

**Tooele City Council
Work Session Meeting Minutes**

Date: Wednesday, November 6, 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, Chair
Dave McCall
Scott Wardle
Brad Pratt
Melodi Gochis

City Employees Present:

Mayor Debbie Winn
Glenn Caldwell, Finance Director
Roger Baker, City Attorney
Michelle Pitt, Recorder
Jim Bolser, Community Development Director
Steve Evans, Public Works Director
Paul Hansen, City Engineer
Darwin Cook, Parks and Recreation Director
Kami Perkins, Human Resource 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
Dave McCall, Present
Scott Wardle, Present
Brad Pratt, Present
Melodi Gochis, Present

3. Discussion:

- Utah National Guard Culinary Water
Presented by Mayor Debbie Winn

Mayor Winn stated that several weeks ago Lt. Colonel Wolff, with the Utah National Guard, approached her regarding their water at their facility at the former Army Depot. The National Guard has a facility there for a maintenance shop. Their water for bathrooms, and a shower, is coming from the Army Depot water, and it is not good quality. The National Guard is requesting culinary water from the City. The City is currently supplying water for fire suppression in this area. Mr. Baker has put together a restatement of the current Memorandum of Understanding to add culinary water.

Mr. Baker said that he worked closely with Mr. Hansen and Mr. Evans to make sure to protect the City from back flow and cross connection issues. Mr. Hansen stated that the City supports the National Guard and what they're doing. They are requesting less than ½ acre feet above what they are currently using. This is not a facility that is a commercial business or residential facility, and the City needs to make sure that this use doesn't change. Mr. Baker indicated that he will bring a Resolution with the restated Agreement before the Council at a future meeting.

- Affordable Housing Impact Fee Waivers
Presented by Roger Baker

Mr. Baker stated that the Utah Housing Corporation and the Tooele Housing Authority were in attendance tonight. Mr. Baker explained that he drafted a policy to allow the City to waive impact fees for affordable housing, and asked the Council to consider two policy questions:

1. How to make sure the reduction of the impact fees for affordable housing units benefit the intended population rather than the developers; and
2. Whether to leave the current level of impact fee waiver at \$5,000 per unit, or to increase the waiver amount. Mr. Baker suggested, in the draft, an increase to \$10,000 per unit as a place to begin the discussion.

Mr. Baker said that the Impact Fees Act authorizes waivers for impact fees for low income housing. SB34, passed by the Legislature this year which has to do with moderate income housing plans, talks about reducing impact fees as part of affordable housing strategies.

Mr. Baker further explained that he added some definitions of eligible affordable housing as a way of ensuring that the waivers benefitted the intended population. The population targeted is those that make 60% of the median income in our area.

Mr. Baker said that the Utah Housing Corporation partners with the Tooele County Housing Authority, and they are eligible for this program. The program exists because of federally-funded tax credits, purchased by investors, and applied to deed-restricted properties. The deed restriction recorded against each lot created for the housing, spells out a number of important concepts: only available to persons with 60% AMI of the median income (verified by the local housing partner); restricts the rents and purchase prices so that they are affordable to that population; compliance period (minimum period of years which those rents and subsidies remain in place); properties are to be maintained in good condition; properties are to be insured; and properties are to be in compliance with Section 42 of the Internal Revenue Code. Mr. Baker added that these restrictions would all be enforced by the local housing partner, not by the City. Mr. Baker explained that the policy has a waiver amount of \$10,000. He chose that amount because the current impact fees for a single-family dwelling, is \$9,405. The Council agreed with the \$10,000 amount.

Scott Harmon, from the Utah Housing Corporation, explained that 60% AMI for a household of 4 is \$48,000. That's the amount someone needs to make in order to qualify for these homes.

