

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

Date: Wednesday, August 21, 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
Dave McCall
Brad Pratt
Melodi Gochis

City Employees Present:

Mayor Debbie Winn
Glenn Caldwell, Finance Director
Shannon Wimmer, Assistant 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
Jami Carter, Library 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
Brad Pratt, Present
Dave McCall, Present
Melodi Gochis, Present
Scott Wardle, Excused

3. Discussion:

- Resolution 2019-57 A Resolution of the Tooele City Council Adopting the Final Budget for Tooele City for Fiscal Year 2019-2020
Presented by Mayor Debbie Winn

Mayor Winn stated that the current budget includes the additional changes that were requested at last week's budget meeting. Mr. Caldwell will present the budget at tonight's business meeting for a final vote.

Ms. Wimmer stated that the budget the Council received shows \$3,156,700 as the solid waste fund transfer. For the final budget, \$856,700 will be moved to Appropriation from the Fund Balance because those funds are not part of the solid waste transfer, but are remaining funds from prior years that the Council asked to have added to their Project account. The Council's copy doesn't show this change, but it will before it goes to the State. Ms. Wimmer will send a corrected copy to the Council, and it will be put on Google Drive.

- Resolution 2019-58 A Resolution for the Tooele City Council Adopting the Proposed Tax Rate for Fiscal Year 2019-2020
Presented by Glenn Caldwell

Mr. Caldwell stated that the Resolution lists a new tax rate of .003205. Chairman Pruden added that this rate decreases the original tax increase from 10% to 6%.

- Resolution 2019-63 A Resolution of the Tooele City Council Approving an Audit Agreement with WSRP Certified Public Accountants
Presented by Glenn Caldwell

Mr. Caldwell stated that the City has contracted with WSRP in the past to conduct the City's audit. He has found them to be honest, efficient, and said they take good care of the City. Ms. Wimmer said that they have new procedures that require a peer audit of their audit to make sure they are holding the City to all requirements. The City has also had a random audit by the State, causing them to pull WSRP's audit. The State found no findings and made no changes to the audit. Ms. Wimmer added that she and WSRP are proud that the State didn't find that any changes needed to be made to the City's audit.

- Resolution 2019-61 A Resolution of the Tooele City Council Authorizing the Application for & Acceptance of Edward Byrne Justice Assistance Grant Funding for Police Department Equipment
Presented by Chief Ron Kirby

Chief Kirby said that this is a small grant that the police department gets almost every year. This year the grant is for \$17,899. The police department is proposing to use it to purchase a Dart system, which is a firearm system simulator. It is mobile and to be used indoors. It is scenario based allowing officers to respond and make judgment calls. Chief Kirby indicated he would invite the Council to try it out once they get it set up.

They also will use the grant to purchase a Simunition package, which has guns that fire actual rounds, comparable to paint balls. The guns fire, recoil, feel like a regular gun, and can be reloaded. This will allow the police department to conduct firearms training but with non-lethal ammunition.

- Resolution 2019-62 A Resolution of the Tooele City Council Approving and Ratifying an Interlocal Agreement Between Tooele City and Tooele County for 2019 Byrne Justice Assistance Grant Funds
Presented by Chief Ron Kirby

Chief Kirby stated that a condition of the grant is that the County agrees as to how the grant money will be spent. The County has agreed to sign the Interlocal Agreement. The training equipment will be available for other agencies' use.

- Canvass Primary Election Results
Presented by Michelle Pitt

Ms. Pitt stated that a Primary Election was held on August 13, 2019 for three City Council positions. Eight candidates filed for those three positions. The City has 14,488 registered voters, and there was about a 25% turnout with 3,571 ballots being cast. Two candidates were eliminated, leaving six to run in the November General Election. Ms. Pitt indicated that she has reviewed the results as provided by the Tooele County Clerk's Office.

