

**Tooele City Council
Work Session Meeting Minutes**

Date: Wednesday, September 18, 2019
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:

Steve Pruden
Scott Wardle
Dave McCall
Brad Pratt
Melodi Gochis

City Employees Present:

Mayor Debbie Winn
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Michelle Pitt, Recorder
Jim Bolser, Community Development Director
Steve Evans, Public Works Director
Paul Hansen, City Engineer
Darwin Cook, Parks and Recreation Director
Ron Kirby, Police Chief

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
Scott Wardle, Present
Brad Pratt, Present
Dave McCall, Present
Melodi Gochis, Present

3. Discussion:

- Potential Development Plan for the Lexington Greens Project
Presented by Jim Bolser

Mr. Bolser had provided to the Council the concept plan for this project prior to this meeting. He explained that there was a portion of the project already under the approval process. He and other members of City staff had met with the developers to discuss their plan for the development of another portion of the property. There are elements of that portion that may classify as a single-family dwelling because developers are proposing a specific housing type for an older resident community. The units would be duplexes or twin homes for those 55 and older. Mr. Bolser added that in order to accomplish this type of overall project, it would need a PUD. The current zoning classification is MR-16, which is 16 units per acre over all. Their proposed plan was for only 11 units per acre. Mr. Bolser stated that this type of project would provide a variety of housing within their plan. The applicant is requesting feedback from the Council to see if they would be open to this type of development of housing before the time and effort is expended towards the development of a PUD.

Chairman Pruden agreed that this type of development would require a PUD. Council Member Wardle said that one problem was that the City has other residential areas that are built for older citizens, but if the development gets sold, the use goes away. Mr. Bolser stated that that would be one of the benefits of having a PUD in effect, so that the City could apply those specific terms to the zoning for this area. Mr. Bolser went on to say that the vast majority of the development, would be privately owned, which meant that the City would not maintain the areas.

Mr. Baker stated that without the PUD, the zoning wouldn't allow single-family dwellings because they're not allowed in the MR-16 zoning district. The plan shows a four acre park. Mr. Bolser stated that the plan showed the park although the park is not a part of the area of the project that would have the PUD. It is a part of the prior project that is already under development approval and ready for construction. The developer has also already been approved a Conditional Use Permit that made it so that the park would be privately owned and maintained.

The Council indicated that this plan was better in this location than other development plans they've seen Berra Boulevard. Council Member McCall added that the Planning Commission liked the layout because someone could go in as a young person, then transition to the older living area. Council Member Gochis said that the North Tooele City Special Service District is interested in this development, but the developer did not want to bring it in to their service district.

The Council was generally in favor, as long as it was as a PUD.

- Oristruts Minor Subdivision Plat by Bear All, LLC, Located at 2400 North 600 East, 1 Lot, 8.8 Acres in the GC General Commercial Zoning District
Presented by Jim Bolser

Mr. Bolser stated that this subdivision is unique in that it is not creating anything. It is an existing parcel, and the owners would like to record a subdivision plat to formally establish the lot. Mr. Bolser added that this is sometimes done for financing purposes, or to solidify property records.

Mr. Baker asked if public improvements needed to be put in. Mr. Bolser answered that there weren't any plans for additional public improvements, and the City is not requiring any at this time.

It was decided to bring this matter back to the Council on the 2nd of October.

- City Code Text Amendment Proposed by Tooele City to Sections 7-1-5; Definitions and 7-2-19; Home Occupations Related to Home Based Day Cares and Pre-School Businesses
Presented by Jim Bolser

Mr. Bolser stated that the proposed text amendment in the City Code for preschools and day cares is the same as when it was brought to the Council at the September 4th meeting. The amendments have gone through the Planning Commission and are being forwarded with a unanimous positive recommendation.

Council Member Wardle indicated that the Council would like to see the draft Planning Commission minutes.

It was decided to put this matter on the October 2nd meeting.

- City Code Text Amendment Proposed by Tooele City to Chapter 7-14 Residential Zoning Districts Related to Property Frontage Requirements in the In-Fill Zoning Overlay District
Presented by Jim Bolser

Mr. Bolser stated that this was a proposed text amendment which was presented at a prior meeting. The Planning Commission heard this matter and forwarded it with a positive recommendation.

