

**Tooele City Council
Work Session Meeting Minutes**

Date: Wednesday, November 20, 2019

Time: 5:00 p.m.

Place: Tooele City Hall, Large Conference Room
90 North Main Street, Tooele, Utah

City Council Members Present:

Brad Pratt
Melodi Gochis
Steve Pruden
Dave McCall
Scott Wardle

City Employees Present:

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

Minutes prepared by Kelly Odermott

Chairman Pruden called the meeting to order at 5:00 p.m.

1. Open City Council Meeting

Chairman Pruden called the meeting to order.

2. Roll Call

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

Mr. Baker stated that there was a chance that the election vote results would be ready by the end of the Business meeting. In that event, State Statute requires for board of canvassers to convene immediately to canvas the recount. If word is received that the results have been finalized, the

Council will be asked to convene right after the business meeting. Mr. Baker stated that there is no official notice requirement for the meeting.

3. Discussion

- 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 pointed out that the discussion was done at the previous meetings and that information was requested. Information was provided to the Council directly from the applicant and staff provided the requested feedback from the fire department.

Chairman Pruden asked if there were any questions for Mr. Bolser, there were none.

Chairman Pruden asked the Council for their discussion on the item.

Council Member Wardle stated that after reviewing the information there is too much risk for the structures and a fire in that location, he will not vote in favor of a rezone.

Council Member Pratt stated that he agreed with Council Member Wardle. He has additional concerns due to the sensitive overlay area. He stated that he has been on the mountainside multiple times and the surface area of shale rocks, boulders, and other ground cover are unstable, posing a risk to a development below. The information provided by the applicant has not changed his view point and he will not vote in favor of a rezone.

Council Member McCall stated that he agrees with the other Council Members. He wouldn't mind something up there, but he feels it may not be the safest place for a development of the proposed size. He stated he remembers when a fire was on that hill before and it was a challenging issue. He would not vote in favor of a rezone.

Council Member Gochis stated that she agrees with what has been said. She would not vote in favor of a rezone. She appreciates the work done by the applicant, but it is too much density in the tight area. The street and a lack of a traffic light already cause issues and adding more density to that corner will not improve the area. Those issues with the lack of approval from the fire department, she would not vote in favor of a rezone.

Chairman Pruden stated he is also not in favor of the rezone. He thanked the applicants and their patience of working through the process.

The applicant stated that he had not received the fire department response and he would like a copy. He asked if the response included the buffer to the infrastructure. Mr. Bolser stated that he would forward the information from the fire department and

the fire department reviewed the conceptual plan provided by the applicant for the proposed development. Mr. Bolser stated that the fire departments position, was not in favor of any structure at the base of the mountain in any form.

Mr. Baker stated that it appears that the Council voiced additional reasons for denying the rezone in addition to the fire department recommendation. Council Member Wardle stated that having read the report, there are multiple issues. The first one that he is concerned with is the fire, since the city has already lost homes in prior years.

The applicant stated that there were changes made to the proposal, by breaking up the building and densities. Secondly, on the traffic study, for Skyline Drive and Main Street is currently a safety hazard. He had reached out to UDOT and the City could reach out to have UDOT to place a light in that intersection. He stated that they as developers have always tried to provide a safe development and he would like to reach out to the fire department.

Chairman Pruden stated that at this time the rezone will be denied, and the report will be forwarded from the fire department. Mr. Bolser stated that the information from the fire department is not a report, but a discussion that was had with the Chief Structure and Captains.