- Amendments to City Code for Home Occupation Day Cares
Presented by Andrew Aagard

Mr. Aagard said that there is a shortage of properly licensed day cares in the City. Some people have expressed concern about where people are putting their kids for day care, because they might be being placed in unlicensed day cares. He asked the Council if they would be willing to look at the City Code to see if it should be amended to allow 16 children. He said that sometime in the past, the amount allowed was 16, but that number was reduced to 8. There is a good example of a home based day care where they operate with 16 children. This business was in operation before the change in City Code, and so they have been grandfathered to allow the 16 children. There have been no issues or complaints with this business. Mr. Aagard felt this demonstrated that it can be done.

Mr. Aagard asked the Council about amending the City Code to allow 16 children at a home based day care, and a commercial day care with 17 or more children. He also suggested that the City permit one additional non-residential employee to work at the home day cares. Child care preschools in the home wouldn't require a Conditional Use Permit (CUP), unless there are more than 16 children. The reason for the CUP would be because they would need things like a traffic plan. There would be conditions for the preschool, such as allowing only two sessions per day, and they can't be within 300 feet of another day care or preschool.

Council Member McCall asked if the City would require the day care provider to be licensed with the State; would the parking plan include those working there; and what the required square

footage of the home would be. Council Member McCall added that the City's Code should say something about the minimum square foot that would be appropriate, even if the State Code doesn't. He said that 16 children may not be appropriate for all homes. Mr. Aagard answered that the State has requirements for licensing these types of businesses. Everyone would have to meet those requirements. The business owner would have to demonstrate and meet other requirements such as parking.

Mayor Winn said that a day care provider came to her and said that they've expanded and can't take any more children. They made this suggestion as a way to allow children to have a safe place to go. She added that changing this Ordinance will comply with state law.

Chairman Pruden expressed concern about someone having 16 children, with a possibility of 32 drop offs and pickups a day. He would like a public hearing to be required to allow neighbors to express their opinion. Mayor Winn said that if a day care now has 8 children and wants to increase to 16, they would need a CUP through the Planning Commission, which requires a public hearing.

Council Member Pratt asked if there was an age limit of how many one day care could have below the age of 2.

Chief Kirby said that most of the calls the police department receives is for people having the wrong ratio of adult per child.

Mr. Baker added his recollection that at the time the City Code was changed, the State had not come out with licensure requirements. The State is now licensing all of them. He explained that that may be the reason the City changed the Code from 16 to 8 years ago.

Council Member Gochis agreed that there is a great demand for child care. She said that she welcomed the change. She asked who would enforce the requirements. Mr. Bolser said that business licensing has some small involvement, and that day cares are inspected when they first apply.

- Ordinance 2019-20 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the RR-1 Residential Zoning District for 3 Acres of Property Located at 705 North 100 West
Presented by Jim Bolser

Mr. Bolser said that this Rezone request is by the property owners. The Planning Commission has forwarded this to the Council with a positive recommendation. The owners have brought this application, partly because some of the family members are getting older. They want to have their properties ready and no longer in a non-conforming state. The RR-1 requested zoning matches what they currently have in place and want to continue.

- Potential City Code Text Amendment for Lot Frontage Requirements in the In-Fill Overlay District
Presented by Jim Bolser

Mr. Bolser said that the Council has previously discussed how to address properties in the in-fill overlay areas. He presented a proposal to make it easier for in-fill lots to be developed, mostly for properties in the R1-7 zone. The proposal looked at dropping the frontage requirements.

The Council was agreeable to this proposal. Mr. Bolser indicated he would bring back an Ordinance at a later meeting which would hopefully be helpful to the community. Council Member Gochis asked if this would apply to other areas in the City. Mr. Bolser said it was specific to the areas discussed. Mr. Baker added that the Ordinance was to not only to accommodate ill-fitting lots, but to incentivize building in the City's core area. Council Member McCall expressed concern for lots on 150 West, because utility poles are so close to the street in that area. He asked what would be done about this and the requirement for curb, gutter and sidewalk. Mr. Bolser said that the only purpose of this proposal was to make these lots more functional. He felt that the Ordinance already dealt with those other issues.

