

**Tooele City Council
Work Session Meeting Minutes**

Date: Wednesday, August 19, 2020
Time: 5:30 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main St., Tooele, Utah

City Council Members Present:

Ed Hansen, Chair
Scott Wardle
Melodi Gochis
Tony Graf
Justin Brady

City Employees Present:

Debbie Winn, Mayor
Michelle Pitt, Recorder
Jim Bolser, Community Development Director
Darwin Cook, Parks and Recreation Director
Ron Kirby, Chief of Police
Shannon Wimmer, Finance Director
Cylee Pressley, Deputy Recorder
Roger Baker, City Attorney
Kami Perkins, Human Resource Director
Paul Hansen, City Attorney
Steve Evans, Public Works Director

Minutes prepared by Michelle Pitt

1. Open Meeting

Chairman Hansen called the meeting to order at 5:30 p.m.

2. Roll Call

Ed Hansen, Present
Scott Wardle, Present
Melodi Gochis, Present
Justin Brady, Present
Tony Graf, Present (arrived at 5:48 p.m.)

3. Mayor's Report

The Mayor updated the Council on CARES funding for small businesses. The City is planning to launch the small business grant program on September 8th, collect applications by September 18th, and award funding a week later. The Mayor reported that the county is also planning to do some small business grants. She felt that with both entities extending grants, they will be able to help a lot of businesses.

The Mayor reminded everyone to conserve water. It has been an extremely hot summer. She asked residents to not worry about their grass being yellow. She pointed out that the City's grass at the golf course and parks have yellow grass too. The grass is just going dormant and will bounce back in cooler weather.

The Mayor thanked the community for their help cleaning up their neighborhoods. She explained that for the last couple of years, she has asked staff and community to help promote her program, Take Pride Tooele. There are a couple of groups of people that have been in the northeast part of town cleaning up the double frontage lots. She said that the City advertised a cleanup night, and invited people to help clean up Smelter Highway between Overland Road and 7th Street. Although not many people were there, they were able to make a difference in a short period of time. The City will do a cleanup project on the 2nd Thursdays of each month. The next one will be on September 10th at 6:30 p.m. Everyone is invited.

4. City Council Members' Reports

Council Member Gochis reported that Glenna Empy, a member of the Tooele City Arts Council passed away. She will be missed. The arts council received a \$4,000 grant through the CARES act. The Fridays on Vine concert series was postponed until 2021, but the arts council is discussing having some virtual concerts. Council Member Gochis attended the joint City Council and Planning Commission meetin on the 12th and felt it was very informative. That meeting, where they discussed the general plan, is available on Facebook to watch. She, the Mayor and Council Member Graf met with Kevin Peterson of America West. He owns the Broadway Hotel and has approached the RDA for a loan to demolish the hotel. It is uncertain as to whether that funding will be granted. Today, she participated in interviews for the economic administrator position. She said she was pleased with the applicants. She reported that the August COG meeting was postponed.

Council Member Brady had nothing to report.

Council Member Wardle asked some questions about the small business grant policy and the amounts that would be awarded. The Mayor answered that the amounts would be between \$1,000 and \$10,00 for the initial phase. The City will start with \$100,000, but the transfer that the City is asking for in the next meeting is for \$300,000, and \$75,000 for training. The Mayor said they would like to get an idea of the need of businesses. She indicated that administration will report back to the Council when they know the demand.

Chairman Hansen said that he met with Switch Pointe. Switch Pointe is still proceeding to accomplish their goal to get a building and some other temporary things running. He said he would have more information later.

Chairman Hansen said that with so many items to discuss during this meeting, he will try to keep each item at 7-8 minutes.

5. Discussion:

- **Attainable Housing**

Presented by Council Member Scott Wardle and Jim Bolser

Council Member Wardle stated that he has been participating with staff members, realtors, and home builders to see how the City can address a gap in the community, at the type of housing we have, and how we can improve to provide needed housing. Mr. Bolser said that the first facet has been provided in the Council's packets. The City has been examining the minimum threshold for unit sizes in multi-family dwellings. The goal is to make housing affordable for new families, younger families, or elderly families.

Council Member Wardle added that they have the ability to bring the rent down from \$900 to \$700, and maybe provide opportunities to graduate from smaller housing to larger housing within the community.

Council Member Gochis said that it is difficult when renters have to pay an additional fee for parking. It forces people to park on the street. Mr. Bolser said that Code 7-4 addresses that point, but that it is difficult to enforce when it's private property.

