

**Tooele City Council and the
Tooele City Redevelopment Agency of Tooele City, Utah
Work Session Meeting Minutes**

Date: Wednesday, November 1, 2017
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:

Debbie Winn
Steve Pruden
Scott Wardle
Brad Pratt
Dave McCall

City Employees Present:

Mayor Patrick Dunlavy
Glenn Caldwell, Finance Director
Michelle Pitt, Recorder
Roger Baker, City Attorney
Jim Bolser, Community Development and Public Works Director
Dave Gillette, Building Official
Bucky Whitehouse, Fire Chief
Randy Sant, Economic Development and Redevelopment Agency Director
Paul Hansen, City Engineer

Minutes prepared by Michelle Pitt

1. Open Meeting

Chairwoman Winn called the meeting to order at 5:00 p.m.

2. Roll Call

Debbie Winn, Present
Steve Pruden, Present
Scott Wardle, Present
Brad Pratt, Present
Dave McCall, Present

3. Discussion:

- Ordinance 2017-27 An Ordinance of Tooele City Enacting Street Improvement Standards for Certain In-fill Overlay District Streets
Presented by Jim Bolser

The Council and staff discussed this matter at the last work session meeting. Mr. Bolser stated that this ordinance went through Planning Commission and a public hearing was held. No one from the public commented during the public hearing. Mr. Bolser added that this matter is on the business session agenda for consideration and vote from the Council. Councilman Pratt asked if the Planning Commission had a favorable recommendation. Mr. Bolser answered that the Planning Commission recommended approval.

- Ordinance 2017-25 An Ordinance of Tooele City Enacting Tooele City Code Chapter 3-7 Regarding Nuisance Fire Alarms
Presented by Roger Baker and Fire Chief Bucky Whitehouse

Mr. Baker stated that two weeks ago the Council discussed this matter and at that time asked to discuss it at another meeting. Mr. Baker said that he had a good discussion with Councilman Wardle about some questions he had regarding this ordinance. Mr. Baker stated that he added language based on points Councilman Wardle raised during their discussion. Councilman Wardle indicated that he also discussed this matter with Fire Chief Bucky Whitehouse. Councilman Wardle stated he liked the checks and balances put in place by adding the Mayor signature to the fire system disconnect form. The disconnect form results in suspending occupancy and prohibits staff from being in a closed building. Councilman Wardle indicated he hadn't discussed the additional language with anyone yet and wanted the Council to have time to discuss it.

Chairwoman Winn said that she read through the ordinance and talked with Councilman Wardle about it. She felt that the amendments were good and important. She stated that it would not be fun to shut down a business, but if it had to be done, it needed to be done lawfully. Councilman Wardle said that the process would allow the Fire Chief to call the Mayor, get an authorization then proceed to shut down. Mr. Baker added that the Mayor's signature could be obtained the next day, if there was an emergency situation. In that case, the Fire Chief could get a verbal authorization, then get the signature the next day. Councilman Pratt stated that he liked the new wording. Councilman Pruden expressed appreciation to Fire Chief Whitehouse, Mr. Baker, and Councilman Wardle for fine tuning the ordinance. Mr. Baker said that he hoped that the word would get out to the business community that there will be a disincentive for having a fire system in disrepair, and that fire safety is important to the City. Councilman Wardle said he didn't know what a fire watch looked like and didn't realize they happened as much as they do. Fire Chief Whitehouse said that the fire department had two instances where fire watches were voluntarily enacted, since the last time this ordinance was discussed. Fire Chief Whitehouse added that fire watches are usually voluntarily, not forced. Mr. Baker stated that the way the ordinance is written, places of business do not always have to disconnect in order to implement a fire watch.

Paul Hansen, Dave Gillette, and Mike Jensen joined the meeting at 5:07.