Council Member Wardle asked how many houses would be built. Mr. Harmon answered that 12 houses would be built over the next two years. Susan Van Arsdell added that the Crown Program is funded within the tax credit program and they operate statewide. She said that this Program wouldn't be doing projects every year in Tooele County. The tax credits pay down the debt which makes the rents affordable. Tenants earning no more than 60% of the AMI work with the Tooele Housing Authority for the underwriting. Compliance period is for 15 years. The occupants then have the opportunity to purchase the home at a reduced price. It will be their own mortgage that pays of the remaining debt. It is a rent to own opportunity. Ms. Van Arsdell further explained that a for-profit cannot apply for tax credits in the Crown Program. Council Member Wardle asked that that language be taken out of the proposed impact fee waiver policy regarding other entities being eligible for the waivers. DeAnn Christiansen, from the Tooele County Housing Authority, said that affordable housing was very crucial for her to do her job. If she can't get loans through these programs, they can't provide affordable housing. She said that Park City requires developers to donate land to their housing authority so that there will be affordable housing available. She said that she works with multiple organizations to provide affordable loans.

Mr. Baker added that State law requires that if you waive impact fees for other than affordable housing, you have to take from other funds to make it up. Mr. Baker stated that if you make a waiver for affordable housing, you don't have to make it up from the general fund; but you can if you want.

Chairman Pruden said that Mr. Baker and Council Member Wardle will work together to tweak the language in the Policy.

- Ordinance 2019-17 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property Located at Approximately 168 Skyline Drive
Presented by Jim Bolser

Mr. Bolser said that in May of 2019, the Council enacted a policy statement regarding applications for rezoning areas for multi-family development. At that time there were five applications on file. Those applicants were asked if they would like to be withdrawn and receive a refund or proceed through the process knowing the Council's policy statement. All of the applicants wanted to withdraw their applications except this one. The application went to the Planning Commission and they forwarded it with a unanimous negative recommendation. The applicant chose to be put on hold for a period of time to do some additional work on the application. Mr. Bolser went on to say that the applicants are here to discuss the work they have done on their project since the Planning Commission meeting.

Applicant Steve McCleery said that they went to the downtown area and talked with businesses and building owners. He felt that the issues of the businesses and building owners were addressed in their community letter. The community letter was provided to the Council in their packets. Mr. McCleery said that he is trying to impact and benefit the community, especially the downtown area. He said it would bring foot traffic to that side of town and be able to make a huge impact in the transient situation going on there. He said that they pushed the high density from where it was originally and felt this was a good change. He added that the only thing that doesn't work in this area is single-family residential. He felt that that was why the property has sat for so long. He indicated that he would like to know from the Council if they want this project or not. If this is something that the community doesn't want, he will walk away.

Council Member Pratt expressed concern. He said that he drives the road that runs by this proposed project every day. This area falls in the sensitive overlay area. The sensitive overlay would have to be removed, or amended. He added that the intersection of Skyline and Main is tough and that increased traffic there would increase the problem at that intersection.

Mr. Baker asked about the layout and if it proposed 25 units per acre. He asked if this concept would require the area to be rezoned to the MR-25 zoning district. Mr. Bolser answered yes that is what this application is proposing. Council Member Wardle asked if a traffic study had been done. Mr. McCleery said it had not. Council Member Wardle said that he was interested in the geotechnical report and asked if the sensitive overlay would need to be removed. Mr. Bolser answered that he believed it would need to be removed, based on the information that has been provide as a part of this application. He added that the applicant has indicated that they do not believe it would need to be removed but they were working with a different level of detail than staff. Mr. McCleery said that in their proposal they were able to cluster and use the zone as a tool to comply with the sensitive land requirements. Council Member Wardle asked to see more detail on that. Council Member Wardle added that there were 3 or 4 fires in this area in the last few years. He has seen lawsuits taking place in other areas of the State because mountains have

moved. He added that he would have to be satisfied with the geotechnical. Mr. McCleery said that the fault line is in the area, but outside of the caution area.