- Ordinance 2019-31 An Ordinance of Tooele City Amending Tooele City Code Chapter 10-3 Regarding Parking in the Public-Rights-of-Way. Presented by Roger Baker and Chief Kirby

Mr. Baker stated that Chief Kirby reviewed the parking chapter of the Code to recommend changes that would help the police department enforce the code. Mr. Baker provided revisions and recommendations to help the police officers have additional clarity. The primary changes are the addition of several definitions, addressed parallel parking, and section eight to be repealed. Section 8 provides for Tooele City to enforce Tooele High School parking rules on the High School campus. In section 26 there is an additional revision for parking between the curb and the property line. This prohibits parking on the park strip and side walk. The "highway" or "street" will be changed to "public right-of-way." Chief Kirby stated that this came about in the last few years, there has been increased concern about parking on the road. Chief Kirby stated that the most significant change is standardizing parking throughout the City whether a resident has curb and gutter or does not have curb and gutter. In the past cars have parked on gravel shoulder, but this clarifies, that would be a public right-of-way.

Council Member Wardle asked about parking semi-trucks on non-truck routes overnight and this chapter doesn't address it. Chief Kirby stated that having a semi on a non-truck route would be a violation. Council Member Wardle asked if they are assigned a ticket. Chief Kirby stated that it needs to be reviewed to see if it should be addressed.

Chairman Pruden asked if it is known where the exact spots are approved for semitruck parking. Mr. Baker stated the approved truck routes are in the City Code. Council Member Wardle asked if those have been assigned. Mayor Winn stated that assigned roads are Coleman, Utah Avenue, 1000 North and Main Street.

Chairman Pruden stated that there are some double dumpers that park regularly on 1000 North and Mr. Baker added there are some that park on 700 South. Mr. Baker stated they could look at having a semi parked off an established truck route as a parking violation. Chief Kirby agreed. Chairman Pruden asked for the officers on patrol to be on the look out for trucks parking. Chief Kirby shared how the police department assigns patrol routes.

- Ordinance 2019-32 An Ordinance of Tooele City Amending Tooele City Code Chapter 4-14 Regarding the Abatement of Dangerous Buildings.
Presented by Roger Baker

Mr. Baker stated that the most recent code for abatement of dangerous buildings by the state and city was the 1997 addition and that was adopted in 1998. Mr. Baker stated that there is a possibility of needing to abate buildings and the code can be revised by the City Council. The first main change that is recommended is the appeals procedures. The recommendation is a shift from an appeal board to the administrative hearing officer, because it is hard to convene a board of lay people with experience, especially when they might meet only once every 20 years. Another recommendation is a change to the section of the code for the recovery of the City's costs to abate buildings. The existing uniform code is not sufficient. Mr. Baker stated that the state code has a good procedure and has been adopted in nuisance abatement. Mr. Baker recommended using the same language in the abatement code.

Chairman Pruden stated that he would like the City to abate one of its own buildings; the building behind the old food pantry. He is worried it will catch fire. Mr. Darwin stated that the building will be taken down this winter.

- Resolution 2019-79 A resolution of the Tooele City Council Approving a Lease Agreement with Eco-Site II, LLC for a Cell Tower.
Presented by Roger Baker

Mr. Baker stated that that T-Mobile has approached the City with a new consultant after the company failed to build the tower with its 2011 City Council approval. With the new consultant, the City has decided that the original location in Elton Park was not the ideal location for a cell phone tower. City staff has identified a better location in Elton Park. It will not interfere with the ball fields, irrigation, parking, or maintenance staff access. The lease agreement provides for a \$15,000 annual payment that is paid at \$1,250 per month with an annual 1% escalator. Mr. Baker stated that he worked extensively with the developer to benefit the City, for example,

by eliminating a provision that prohibited competing towers within a mile. The successors of the original grantor of Elton Park have agreed that this is an appropriate use and have put it in writing that they are not concerned with the commercial use at the park.

Chairman Pruden asked if there were any questions from the Council.

Council Member Wardle stated that in other discussions there has been discussion about saving the T-Mobile payment for development of the park. Mayor Winn stated she would rather have the money placed in the General Fund to be used by any park. Council Member Wardle asked if it could be earmarked for the park equipment fund. Discussion ensued about earmarking the money for the Park Equipment fund.

Chairman Pruden asked where the other cell phone towers are and if they are all receiving monthly payments. Mr. Baker stated that the City is only receiving monthly payments from one other tower. Other towers in the City, the City accepted a lump sum net present value payment for the future lease revenue stream.