- Ordinance 2017-28 An Ordinance of Tooele City Amending Tooele City Code Section 11-1-4 Regarding Commercial Handbills
Presented by Roger Baker

This ordinance was also discussed at the last Council work meeting. Mr. Baker stated that this was not an ordinance initiated by him, but was an initiative of the Council. Mr. Baker stated that he provided tools and alternatives that the Council could choose between. Mr. Baker indicated that he added a final option of prohibiting putting items on windshields. He stated that this was not something that had to be added, but was an option. Councilman Pruden said that he felt that this was a litter problem for merchants, and occupants, just like the green bags are. Chairwoman Winn said that it was usually a different business putting information on windshields, than the owner of the parking lot. Councilman Pratt said that as he was reading through the ordinance, he realized that a lot of the information being put on windshields is being done on private property. Those businesses have the ability to regulate that on their own. Their success in regulating that is another discussion. Councilman Pratt added that he didn't want to overregulate or overstep what businesses could do on their own. He thought that businesses could put up a sign that said it couldn't be done without the expressed consent of the property owner. Mr. Baker stated that he took out the words "or deposit" in response to Councilman Wardle's prior comments. The Council may want to allow items to be placed on porches, so he took those words out. Councilman Wardle said that it was almost redundant to have "F," "E," and "B" in the ordinance. Chairwoman Winn said that sometimes being more simple is better and makes things easier to understand.

Councilman Pruden said that he noticed that the green bags have expanded and are hitting more areas. Councilman Pratt said that he received two within the last few weeks, and they had the exact same materials in both. Councilman Pruden wondered if the City should contact the chamber about the parking lot issue, to see what they thought. Councilman Wardle said that he would like to strike "F" from the ordinance. That way, if a business wanted to allow someone to place flyers on cars, the City wouldn't prohibit it. It would be incumbent on the property owner to prohibit. Mr. Baker indicated he would make the change, and take out "F". Councilman Wardle said that it would allow them to advertise, but would be incumbent on them to go to the property owner to regulate it.

Mayor Dunlavy stated that the ordinance needed to be enforceable. He said that it was easy to put up a sign saying "No Soliciting" but there are people that won't care about the sign and put things on the windshield any way. This would be enforced by citation. Councilman McCall asked if the City could cite on private property. Mr. Baker answered that police don't give citations on private property for some types of crimes, but littering is a public and private property crime. Chairwoman Winn said that this is something that can protect the citizens. They are the ones complaining about the litter and they want something done. The Mayor indicated that he would make an effort to get the ordinance to the chamber, and ask them to disseminate the information to their members.

- New Utah Court of Appeals Opinion: Baker v. Park City
Presented by Roger Baker

Mr. Baker summarized the Baker v. Park City case, emphasizing the importance of the Council producing findings of fact capable of review on appeal when they sit as an adjudicative body.

Randy Sant joined the meeting at 5:27 p.m.

- National Guard Fire Suppression
Presented by Paul Hansen

Mr. Hansen stated that Tooele City received a request from the National Guard. They have an existing facility south of Commander Boulevard. They would like to expand the facility which requires the installation of a fire suppression system. Mr. Hansen added that the Army's system is not at the same quality and standards as the City's. The request was made to tie in to the City's 12 inch line that was installed to feed the county jail. The request by the National Guard is to install a water line to be used solely for fire protection purposes. He expressed concern about taking on the liability because it is a single feed line with no looping and no cross connection. The National Guard would like to talk about whether the City would allow them to connect to the City's line for fire suppression. Mr. Wolff, from the National Guard, stated that they are in the process of purchasing approximately 42 acres of land from the Tooele Depot. He stated he has a contract to renovate the Field Maintenance Shop (FMS) building. The State Fire Marshall has concerns that there is not enough water pressure within the Army water system to meet fire flow requirements. The FMS requires fire suppression in the building. Water is an issue with the expansion. Mr. Wolff added that the goal was to have fire suppression to the fire hydrant.

Mr. Wolff stated that they are currently connected to the depot's water system which doesn't hit 1,000 gallons per minute. 1,500 gallons is the minimum required. If redundancy or a loop system is needed, it could be addressed with a change order in the contract that is in place. Mr. Wolff said that he would love to get off the depot's water line because their water quality is not as pristine as the City's.

Councilman Wardle asked for a clarification of what was being asked of them. He asked if a water right was needed. Mr. Hansen answered that for fire suppression, a water right isn't required because there is not a demand. Mr. Hansen added that if, through the expansion, they were to bring it in to the system for culinary demand or irrigation use, the City and City code would then require water rights. The concern that City staff has is if that line gets interrupted for any reason, there is no back up system. This line services the jail. The jail knows that there is no back up, but there is a concern that if more dependency is allowed on that line, the more liability the City would incur. Mr. Hansen went on to say that there is water in the Army's system, so there is some limited back up there, although at a lower pressure and fire flow capability.

