

**Tooele City Council
Work Session Meeting Minutes**

Date: Wednesday, July 18, 2018
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
Melodi Gochis

City Employees Present:

Mayor Debbie Winn
Glenn Caldwell, Finance Director
Michelle Pitt, Recorder
Roger Baker, City Attorney
Jim Bolser, Community Development and Public Works Director
Randy Sant, Redevelopment Agency Director
Paul Hansen, City Engineer

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, Present

3. Discussion:

- Fire Pits

Chairman Pruden stated that some residents had asked him about what the City allowed for recreational fires and fire pits. Chairman Pruden said that he has seen some raging bonfires

around town. The Chairman wanted the Council to review the City Code so that they were aware of what is allowed.

Council Member Pratt said that he has noticed 55 gallon drums in people's yards which are used for burning. Chairman Pruden said that those are not allowed. Mr. Baker said that the pile height cannot exceed 12 inches above the bottom of the fire pit, fire ring, or fire structure. Council Member Wardle felt that the 55 gallon drums were not in violation of City Code, as long as the fire wasn't 12 inches above the ring. Mr. Baker stated that even when fires are in a fire structure, if they get out of hand, they should be reported to the fire department.

- Bulky Waste Ordinance

Chairman Pruden said that the Council and the City's Code Enforcement Officer have noticed that people are putting out their bulky waste items too early. This causes problems because the garbage gets scattered and looks terrible. The Chairman asked administration to have the code enforcement officer to notify residents if their bulky waste items are out too early.

- Electronic Signs

Chairman Pruden explained that this item was not ready to go forward. It was tabled to be discussed at a future meeting.

- Resolution 2018-46 A Resolution of the Tooele City Council Approving Insurance Coverage for Fiscal Year 2018-2019
Presented by Michelle Pitt

Ms. Pitt stated that each year the City renews their insurance by August 1st. For many years the City has had Moreton & Company as their insurance broker. This year, the City bid out the insurance and received bids from Moreton & Company, Olympus Insurance, and the Utah Local Governments Trust. The Mayor, Mr. Baker and Ms. Pitt listened to proposals from each company and received their bids. Ms. Pitt contacted several of the referrals listed by each bidder for recommendations. The Mayor, Mr. Baker and Ms. Pitt studied and evaluated the proposals, coverages, deductibles, and premiums. The Trust offers the lowest premiums, with the lowest deductible for general liability claims. City staff recommends awarding the insurance contract to Utah Local Governments Trust. This results in a savings of \$76,288 from Moreton's 2017-2018 premium.

Ms. Pitt introduced Curtis Tonks who was in attendance representing the Utah Local Governments Trust.

- Resolution 2018-44 A Resolution of the Tooele City Council Approving a Contract with TecServ, Inc. for Computer Network Maintenance Services
Presented by Michelle Pitt

Ms. Pitt said that the City finds it necessary to contract services for the purpose of providing computer network maintenance, troubleshooting, and consultant services for the City's computer

systems. The City has contracted with TecServ Inc for the past 13 years and are happy with the services received from them. The contract is for \$87,360 per year and will automatically renew on July 1st of each for a maximum term of five years.

- Ordinance 2018-8 An Ordinance of Tooele City Amending the Definition of Tobacco Specialty Store in Tooele City Code Section 7-1-5
Presented by Roger Baker

Mr. Baker stated that the City has been classifying stores as tobacco specialty stores if tobacco products account for more than 35% of their total gross receipts. This definition has been difficult to determine and impossible to verify. The Legislature has changed their definition of a tobacco specialty store to include these components: 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products; 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products; or the retail space features a self-service display, or vending machine, for tobacco products. The City no longer needs to verify a store's food and gas sales. Mr. Baker felt that the changes to the definition would make it easier to verify if a store is a tobacco specialty store rather than a convenience store. Mr. Baker added that if a store violated one of the four definitions, the City could revoke their business license.

- Ordinance 2018-10 An Ordinance of Tooele City Enacting Tooele City Code Section 1-4-7 Regarding Indigent Defense for City Code Violations
Presented by Roger Baker

Mr. Baker said that Senator Thatcher proposed this legislation. The new law requires cities to provide a notice in the City Code that legal defense for indigent persons accused of criminal offenses for which incarceration is possible.

