North Main Street
Presented by Jim Bolser

Chairman Wardle stated that he had made a mistake and the Council could not close the public hearing on the item because it was a first reading.

Mr. Bolser stated that this was first discussed in January. The property is on the east side of SR36 just north of 2000 North. The property fills in between SR36 and 400 East. Currently the land is zoned on the western portion as GC General Commercial and the eastern portion as LI Light Industrial. The proposal is to make the entire property LI Light Industrial. With the last discussion there was the request from the Council for elevation drawings and renderings from the applicant. Three were provided and are different versions of the frontage of the north side of the property.

Council Member Brady asked about the updating the General plan and when the last time that the General plan was updated. Mr. Bolser stated that there are three elements, Land Use, Annexation Policy, and Transportation. Land Use was last overhauled in 1996. The City is currently updating the General Plan. Council Member Brady stated that the current review of the General Plan is ongoing and the Council should consider not making any zoning changes until the plan is updated. Chairman Wardle asked for a timeframe for the revisions of the General Plan. Mr. Bolser stated that there is no formal timeline, but an outline has been made. The Planning Commission is actively going through the plan and it will be brought for review into an open public process. That open public process is expected to wrap up with Council approval in late 2020.

Council Member Graf asked if there will be access to 2000 North from SR36. Mr. Bolser and Mr. Baker stated that would be a UDOT decision and there are no plans for that intersection be opened in the future. Mr. Baker stated that UDOT has identified that 2000 North cannot be made safely into a four-way intersection.

Chairman Wardle stated the applicant emailed a statement to him that he was under the understanding that the review for the meeting was not a final decision, but a working discussion.

The applicant was invited to address the Council.

The item became a lengthy discussion between the City Council and the applicant. The Council was concerned about the tax base and if giving up the general commercial zoning was advantageous to the City. The appearance of the gateway and how is this facility enhancing or detracting from it. The concern about jobs with the possibility of an office building being in the place of the storage units. Lastly, the idea that the zoning request be held until the General Plan was finalized. The Council vocalized that they would prefer the storage unit to look like an office building.

Mr. Kelly Gallacher and Mr. Arno Kruisman addressed the Council. Mr. Gallacher was the primary speaker. Mr. Gallacher stated that he had provided three renderings of the north side and had not provided renderings of the other sides until the Council had decided on a façade they would like. He stated that he and his partner had approached several business owners in the vicinity of the land and they are in favor of the renderings they were in presented. Mr. Gallacher claimed he would provide \$95,000 in taxes to the City. The facility would be a zero drain on services due to the limited employees and utility usage. The facility would only have two employees.

The conclusion of the discussion the Council asked Mr. Gallacher to provide the renderings that were asked for in the prior meeting. Renderings of the west side, north side, south side are needed. As well as renderings of the facility at night. There will be a review of the taxable value to determine if it is valuable to the City. Mr. Gallacher stated he would provide an analysis of the tax base. Chairman Wardle asked for the renderings to be provided timely with the estimated date of Friday February 14th for the Council packet. Mr. Gallacher asked if it was a possibility that he would even have a chance for getting approval. Chairman Wardle stated that this is still a working discussion.

Mr. Baker added comments about the commercial zoning on both sides of SR36. That is an action that is more than 20 years old and at the time a rezone was deemed necessary to protect a commercial corridor. There has been debate as to if a viable commercial area is practical with a depth of only 300 feet. In regards to spot zoning, that was brought up in the discussion, per state law, spot zoning is lawful; the Council can rezone any property upon making a finding that the rezone is in the best interest of the community.

Chairman Wardle declared the item moved to a second reading for the February 19th City Council Business Meeting.

10. Minutes

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

Council Member Brady motioned to approve minutes from the City Council January 7, 2020. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

11. Approval of Invoices

Presented by Cylee Pressley

An invoice in the amount of \$25,150, Performance Ford Lincoln for a vehicle.

An invoice to Performance Audio for the down payment of the new audio in the Council chambers.

Council Member Hansen motioned to approve invoices. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

12. Adjourn

Chairman Wardle adjourned the meeting.

The meeting adjourned at 9:40 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 19th day of February, 2020

Scott Wardle, Tooele City Council Chair