- **Sign Ordinance**

Presented by Council Member Tony Graf

Council Member Graf indicated that in March he talked about looking at the sign ordinance. Since that time, he has met with members of the public, administration, and business owners to talk about what changes could be made to make the sign ordinance more business friendly, keep the sign ordinance in place, and regulate businesses.

He said he sent copies of the proposed amendments to the sign ordinance to the Council. He pointed out some of the notable changes:

Electric signs – instead of using a formula to measure light, it would be changed to large blocks of light and colors.

Allowing banner signs,

Allowing non-profits and schools to put up temporary signs for fundraising events,

Allowing residential properties signs for advertising of home businesses,

Allowing business owners to have one day notice for a non-conforming sign before it is seized, but if it is in the public right-of-way, it can be taken right away.

Council Member Gochis felt that the ordinance would be hard to monitor. She asked if a friendly fact sheet could be posted on the City's website.

Council Member Brady asked why the time of 10:00 p.m. was chosen as the time required for the A-frame sign to be removed. Council Member Graf indicated that it was because of feedback that he received. It gives businesses that close at 9:00 p.m. some extra time to get their signs in. Council Member Wardle indicated he would like the time to be amended to 9:30 p.m., or one-half hour after closing time. Mr. Baker said that allowing various times makes it difficult to enforce: each business might have its own closing time, which the officer would not know. Council Member Wardle asked if the City's code enforcement officer worked at night. Chief Kirby answered that she is currently working Monday through Friday during daytime hours.

After the discussion, Council Member Graf said he would like the ordinance to be sent through the process, which is to go to the Planning Commission next. Council Member Wardle asked that the ordinance be sent out again to the Chamber and ambassadors before it goes to the Planning Commission.

- Budget Amendments
Presented by Shannon Wimmer

Ms. Wimmer said that this budget amendment will move the \$375,000 to the expense account so that the City can start spending those funds as the grants from small businesses come in. The resolution will be presented at the 7:00 meeting.

- Notices of Intent to Petition for Annexation in to Tooele
Presented by Paul Hansen

Chairman Hansen explained that the City received a lot of Notices of Intent and so he asked Mr. Hansen to create a map to help them understand where all the properties are. He further explained that this was just a discussion about the various Notices, and not to make a decision about annexations. Mr. Baker stated that he and Mr. Hansen would not talk about a certain Notice of Intent to Petition for Annexation over another, but just let the Council know what was received. Mr. Baker said that the Notices were in response to a new law from the legislature requiring that Notices of Intent to File a Petition for Annexation be filed by August 5th.

Mr. Hansen stated that the notices were not solicited by Tooele City. The City received the requests from property owners, or sponsors or representatives for the property owners. Mr. Hansen explained that as he was mapping the areas on the Notices of Intent, he mapped the information contained in the Notice, but didn't verify legal boundaries. The map also showed the current City limits.

Mr. Baker stated that some of the properties in the Notices are quite some distance from the City, and removed from the annexation expansion area map. He said that these areas cannot be annexed in to the City because they are not in our annexation area plan. Also, some of these Notices are not connected to each other. Council Member Gochis asked if it was appropriate to annex something that was an island. Mr. Baker answered that the areas need to be contiguous to Tooele City.

Mr. Hansen said that four of the annexations lie within the annexation growth plan, but that doesn't mean that the City will automatically move forward with an annexation. Earlier, administration sent to the Council a list of items that need to happen for an annexation to happen. Each annexation application needs to be able to stand on their own. Some of these annexations may need to be looked at with more depth, because of water, sewer, transportation and economic impact issues.

Mr. Baker said that there were recently two changes to state law that affected annexations. One law was specific to First Class counties, prohibiting property in an unincorporated area to annex in to an incorporated area if an incorporation petition was pending. That reference to First Class Counties was stricken, making the prohibition applicable in all counties. When that was brought to the attention of the legislature, the remedy was to create an opt out provision which says that if property owners file a Notice of Intent to File a Petition to Annex, then their property opts out of that incorporation. He said that he thought the state created a difficult situation for both parties. Council Member Wardle asked if some of the Notices we received were just property owners wanting to opt out of the Erda incorporation. Mr. Baker said that they could be. Mr. Baker added that the Notice of Intent is just a letter and a map. If an applicant really wants to submit a petition to annex, there is more of an investment in the process.