- Ordinance 2018-9 An Ordinance of the Tooele City Council Amending Tooele City Code Sections 3-4-5 and 3-4-6 Regarding Permissible Dates for the Sale and Display of Fireworks
Presented by Roger Baker

Mr. Baker explained that the State law restricts the dates that fireworks can be bought, sold and used. The ordinance brings the City Code in harmony with the new State law.

The Mayor expressed disappointment about the way residents are disposing of fireworks in our City parks. She said that the City brought in metal dumpsters, which were labeled as containers for fireworks' disposal, but people did not use them. Instead, residents left their fireworks' waste on the ground for City workers to clean up. Mayor Winn said that at Skyline Park, where fireworks were not allowed, residents lit fireworks, and put the hot waste in plastic garbage cans, causing the garbage cans to melt.

- Resolution 2018-43 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Porter's Place Subdivision
Presented by Paul Hansen

Chairman Pruden explained that this item was not ready to go forward. He asked that it be tabled during the Business Meeting.

- Simmons Proposal for Artwork and Storm Drains
Presented by Paul Hansen

Mr. Hansen stated that there is a growing nationwide sentiment about protecting storm water runoff, and has been used most extensively in the eastern part of the U.S. Ms. Simmons is proposing that the City allow storm drains to be painted in order to increase public awareness of what goes into the storm drain. Mr. Hansen expressed concern about safety while people are painting the storm drains because it could place people within the roadway and lanes of traffic. He said that for this reason, some cities are only allowing the artwork to be done from the inlet back onto the sidewalk, and not in the roadways. He also told the Council that over time the paint will start to fade, and may become unsightly.

Mr. Hansen suggested that, if the City allows this project, people submit their proposed artwork to City staff for approval. He said this would help prevent business advertisements, protect against intellectual property violations, and avoid political statements. The type of paint would also need to be approved. Chairman Pruden suggested that City staff predetermine which locations in the City would be less dangerous for the artwork projects.

Mr. Hansen said that there is a program in place at Salt Lake City. He said that City staff could help put together a similar program, if Council wants to implement it.

Council Member Wardle thought this would be a good project to partner with the arts council. Council Member McCall expressed concern about who would maintain the artwork after it was done. Mr. Hansen answered that the City could have a policy to either sandblast all the artwork after a year, or the City could do an “adopt a storm drain” program. Mr. Hansen said there would be costs to administer either program.

Randy Sant joined the meeting at approximately 5:40 p.m.

- City Code Amendment Proposal for the Broadway Heritage Project
Presented by Jim Bolser

Mr. Bolser stated that he had sent to the Council the proposal for the Broadway Heritage Project, analysis of the proposal, and the associated Code amendments that would need to be approved for the project to move forward. Mr. Bolser explained that the intent of this discussion was to allow the Council to ask questions to either him or the applicant, Mr. Soren Simonson, and provide feedback. Mr. Bolser said that it may be worthwhile to discuss the density limitation in addition to the information that has been provided. The City has a code amendment of their own to address density issues in multi-family zones but its timeline may not match up exactly with this request, so it might be a good idea to include some additional code amendments with this proposal to further address density. Mr. Baker commended Mr. Bolser for the excellent work he did on the recommendations for the Code amendments. Mr. Baker expressed his opinion that

addressing the requested density increase only within the MUB zoning overlay, rather than on a city-wide basis, is a legal supportable strategy. Mr. Bolser said that the intent of the proposed Code amendments was to be specific to the MUB, or the Broadway Overlay District. Mr. Baker asked if the parking amendments were City-wide or just for this project. Mr. Bolser said that that was one of the issues for the Council to discuss and decide. Chairman Pruden agreed that the zoning should not change outside of the Broadway zone. Chairman Pruden said that this area and project was unique. He asked if the City could expedite the changes so that the project could begin soon. Mr. Bolser agreed that this project had unique characteristics. Mr. Bolser thought that the Code amendments could be brought before the Council at the August 15th meeting.