- PAR Tax Projects
Presented by Darwin Cook

Mr. Cook listed the progress of several projects. The lighting project for pickleball court should be presented to Council on December 4. The Dow James culinary and City Park and Dow James backflow preventors are in engineering. The golf hole 17 safety net, the City has all the parts and can start install soon. The pickleball courts are being worked on for bidding the project. Mr. Cook stated that there are a couple of questions and concerns to ensure that the same quality is used for a tension pad on the courts to match the already installed courts. Mr. Cook stated that the City has had several favorable meetings with County about helping with future pickleball courts. The splash pad and playground have some new health code requirements in regards to splash pads and City staff will be meeting with the health department to determine the requirements. The Cemetery fence is in progress and the staff is working with other cemeteries to determine the best options. Mr. Cook stated that there has not been a conclusion for the discussion about England Acres development. The staff needs more guidelines and directions.

Chairman Pruden stated that England Acres will be quite a discussion and he proposes that the discussion happen after the first of the year with the new City Council Members.

Council Member Wardle stated that as ideas are developed look at a combination of impact fees and PAR tax.

Council Member Wardle asked about the pioneer museum. Mayor Winn stated that there is a delay on the windows, but they are coming when the company has an

opening in their schedule. The facet and soffits were done by volunteers. When the project is done the pioneer building staff would like to hold a ribbon cutting and rededication.

Council Member Wardle asked about the bathroom at the golf course and where that is in progress. Mr. Cook stated that it was funded but he wasn't sure if the funds had stayed with the fund. Discussion ensued about where the budget is and if funds need to be allocated.

Council Member McCall asked when the neighboring development is placed, if the City could place the piping for the bathroom on the golf course at the same time. Mr. Hansen stated that the developer will be putting in a lateral for the bathroom to be installed. Discussion ensued about the water lines.

Council Member Wardle asked if money needs to be allocated for the bathroom now or wait until after England Acres? Chairman Pruden asked how much it will cost? Mr. Cook stated that the original budget, he believed was \$62,000, so it would be up to \$80,000. Council Member Wardle stated that he would like to see the allocation done now.

Mr. Cook clarified that the water will be brought from the Lincoln line for the golf course bathroom.

Council Member Gochis asked to see the design of the bathroom.

- Resolution 2019-83 A Resolution of the Tooele City Council Approving an Agreement with Big T Recreation for the Purchase and Installation of New Playground Equipment.
Presented by Darwin Cook

Mr. Cook stated this is a PAR Tax project and the City will be replacing equipment at both Glen Eagles and Parker's Park due to aging equipment. The contract is for \$202,112. The budget was for \$207,000. The company has committed to have both playgrounds ready by April 15. Mr. Cook stated that staff is trying to create a park that the public will name like the Dinosaur park.

- Department Vehicle requests
Presented by Mayor Winn

Mayor Winn stated in prior meetings there had been a discussion about vehicles. She asked the department heads to give her an estimate of the total amount of mileage City employees are placing on their personal vehicles for errands in the City that are not requested for reimbursement. The calculations came out to be approximately 100 miles a week. She thanked the department heads for sharing the vehicles and gave two examples of the vehicle sharing. Mayor Winn stated that she asking for three

additional vehicles. One for the new public works civil inspector and that position will need four-wheel drive, truck preferably. The second is for the code enforcement vehicle and will need to be a four-wheel drive. The last is a vehicle for an administration, but will be used by the Attorneys Office, Recorder's Office, IT, Communities that Care, HR Office, Library. It will be checked out through the Recorder's Office and it would be preferred if the vehicle was a van. The estimate for the three vehicles is \$90,000.

Council Member Pratt asked what the code enforcement vehicle is now? Mayor Winn stated they have a Chevy Colorado. Mr. Bolser stated that currently the department has a Jeep patriot that has been used by the inspectors and has worked out great. The Chevy Colorado that the code enforcement is currently using would stay with Community Development.