- Ordinance 2019-25 An Ordinance of Tooele City Repealing Tooele City code Chapter 5-10 Regarding Pawnbrokers
Presented by Matt Johnson

Mr. Johnson said that this section of the City Code regarding pawnbrokers was enacted by the City in 1983 and hasn't been changed since. The State legislature has enacted a more comprehensive policy regarding pawnbrokers, and part of the State Code says that the City can't enact additional laws. The City is preempted by what the State Code says. The proposed Ordinance is that the City repeal this section of the Code.

- Ordinance 2019-26 An Ordinance of Tooele City Amending Tooele City Code Title 5 to Locate Business Licensing Functions in the Community Development Department
Presented by Roger Baker

Mr. Baker stated that the amendments to Title 5 are an ongoing effort. With the relocation of business licensing from the Recorder's Office to the Community Development Department, it has caused that this Title be amended. Lisa Carpenter, Business License Official, went through the Code and highlighted areas in the Code that she suggested amending. Mr. Baker indicated that he also went through the Code. He said that the many references to the Recorder's Office need to be amended. He suggested referring to the "department", and then defining the department as Community Development in the definition section. An appeal refers to the Director, rather than naming a specific department.

It was decided that this will be brought back to the Council for consideration at a later meeting.

- Resolution 2019-69 A Resolution of the Tooele City Council Approving an Agreement with Celtic Bank Corporation for the Exchange of Land Presented by Roger Baker

Mr. Baker said that in 2011, the City purchased a five acre lot in Pine Canyon in the Murray Flats subdivision. At that time the City, with the cooperation of the owner, went through a condemnation process. The court gave the City a deed for the five acre lot. The City paid the owner for the property, who is Celtic Bank. The City acquired an easement and right-of-way along with the lot. The City's intention is to locate a well on this lot, and to utilize the Kennecott water rights for Tooele City development in the future. Celtic Bank would now like to re-subdivide. Celtic Bank is asking the City to give them their lot back, they will subdivide, and deed a smaller lot back to the City. The difference is about ½ of an acre. Because the lot will be smaller, Celtic Bank will pay the City \$30,000, which is the market value of the difference in the sizes of the lot. Mr. Baker further explained that if the City doesn't use the lot to develop a well, Celtic Bank is asking for a right of first refusal to purchase it. The \$30,000 will go back in to the water fund or water impact fee fund because that's the fund that was used to purchase the lot.

- Resolution 2019-68 A Resolution of the Tooele City Council Approving a Contract with Christensen & Griffith for the Construction of the Snow Plow Salt Rack Project Presented by Steve Evans

Mr. Evans stated that the snow plow salt rack project was bid out. Christensen and Griffith was the low bid at \$92,400.00. The current rack was built with telephone and railroad ties and is not structurally sound. It has been a huge concern with the City and OSHA. The Christensen and Griffith contract says that it will be complete by October 31st. That date needs to be amended to December 31st. Mr. Evans added that the contract does not include a contingency amount so if more funds are needed, it will have to be brought back as a change order before the Council.

- Resolution 2019-66 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule to Add a Golf Course Pavilion Rental Fee Presented by Darwin Cook

Mr. Cook said that this matter was brought to the Council at an earlier meeting. Because of discussions in that earlier meeting, the rental fee changed from \$2.00 per chair to \$1.00 per chair

for all who rent the facility. There is no longer a provision of an additional fee for those who do and do not use the golf course's kitchen. The rental for the pavilion will be \$200.00. Mr. Cook said that this fee is in line with other cities' golf course rentals. He added that the pavilion was built with PAR tax monies.

- Elton Park Walk Path
Presented by Darwin Cook

This project is utilizing PAR tax, and Mr. Cook stated that he was bringing the matter to the Council tonight because the irrigation system is going in at Elton Park now. Mr. Cook stated that he will bring other PAR tax projects to the Council on October 16th. Mr. Cook went on to say on the north and south sides there are sidewalks, but on the west and east sides there are not. This project would complete the entire walking path around the park.

Mr. Hansen said that if it is integral to the curb and gutter, then the City's policy is to go 6 feet rather than the proposed 5 feet. Chairman Pruden suggested that the bid documents indicate that this project not go over \$50,000. Once the contract has been determined, it will be brought back to the Council for approval.

- Parades
Presented by Chairman Steve Pruden

Chairman Pruden stated that since there are two more parades this year, the Homecoming and Christmas parades, he thought it would be a good time to discuss the candy distribution issue. He asked if the no throwing of candy policy applied to the Homecoming and Christmas parades. The Mayor said that it did not because those parades are not City parades. Chairman Pruden asked if the Council would be okay to throw candy at these parades.