- Request for Establishment of a Special Improvement District for Perpetual Open Space Maintenance in the Lexington Greens Development
Presented by Roger Baker

Mr. Baker stated that in Lexington Greens, the developer has proposed some green spaces that won't be given to the City to be used for parks. They will remain privately owned and maintained, to be enjoyed by the property owners. The developer suggests that the HOA (home owners association) maintaining those green spaces may not be the best way to maintain them long-term. The developer is suggesting to create a special assessment area more commonly known as a special improvement district, which would tax the residents that live in this development to create a fund to maintain those green spaces. The tax wouldn't be for construction, but would be for maintenance only. This would be collected as an entry on a tax notice, which has a better rate of collection than an HOA. The City would then contract with the HOA to pay to maintain those areas on behalf of the City.

Mr. Baker asked if the City was interested in a special tax just for these residents. He further explained that it would be similar to the North Tooele City Special Service District. But in this case, the money would come to the City, and the City would pay to have the green spaces maintained. The residents would have an opportunity to appeal their taxation before the a board of equalization formed by members of the Council. Mr. Baker asked the Council if that was a role they would like to assume.

Council Member Brady said that the North Tooele City Special Service District (NTSSD) is already in that area. He asked if the developer was given an opportunity to join the NTSSD. He added that there is already a revenue for them to maintain those areas and felt that this would be a better option.

Council Member Gochis said that while she served on the NTSSD, Mr. Akerlow was asked if he wanted to join the SSD and he said no. She thinks that it's confusing for homeowners to have a special tax. There are other amenities that the residents could enjoy under the NTSSD. She stated that she is not in favor of the special improvement district.

Council Member Wardle said that the NTSSD has asked why others should enjoy their amenities but not have to pay for them. We have seen some parks that have not been taken care of in the past. He said that there is a way to create the special improvement district and have the tax collected. It can be included as a note on the title report. Expanding the NTSSD map may not be a good thing. Council Member Wardle said he thought this was a good idea as a way to maintain these amenities.

Council Member Brady said that he sits on the NTSSD. They are overwhelmed because they are maintaining areas that have been added, without revenue. Council Member Gochis added that this had been discussed before. The reason to implement an SSD is because there aren't amenities there. She felt that since those amenities are already there through the NTSSD, and that this development should join the SSD.

Mr. Baker said that when Lexington Greens first came to Tooele City, they submitted a proposal to create a local district to construct sewer, water, and transportation infrastructure; that was abandoned. A special assessment area is not a local district. This is a completely different tax revenue to provide maintenance of just the green space. There are many kinds of districts and it can become confusing. Council Member Graf said that the City already has a mechanism in place to address this. The overwhelming feeling of the SSD can be addressed within their organization.

Council Member Wardle asked what would happen if the HOA failed to take care of the green spaces. Mr. Baker answered that the community could decide that it is not in their interest to maintain them and stop paying their assessments, and they try to give them to the City. The special assessment area gives the City the authority. There are questions to consider as to how far the City is willing to go to maintain the parks and how much are you willing to use general funds. The development would create an HOA and determine what the assessment should be. The HOA would collect those assessments. Council Member Wardle said that there was an HOA on 7th Street, but it was never implemented. The City is now maintaining that area. Mr. Baker agreed that there are some HOAs that work very well, some that don't, and everything in between.

Chairman Hansen said that this will be discussed at another work meeting.

- Amendments to Fee Schedule
Presented by Jim Bolser and Darwin Cook

Mr. Bolser said that the packet included proposed fees for land use items. These are fees the City currently doesn't have for applications, such as:

Petitions for annexation,

Inclusion in to a Special Service District (SSD)
Amendments to the annexation policy plan
Vacations, such as easements and public rights-of-way

Council Member Brady asked about the \$500 fee for inclusion in to a SSD. Mr. Bolser answered that this is an annexation process. Council Member Brady said that inclusion in to a SSD benefits the City because it keeps areas well maintained. He said he was not in favor of this fee because it could cause developers to not want to join SSDs, such as the NTSSD. Mr. Bolser said that other cities are charging fees for these types of services. He passed out information he had gather about what other cities along the Wasatch front and outside of the Wasatch front charge for fees.

Council Member Gochis said that she felt that the fees were reasonable and knows that it doesn't come close to reimburse the employees' time.