Council Member Pratt asked about the replacement front end loader and what happened to the one owned by the City? Mr. Evans stated the employees modified the loader in hopes that it will work for salt. Council Member Pratt asked if the department is waiting for the purchased loader? Mr. Evans stated yes and they are a few weeks out. The department's second loader is out for repairs. Council Member Wardle clarified that two loaders were purchased because the other loaders were not fixable, are these different ones? Mr. Evans stated that they are the same ones. The new loaders have not been received, so the City is making due with the loaders they have for salt. Mr. Evans stated that it could snow and the only loader the City has is the one that has been modified to work, but it hasn't been run to see if it will work. Mr. Evans stated that at the salt shed the state has a loader and the City can use it, but the state loads are priority. Council Member Wardle asked that the loader at the salt shed is not multi agency, so the County, City, and State each have a loader? Mr. Evans stated correct. Mr. Evans clarified that the City salt shed is half of the north side and the state and the county have the south side. Each time a truck is loaded an inventory is marked on a docket to track salt usage. Council Member Wardle asked what happens with the two loaders that are being replaced once the new loaders arrive? Mr. Evans stated that the one that is modified, staff would like to auction it off and the one that is being fixed, staff would like to keep it for back up in situations like this. Council Member Pratt asked what the estimated cost to repair the loader at the shop. Mr. Evans stated the estimate currently is \$16,000.

Council Member McCall stated that the beauty of having leases is if one machine had to be fixed, the lease would provide a substitute vehicle until the one is fixed. The City might want to consider leases for situations like this. Chairman Pruden stated that after the first of the year it might be good to look at the overall vehicle plan. Mayor Winn stated it is already in the process.

Council Member Wardle stated that if the City is spending \$90,000 on vehicles and the estimated life is 10 years, then that's an estimated \$9,000 per year. He wondered how many vehicles could be leased for \$9,000 per year. He would prefer to look into

leases instead of spending the \$90,000 in the current year. Council Member Wardle voted against it purchasing vehicles. Chairman Pruden, Council Member Gochis, Council Member Pratt, and Council Member McCall voted for the purchase. Mr. Evans mentioned that the State does leasing through Enterprise. Chairman Pruden told Mayor Winn to move forward with the purchases with a \$90,000 cap on the three vehicles.

- Secondary Water Update
Presented by Steve Evans

Mr. Evans stated that the City is having a contractor install a blow out on the line off 2000 North. The City has lost the ability to move water to the old abandoned reclamation plant. The staff is looking to upsize the pumps in the pump station on variable frequency drives in order to supply the secondary water. There is a valve off 2400 North until the blow off gets put in.

Mr. Evans stated that one of the things the City battles with water is the Tooele City Associates settlement agreement. He read the language in the Settlement agreement that stated that the City will supply water to The Links golf course with an estimated usage of 500 acre feet per year. Mr. Evans stated that the City supplies The Links lakes and The Links uses all the water supplied. Some of the secondary water is used in the plant and on the property of the plant prior to shipping the water. Some of the upper lakes are dry and the drought has cramped the ability to deliver the water to the lakes. Mr. Evans stated there is not enough water to gravity feed the lower lakes.

Council Member Wardle asked if the plant only produces 500 acre feet a year. Mr. Evans stated that there isn't an account of water loss and evaporation. Council Member Wardle expressed concern about the lakes losing water through seepage. He asked if there needs to be a review of the lakes to determine how the water is disappearing. Mr. Evans stated he didn't know if the lakes leaked, but he is concerned about the appropriation by The Links and their usage of water. Water usage by The Links and the leaking of the lakes was discussed. The lakes are clay basins and may or may not be in good condition due to the lack of usage of the lakes.

Mr. Baker stated that the lakes are lined with native clay soils and are designed to seep and is not unusual.