Council Member Wardle said that there were issues with water runoff, the fault line, and cutting in to the mountain because of the movement in those other areas.

Mr. McCleery said that the run off was more contained with development than when it wasn't developed. The roadway serves as a buffer which helps with fire issues. As far as the engineering side, and safety side, the more infrastructure that can be built in to that, the bigger chance there is to secure the sensitivity of the mountain. Council Member Wardle again said that he needed to see the engineering.

Council Member Wardle stated that he would like the fire department to look at the plan, especially the power lines that are in that area.

Council Member Wardle concluded that he didn't have enough information to approve this development. He said that he would consider if he has more information.

Mr. McCleery asked how to get the information to the Council. Mr. Bolser said that he would forward the information to the Council.

Council Member Gochis echoed the concerns about traffic and erosion of the mountain. Mr. McCleery said that they wouldn't chip in to Little Mountain. He added that he felt secure in the geotechnical and the engineering.

Mr. Bolser indicated he could get the information out to the Council, and asked if the Council was interested in continuing on with the rezone in light of their policy statement. Chairman Pruden said that they were not looking to vary from the policy, but they wanted to give them a fair shake. The Council would like to get all the information so that they could make a good decision. Council Member Wardle asked also for information on how this project impacted water, sewer, and storm water.

Chairman Pruden asked that this be put on the agenda for the November 20th work meeting. He added that he wanted to make sure they were treated fairly.

Ken Berg, engineer for the applicant, asked that the Council give their analysis based on the high-density zone, but if that wasn't a zone that they were interested in, to pick another zone. He added that to prepare, they needed to know the rules of the zoning. Chairman Pruden said they would base their decision on the application they were given.

Council Member McCall commended them for moving down to across from the cemetery, but said that 90 units in one building is a lot.

Mr. McCleery said he appreciated the candor and honest questions, and appreciated the time the Council is taking with this matter.

- Ordinance 2019-28 An Ordinance of the Tooele City Council Amending the Moderate Income Housing Element of the Tooele City General Plan Presented by Jim Bolser

Mr. Bolser stated that this matter was on the last Council work meeting. The Moderate Income Housing Element was adopted in December of 2018. The intent of this review is to add the requirements stated in SB 34 that was adopted in their last legislative session. The requirements of SB 34 is that the City include a minimum of three strategies in their General Plan. The City is compliant with at least seven of those strategies. Mr. Bolser said that this update needs to be adopted and provided to the State by December 1st.

- Subdivision Preliminary Plan for Mountain Valley Townhomes by Matt Carter for 44 Townhome Lots on 4.1 Acres Located at Approximately 750 North 100 East in the MR-16 Multi-Family Residential Zoning District Presented by Jim Bolser

Mr. Bolser said that this was discussed at the Council's last work meeting. This is a townhome project which the Council approved a rezone for in an earlier meeting this year. It is located on the east side of 100 East, behind Lucky's. This plan is in compliance with the terms of the City Code. The applicants have updated the plan regarding the location and the amount of guest parking. These updates affect their site plan, but not their plat.

- Subdivision Preliminary Plan for the Golf Course View Subdivision a 13-Lot Subdivision on 5.8 Acres Located at 1366 Smelter Road in the R1-7 Residential Zoning District Presented by Jim Bolser

Mr. Bolser stated that the subdivision is the Lawrence development. The Council is aware of an Agreement that was prepared that affects utility connectivity and future improvements at the golf course. This is located on the northeast corner of the Back 9. The subdivision went to the Planning Commission and they forwarded it with a positive recommendation.

- Subdivision Preliminary Plan for the England Ridge Subdivision by Garlington Development, LLC, an 87-Lot Subdivision on 22.3 Acres Located at Approximately 810 North 520 East in the R1-7 Residential Zoning District Presented by Jim Bolser

Mr. Bolser said that this a development that the City has been working with developers for some time. The project is just south of 1000 North on the east side of England Acres Park. The subdivision will improve 520 East and the storm drain will be retained on the subdivision. The plat has been prepared with proper notification of flood zones. The Planning Commission forwarded this with a positive recommendation.