Council Member Pratt said that the two parades have a different parade route than the 4th of July parade. The Chamber parade continues to go down Main Street, but the Homecoming parade does not. He felt that in the 4th of July parade, there were spotters on the street keeping people back, but it created a danger having people on the street. Parades in itself create danger. Throwing candy is not the issue, the issue is keeping people back. The median is scary. He felt that candy being thrown at the Homecoming and Chamber parades are okay.

The Mayor said that the 4 of July has a lot more citizens attend compared to the Homecoming and Christmas parades. She felt that the City should not impose restrictions since they were not the City's parades. The Homecoming parade is the high school's and the Christmas parade is the Chamber's. Council Member Wardle asked if the 4th of July was the Bit N Spur's parade, or the City's. The Mayor answered that it is the City's parade. The Mayor said she met with the Bit N Spur today to talk about that very thing. The Bit N Spur has a couple of volunteers at the beginning of the parade to help direct participants and in return the City gives them \$500. The City has the Grand Marshal, the Bit N Spur has the Grand Marshal of the rodeo. The Mayor said she will talk with the Bit N Spur to make sure they understand that their Grand Marshal is not the Grand Marshal of the parade.

It was mentioned that there weren't any horses in the 4th of July parade this year. The Bit N Spur were concerned that the horses would get spooked, especially in the area where the road narrows. The Mayor would like to try, at next year's 4th of July parade, to have a parade director at the beginning of the median, to send one entry on the right side, and one to the left, directing the entrants to stay as close as they can to the median. After this is explained to the Bit N Spur, they may bring the horses back in the parade. She added that there is a lot to discuss on how this will work, but she would like to try it. It will also help with keeping spectators back off the road. After the turn on Utah Avenue the entries will go back to one line.

Council Member Wardle stated that there were people throwing candy at the 4th of July parade, and said they were told by City staff that they could throw it. He felt that walking back and forth to the vehicles to get more candy was more dangerous than throwing it from the vehicle. He suggested painting a line along Main that spectators can't cross. Council Member McCall said that barricades with tape could prevent people from running out.

Council Member Pratt added that since they were walking on the street, their entry became spread out because they were going back and forth to the vehicle for more candy. It created large gaps in the parade.

The Mayor suggested that these next two parades happen without any restrictions. She would like to research some ideas, see what other cities do, and then have this matter brought back to the Council. The Mayor said that the Council could pass an Ordinance saying that all parades be done a certain way. Council Member Wardle said that if the City was going to make rules, they needed to be enforceable. An Ordinance is a way to enforce the rules, rather than having it just be an office policy. The Mayor said that this year, when everyone picked up their parade packets, they signed a paper saying that they would not throw candy. Chief Kirby asked who was going to enforce it. The Mayor said nobody because it is too difficult to kick out an entry during the parade. The City wanted to try it to see how many would comply, and what issues there would be. Mr. Baker said that when the City makes the policy, the President of the Utah Local Governments Trust would be willing to come and discuss this issue with the Council.

It was suggested that if governmental leaders are campaigning, and are a current Council Member, they should be in a separate area so there is a separation.

- Resolution 2019-71 A Resolution of the Tooele City Council Naming the City Hall South Driveway as "Dunlavy Way"
Presented by Brad Pratt

Council Member Pratt stated that this Resolution was partially written in 2018 when the Council decided to place the Dunlavy Way sign on the driveway next to City Hall. Over events that have happened, with the sign going down, then back up, it was discovered that the Resolution was never voted on. Back then, the City couldn't make the driveway a street because it doesn't qualify as a street. It was suggested that the Council bring the Resolution back for a vote to place the sign. Council Member Pratt added that one of the reasons for the sign was because of Mr. Dunlavy's 50 years of service, and as a present to Mayor Patrick Dunlavy.

4. Close Meeting to Discuss Litigation and Property Acquisition

Council Member Pratt moved to close 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 closed at 6:04 p.m.

Those in attendance during the closed session: Mayor Winn, Paul Hansen, Michelle Pitt, Jim Bolser, Steve Evans, Glenn Caldwell, Roger Baker, Chief Ron Kirby, Darwin Cook, Council Member Wardle, Council Member Pratt, Council Member McCall, Council Member Gochis, and Chairman Pruden.

No minutes were taken on the closed meetings.

5. Adjourn

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.”

The meeting adjourned at 6:51 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 2nd day of October, 2019

Steven Pruden, Tooele City Council Chairman