Mr. Wolff said that there are hydrants that belong to the Army. Mr. Hansen said that the City does not want to cross-connect the systems. Mr. Hansen added that if the City decided to provide fire flow, it would need to be a new separate system. Mr. Baker said that the National Guard would then have two sources. Mayor Dunlavy asked how the City could get the Army in a position to allow them to do what they want to do, yet provide water under the current system. The City would have to bring in another line or the Army would have to bring in another system.

Mr. Wolff said the Army was doing a study right now. Mayor Dunlavy asked about a storage tank. Mr. Wolff stated that the Army basically had two options: connect to the City's water line, or go back to design and put in a storage tank and pump. Mr. Wolff said that putting in the storage tank and pump would be about \$350,000. Mayor Dunlavy asked if the Army realized what a big tank it would have to be. Mr. Gillette stated that they need 25,000 gallons per 10,000 square feet. Mr. Baker asked if it was a different policy question as to whether the City provides a source of water flow for fire, than providing water for commercial development allowing continuous use of water. Mr. Bolser said that it was different.

Councilman Wardle asked what the difference would be to the National Guard using the water as fire suppression compared to allowing houses to come in under a system that wasn't redundant. Mr. Bolser answered that the supply wouldn't draw off other sources. This is an isolated place. Mr. Bolser went on to say that culinary use such as drinking water, washing dishes, etc., has a much lower culpability than fire suppression. Councilman Wardle said that if there was a fire at the depot, the City fire department would be there to help. The City fire department would need to find another source any way. Mr. Gillette said that if something happened to one source, the City would not be able to support the jail. Mr. Bolser said that the portion that would be fire suppression, from the highway to their facility, would be a stagnant line. The culinary line to the jail is a flowing line, so it wouldn't stagnate. Mr. Wolff said they could flush the line quarterly, or however often is needed. Councilman Wardle stated that the City would lessen liability by providing it. Mr. Hansen said right now the City has no liability because the City does not have a system there.

Mr. Hansen said that if the City ran a looped line through the depot, other property owners in that area might want to connect to that line. Councilman Wardle asked if this was a policy question about fire suppression, or a question of connecting for culinary. Councilman Wardle added that if a business came in and asked for culinary water, the answer would be no, but this was different because it was for fire suppression. Mayor Dunlavy asked Mr. Wolff if fire suppression was the main concern. Mr. Wolff answered that it was. Mayor Dunlavy asked Mr. Wolff if he realized that culinary water would not be an option, and neither would be connecting others to the system. Councilman Wardle said that in the future, the Army could ask the legislature to possibly fund it through appropriations and it could be an economic development issue.

Fire Chief Whitehouse stated that if they could get supply and flow and it was for fire suppression, he would suggest we do it. Mr. Hansen said that the National Guard building would get better water pressure than the jail.

Mr. Hansen asked Mr. Wolff if the building would be sprinkled. Mr. Wolff answered that it would not be sprinkled at this time. He explained that if the shop expanded, they would sprinkle the whole building at that time. Mr. Hansen indicated that sprinkling the building would help alleviate some of the City concerns. Fire Chief Whitehouse asked if the Army evaluated sprinkling the building. Mr. Wolff answered that it was evaluated, but that it was costly.

Mr. Hansen clarified that the Council supported staff moving forward in providing fire suppression to the National Guard expansion. They confirmed that that was their direction. Mr. Baker will draft an agreement.

4. Close Meeting to Discuss Litigation and Property Acquisition

Councilman Pruden moved to close the meeting. Councilman Pratt seconded the motion. The vote was as follows: Councilman Wardle “Aye,” Councilman McCall “Aye,” Councilman Pruden “Aye,” Councilman Pratt “Aye,” and Chairwoman Winn “Aye.”

Those in attendance during the closed session were: Mayor Patrick Dunlavy, Glenn Caldwell, Roger Baker, Paul Hansen, Michelle Pitt, Jim Bolser, Randy Sant, Councilman Wardle, Councilman Pratt, Councilman McCall, Councilman Pruden, and Chairwoman Winn.

The meeting closed at 6:08 p.m.

No minutes were taken on these items.

5. Adjourn

Councilman Pruden moved to adjourn the meeting. Councilman Pratt seconded the motion. The vote was as follows: Councilman Wardle “Aye,” Councilman Pratt “Aye,” Councilman Pruden “Aye,” Councilman McCall “Aye,” and Chairwoman Winn “Aye.”

The meeting adjourned at 6:55 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 15th day of November, 2017

Debra E. Winn, Tooele City Council Chair