Mr. Hansen stated that the ponds were built for future expansion. The permeability may increase in the ponds when not using the ponds. The ponds that are not being full because of the use, the clay is not at the peak performance yet. It has been discussed that that the ponds be lined with a liner, but the cost is several hundred thousand dollars to millions of dollars.

Council Member Wardle asked how much water is being lost to seepage and evaporation. Mr. Hansen stated that needs to be studied deeper. Council Member

Wardle stated back in 2005 there was an emergency to expand the plant, are lakes getting fuller due to increased population and plant production? Mr. Hansen stated yes. Council Member Wardle asked if we can anticipate out to determine when to have further discussions. Mr. Evans stated that The Links has the water until 2034 and they pay \$20 for an acre flow. In 2024 that increase by 3% until 2034, when they pay \$26.07 per acre of water. In perspective, the City buys water for \$130 per acre. Mr. Evans stated until 2034 and renegotiation The Links is getting a great deal on water and there will not be a lot of overflow water pushed into Overlake.

Mr. Baker stated that the golf course is using 1,000 acre feet a year was an estimate that was given. Mr. Hansen stated that when the development agreement was written the lakes were not part of the development agreement. Mr. Baker stated that the secondary water system was purchased in 2001.

Council Member Wardle thanked staff for answering his questions.

Chairman Pruden asked Mr. Evans to give an update of the test wells. Mr. Evans stated that test well number one is drilled and was pumped in three zones. The second site will be property off of Berra Blvd. The test will happen on December 2nd. The company was able to get another rig and that will be set at Red Del Papa. Sound walls are coming to Red Del Papa. Mayor Winn stated the decision was made to not put sound walls in Overlake off of Berra Blvd. The cost was \$70,000 and instead residents will be notified of the noise. Mr. Evans stated it will take a little over two weeks for drilling. Mr. Hansen stated that the Council will have to approve the change order for Red Del Papa and the amount of the walls are \$122,000. Those walls do not stay and will be taken down after the test. The homes are within feet of the drilling.

- Resolution 2019-80 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with SKM for Electrical Design, Construction Management, and System Integration Services Associated with replacement Well House No 6.
Presented by Paul Hansen

Mr. Hansen stated the Council knows that there are three wells down along the historic airport. Well six is northwest of the Tooele technical College and next to Christensen and Griffith. Each of the wells were drilled in 1960. The power for the wells is 2300 volt systems. Rocky Mountain Power has told the City they are phasing out the 2300 volt system and will no longer support it. After review of the existing well house, we have determined that the new electrical panels will not fit without extending the house. To extend the well housing, 70% of the structure would need to be rebuilt. The recommendation is to rebuild the entire well house and to have the well back online for spring. The structure design will be done in house, but the electrical design will need to be hired out. SKM has worked with the City before and their cost proposal is \$42,370, which includes the system integration and other components.

- Resolution 2019-81 A resolution of the Tooele City Council Approving an Agreement with Hales Engineering for an Update of the Tooele City Transportation Master Plan.

Presented by Paul Hansen

Mr. Hansen stated that this has been talked about before. The last full transportation update was done in 1996 by Sunrise Engineering. Since that time spot evaluations have been done. Staff believes it is in the City's best interest to do a full Transportation Master Plan and goes together with the Water, Sewer, Planning and Zoning updates. The City has chosen Hales Engineering due to experience with them. The cost proposal is \$78,200.

- Resolution 2019-82 A Resolution of the Tooele City Council Approving an Agreement with England Construction for Completion of the Modified Elton Park Sidewalk project.

Presented by Darwin Cook

Mr. Cook stated this is a previously approved project out of the PAR tax funds for Elton Park. It appears that the sidewalks were put in, in 1953, but the west and east sides were not completed. The amount is \$67,675 and the contractor is ready to go. Council Member Wardle asked if the contractor is ready to go, why are we giving them a date of May 1st. Mr. Cook stated that this was a bid project, but the original bids came back over bid. The second bid changed the scope to May 1st. Council Wardle stated that the City has worked with this contractor before and the contractor was behind schedule. Mr. Cook stated they should have plenty of time. Council Member Wardle stated the May 1 date needs to be a hard date. Chairman Pruden asked if the contractor will also be doing the ramp. Mr. Cook stated that is being done by another contract who can do it for the budgeted amount of \$5,000.