Mr. Cook said that the fee adjustments for parks were for camping locations and for the golf course pull cart rental. He explained that the City owns some decent property that campers use. There currently isn't a fee on the fee schedule for camping. He proposed a \$10 fee for each camp site. He added that it would be a dry camp, but a port-a-potty would be put there during the summer season. Mr. Cook stated that the property at the wigwam has an opportunity for individual camp sites, has an amphitheater, and could be developed as a group site in the future.

He would like the fees to be put in place now for both camping areas, and a fee for a key deposit.

The proposed fee for the golf pull carts is \$4.00 for 9 holes, and \$8.00 for 18 holes.

Council Member Wardle asked if employees were exempt from this fee, and how people reserve these areas. Mr. Cook answered that the information has been put online. Ms. Perkins said that employees can receive a 20% discount, or the Council can decide that employees be exempt from the fee. Council Member Gochis asked if the \$10.00 fee covered the cost of the port-a-potties. Mr. Cook felt that the City would break even.

- Purchasing Policy and City Code Amendments
Presented by Michelle Pitt

Ms. Pitt stated that a lot of the proposed amendments are minor housekeeping items. However, there are two proposed amendments that warranted more discussion:

1. the amounts that administration would be required to bring to the Council for approval, and

The current policy requires administration to bring invoices or contracts to the Council for approval if they are \$20,000 and over. The amendment would change that amount to \$50,000.

She further explained that each year, the Council approves departmental budgets. Each department head is responsible to monitor their budgets, and to only spend what has been approved by the Council.

There have been times when this \$20,000 amount has been a little restrictive. Here is an example:

One of our departments was in the need of a vehicle. They informed our fleet manager, Scott. Scott was able to find a great deal on a truck that fit the needs of that department. However, many other governmental entities were also looking at this great deal, and this vehicle was in demand. We needed to move quickly in order to get this low price. The amount was over \$20,000 and needed to go to a council meeting for approval. There was no time. I then emailed you all for approval so that we could move forward with the purchase, then brought the invoice to you for ratification. Luckily I was able to reach enough of you to get a majority approval for the purchase.

Another example of how this change would affect purchasing: tonight 5 invoices will be brought to you:

Chairs	\$72,518.51	
Dispatch fees	\$80,078.00	
Lawrence waterline loop	\$40,000	- with this change these
Garbage cans	\$40,420.18	3 invoices wouldn't
Water meters & supplies	\$21,424.37	come to the Council

Increasing the amount to \$50,000 would allow us to make these types of purchases without the need to get Council approval beforehand.

2. The amount that requires competitive sealed bids. The current policy requires us to get competitive sealed bids on projects over \$20,000. We are requesting that this amount be increased to \$100,000.

Almost all of the public works projects are over \$20,000.

It is timely: Our policy requires public notice for at least 14 days. It takes some time to prepare the bid information, to collect the bids, open them, and analyze them. Most of our bid information, including purchase description and contractual terms and conditions, (see page 5, #2) are prepared by our City Engineer, Paul Hansen. Mr. Hansen is the best at preparing these, but there are some times when Paul is not able to prepare the bids. In those cases, we would contract that service out. We have found that for a \$20,000 project, we could be paying up to \$7,000 for an outside agency to prepare this bid information for us.

These changes also require changes to City Code, Title 1, Chapters 5, 6, 14, and 22, which Mr. Baker has done. Those proposed changes have been included in your packets.

The state does not mandate the amounts required to be brought before the council, nor the amount that needs to be bid out. However, the state does require that an amount be set; and that once it is set, that we follow it.

Ms. Pitt stated that she believes that the reason an amount is set at all, is to ensure that the City continues to be transparent and open to the public while conducting its business.

This amendment has been given to the department heads who have reviewed it. Some of them have suggested changes, so she reminded the Council that this a draft.

The Council had questions regarding the change from \$20,000 to \$50,000. Council Member Wardle stated that he was not comfortable with this large of a change. Ms. Pitt explained that the change in the amount would allow invoices to be paid quicker, rather than to have to wait for the next Council meeting for approval.

Chairman Hansen stated that this will be discussed further in a future meeting.

- Industrial Zoning
Presented by Jim Bolser

Chairman Hansen moved this item to be discussed in a future meeting.

- Facebook Live

Chairman Hansen moved this item to be discussed in a future meeting.

6. Close Meeting to Discuss Litigation, Property Acquisition, and Personnel

There was not a closed meeting.

7. Adjourn

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

The meeting adjourned at 6:57 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 _____ day of September, 2020

Ed Hansen, Tooele City Council Chair