Joe Garlington, the applicant for the project, was in attendance. Chairman Pruden told Mr. Garlington that he hates the proposed street names. He asked that Mr. Garlington recommend different street names to their engineering firm.

- Proposed Property Exchange on Canyon Road
Presented by Jim Bolser

The City has been approached by the property owner, Ron Hall, of a certain parcel in the City off of Canyon Road. Mr. Bolser explained that Mr. Hall is trying to proceed with developing at least one home on the property and to clean up the property lines. There are a number of overlaps and gaps on the nearby properties. The property owner has agreements between himself, the Baptist Church, and a neighboring property owner to correct those property issues. The agreements will better align some of the property. Mr. Hall is requesting to exchange some property with the City. Chairman Pruden said that he was in favor of this exchange, but only if Mr. Hall signs off on the easement, or driveway to the wigwam. Mr. Evans added that the City has a well and chlorinator on the wigwam property.

The Council agreed that they would be in favor of this exchange with a dedication of Canyon Road, and the easement.

- Update on the General Plan Rewrite
Presented by Mayor Debbie Winn

The meeting paused at 6:25 p.m.

The meeting reconvened at 6:31.

The Mayor stated that the State of Utah requires municipalities to have a General Plan with at least the three required elements; land use, transportation and moderate income housing. One of those elements is the Moderate Income Housing Plan the Council has under consideration tonight. Mayor Winn stated that she obtained most of the information from Mr. Bolser.

It was recommended that Annexation Policy, economic development, and open space and recreation elements also be added to the General Plan in this revision.

The Mayor added that she would like to put all of the elements of the General Plan in one document which will be posted on the website for the public.

- Street Sweeper Rental and Lease Agreements
Presented by Steve Evans

Mr. Evans said that he received a bid for a \$53,000 to repair the street sweeper. He received bids for a new street sweeper at \$160,000, \$180,000 and \$269,000. Because our City street sweeper is a Tymo, there are no parts available. It went to TNT for auction.

Mr. Evans then showed figures for a rental per week, or per month. Last year, the streets division hired RC Enterprises to sweep the streets three times for \$140 per hour. It included two hours for commuting, for a total of \$940.00.

Council Member Gochis asked how often the City does street sweeping. Mr. Evans answered that it depended on how clean the City would like the streets. He added that the City doesn't have a facility to wash the sweeper down. This causes it to become rusted out. He said that it takes an operator 8 hours to do the street sweeping. Mr. Evans recommended hiring a company such as RC Enterprises to provide this service when it is needed, or to rent a sweeper for three months.

Chairman Pruden proposed pushing this decision off until the next year. Council Member Wardle recommended that a street sweeper and a full-time employee should be included in budget discussions.

- Resolution 2019-76 A Resolution of the Tooele City Council Approving a Service and Maintenance Agreement with Huber Technology, Inc., to Repair and Maintain the Solar Drying Equipment at the City Water Reclamation Facility
Presented by Steve Evans

Mr. Evans said that the wastewater greenhouse needs repair and maintenance. This proposed contract would be for Huber to repair the equipment. Maintenance for five years is about \$37,000, with needed parts equals \$50,000. Mr. Evans said that the last time the wastewater employees fixed things themselves it took about 42 days to replace parts. Huber did it within two days.

- Upcoming Dates to Remember
 - o November 20th at 4:00 p.m. Software Tyler Training
 - o December 4th at 4:00 p.m. Budget Training – not all members are able to attend. This will be postponed.

4. Close Meeting to Discuss Litigation and Property Acquisition

There was not a closed meeting.

5. Adjourn

Council Member Pratt moved to adjourn. 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 6:52 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 20th day of November, 2019

Steve Pruden, Tooele City Council Chair