- Subdivision Final Plat for Country View Villas Plat A by Irish Creek, LLC, to create 56 Lots Located at Approximately 1000 North 200 East on Approximately 13 Acres in the MR-8 PUD Multi-Family Residential Zoning District.

Presented by Jim Bolser

Mr. Bolser stated this subdivision is a planned 55 and older community behind Scholar Academy that the Council has previously approved zoning and a PUD for. This is a sizeable community of approximately 132 units. This is the first plat they want to finalize and start construction. Chairman Pruden asked if this conflicts with the pause on multi family dwellings? Mr. Bolser stated it does not as the zoning was in place prior to the Council's policy to hold on multi-family zoning applications.

Council Member Pratt asked if on the frontage on 1000 North, are they completing the sidewalk for the entire area. Mr. Bolser stated he believed it would just be the portion of plat A, but it is the majority of the frontage. Council Member Wardle

asked if there could be a reimbursement to get it completely done. Mr. Hansen asked if the contractor could be asked if they would be willing to finish the sidewalk in its entirety. Chairman Pruden asked when this would be brought back to Council. Mr. Bolser stated that the intent is to bring it back at the next Council meeting and that would give staff time to ask the developer about the sidewalk.

- Ordinance 2019-33 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property in the Overlake Area B Neighborhood Commercial Zoning District, for the Epic Apartments at Overlake Development Located Near 600 West 1000 North.

Presented by Jim Bolser

Mr. Bolser stated this item was heard at the last Planning Commission meeting. There was a public hearing in which the applicant was the only one to speak. The Planning Commission forwarded a four to three vote in favor of the rezone. The rezone request is for a transition from NC Neighborhood Commercial to MR-16 Multi-Family residential.

Chairman Pruden asked if the Council was obligated to approve this request. Mr. Baker stated that the Council has legislative discretion to determine what is in the best interest for the City. The settlement agreement lists this as neighborhood commercial. Mr. Baker stated that he believes this is a good location for this development over the Berra Blvd location. He added that Mr. Hall has stated that he will not provide more than R1-7 on the Berra Blvd property. He has agreed that the units built in this area would count toward the 4,800 residential unit cap by the settlement agreement.

Chairman Pruden asked if there were any questions over this.

Council Member McCall stated that this is a better location, but he is concerned that this feels like this will not be the last time. He stated that the applicant made it clear that this was a quid pro quo. Council Member McCall stated that the Council cannot allow themselves to be bullied for fear of being taken to court. The applicant threatened the Planning Commission. Council Member McCall affirmed that this is a better location for the development. Mr. Baker stated that regardless of the behavior of the applicant that the Council needs to evaluate the application on its merits.

Council Member Pratt stated that because of the history with the developer, the Council needs to learn to ignore and go on the merits of the development or the benefit or concern for the City.

Council Member Gochis stated that she thinks this is a better location than Berra Blvd.

Mr. Baker stated that Mr. Hall has offered to enter into a written agreement regarding the residential unit cap and maintaining R1-7 Residential on Berra Blvd location. Mr. Baker asked if he could approach Mr. Hall for a written agreement. Chairman Pruden stated he could.

Council Member Gochis motioned to recess the work session for the Business meeting. Council Member McCall seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

Meeting recessed at 6:51pm

4. Close Meeting to Discuss Litigation and Property Acquisition

The meeting reconvened at 7:50pm.

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

5. Adjourn

Council Member Pratt moved to adjourn the Work Session meeting. Council Member Wardle seconded the motion. The vote was as follows: Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member McCall, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

The meeting adjourned at 8:36 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 4th day of December, 2019

Steve Pruden, Tooele City Council Chair