Council Member Wardle asked about the number of units that were allowed, and how it would affect this project. Mr. Bolser answered that within a historic structure that is redeveloping, it would allow the minimum unit size to control density. The density outside of that building would be controlled by the underlying zoning for that area.

Mr. Soren Simonson, representing the Broadway Heritage Project, said that they would do the hotel first and there would be 40-50 units per acre there. Mr. Simonson said that there would be 24-25 units an acre for the rest of the project. Mr. Bolser clarified that the zoning change would apply to the MUB, not just to the Broadway project.

Mr. Simonson introduced Dan Brett, representing Kevin Peterson.

Mr. Sant stated that the Broadway Project Area may need an amendment because it has been about 10 years without any increment drawn, or any progress on it. He said that he has not received updated numbers from Kevin Peterson.

- Ordinance 2018-07 An Ordinance of the Tooele City Council Creating a Planned Unit Development (PUD) Zoning Overlay on Property Zoned R1-7 Located at the Corner of Vine Street and Droubay Road
Presented by Jim Bolser

Mr. Bolser said that the City was the previous owner of this piece of property. It has been sold to private parties. The development creates a PUD, to address things like setbacks, lot sizes and frontage requirements. The Planning Commission has heard this matter and has forwarded it with a positive recommendation for approval.

- Preliminary Subdivision Plan for the Copper Canyon PUD Subdivision, Phase 6, a 33-lot Residential Subdivision on 8.78 Acres Located at Approximately 500 West Tooele Boulevard
Presented by Jim Bolser

Mr. Bolser stated that the Copper Canyon PUD Subdivision has met the requirements for their preliminary subdivision plan approval. The Planning Commission has heard this matter and has forwarded it with a positive recommendation for approval.

- Final Subdivision Plat for the Castagno Place Subdivision, a 23-lot Residential Subdivision on 7.54 Acres Located at Approximately 1150 North 640 East Presented by Jim Bolser

Mr. Bolser said that this subdivision is located northwest of the Middle Canyon Elementary. The developers dedicated a specific lot for storm drain, rather than pursuing the idea of including storm drainage as a part of one of the building lots, as previously discussed with the Council.

- Final Subdivision Plat for the Vowles Estates Minor Subdivision, a 7-lot Residential Subdivision on 7.69 Acres Located at Approximately 850 West 200 South Presented by Jim Bolser

Mr. Bolser said that this is a plat along 200 South. City Staff worked with the property owners to acquire additional right-of-way to install sidewalk. One of the benefits to that effort, is that there is now no right-of-way dedication requirement for this subdivision. In 1996 the City entered in to an Agreement with property owners for some right-of-way dedication in exchange for the City installing water and sewer laterals for six lots. This project has seven lots. The City is investigating whether all six water laterals were installed. The seventh lot needs both sewer and water laterals installed.

Mr. Bolser added that developers are choosing to have the storm drain on each lot, rather than dedicating one particular lot for that purpose.

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,” Council Member Gochis “Aye,” and Chairman Pruden “Aye.”

Those in attendance during the closed session were: Mayor Debbie Winn, Glenn Caldwell, Roger Baker, Paul Hansen, Michelle Pitt, Jim Bolser, Randy Sant, Council Member Wardle, Council Member Pratt, Council Member McCall, Council Member Gochis, and Chairman Pruden.

The meeting closed at 6:13 p.m.

No minutes were taken on these items.

Motion to Reopen the Meeting

Council Member McCall moved to reopen the meeting. Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall “Aye,” Council Member Wardle “Aye,” Council Member Pratt “Aye,” Council Member Gochis “Aye,” and Chairman Pruden “Aye.”

The meeting reopened at 6:49 p.m.

5. Adjourn

Council Member Pratt moved to adjourn the meeting. Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall “Aye,” Council Member Wardle “Aye,” Council Member Pratt “Aye,” Council Member Gochis “Aye,” and Chairman Pruden “Aye.”

The meeting adjourned at 6:50 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 1st day of August, 2018

Steve Pruden, Tooele City Council Chair