Mayor Winn stated that as the City changes, Ordinances should also change. This is one of those times when the Ordinance should change to match what is happening in the City.

- Contract with 6 Mile Ranch for Sale of Vernon Water
Presented by Steve Evans

This item was tabled.

- Contract for Land Agreement with Cody Deeter for Ranch at Pine Canyon
Presented by Steve Evans

This item was tabled.

Mr. Baker explained the difference between a Resolution, which is a statement of policy, and an Ordinance, which is a statement of law. He said that the City Council enacts changes to City laws by Ordinance. Sometimes State law requires us to adopt something by Ordinance, such as a salary schedule. A Resolution could also be described as when the Council resolves to do something, and an Ordinance as when the Council ordains something to be done.

- Ordinance 2019-13 An Ordinance of Tooele City Enacting Tooele City Code Chapter 7-14a Regarding Accessory Dwelling Units
Presented by Roger Baker

Mr. Baker stated that this effort began 11 months ago. The proposed Ordinance would allow additional small residences either inside an existing house, attached to an existing house, or separate from an existing house, but on the same lot. This Ordinance came about because there are more people needing housing, than we have houses for them. This Ordinance will help bridge that gap. There are protections in place, specifics about where people can park, where entrances can be located, how utilities work, addressing, design, etc.

Council Member Gochis expressed concern about when people turn it in to a business, such as a VRBO, or short term rental. Mr. Baker indicated that in a previous work meeting it was decided by the consensus of the Council that the risks of allowing a short term rental are low compared to allowing a solution to the demand of housing. The Council decided to allow the market to regulate whether ADUs were rented short-term or long-term. Mr. Baker felt that long term rentals would override short term rentals.

- Ordinance 2019-21 An Ordinance of Tooele City Amending Tooele City Code Section 1-6-4 (7) Regarding the Mayor's Duties as City Budget Officer
Presented by Scott Wardle

Mr. Baker explained that Council Member Wardle wanted to make sure the City's practices and Codes are consistent with the City Charter. The Mayor is the budget officer of the City. That is stated in the Charter and State law.

- Ordinance 2019-22 An Ordinance of Tooele City Enacting Tooele City Code Section 1-8-3 Regarding Financial Reports
Presented by Scott Wardle

Mr. Baker stated that this would remove the delegation of the budget officer function to the Finance Director, and require the City Recorder to provide financial reports to the Council. According to the City Charter and State law, the recorder is to present monthly summary financial reports and quarterly detailed finance reports to the Council, with supporting data provided by the Finance Department.

- Ordinance 2019-23 An Ordinance of Tooele City Amending Tooele City Code Chapter 1-14 Regarding the Duties of the Director of Finance
Presented by Scott Wardle

Mr. Baker explained that this Ordinance remains to be finalized, as it now has two options. He indicated that he included Council Member Wardle's suggestions, and his own suggestion on how to handle the City's annual award of a contract for the audit. He felt that Council Member Wardle's draft might unintentionally tie the Council's hands, requiring that the audit be bid every year. Mr. Baker's recommendation is that the Finance Director recommend to the Council the auditor every year.

- Statue Coins
Presented by Chairman Steve Pruden

Chairman Pruden said that the Tooele City Arts Council was asked to continue the fundraising for the second statue in Veteran's Memorial Park. Mr. Cook said that they have currently raised \$7,020. The Life's Worth Living Foundation, when they turned it over to the arts council had raised \$22,580, leaving about \$10,000 to raise. An issue has come up with a board member of the Arts Council because there is a potential conflict in being involved in fundraising and her employment. The board member may need to make sure it doesn't infringe on the statutory rules

of the arts council as a 501c3. They may need to look at other organizations to accept donations involving the coins. Council Member Gochis added that someone offered to donate a quilt for a raffle. There was a discussion on whether raffles are illegal in Utah. Mr. Baker said his recollection was that raffles were removed from the statute as being illegal. Chairman Pruden said that according to a State tax commissioner, it is still illegal. Council Member Gochis wondered if an auction was an option of a way to raise money.

Staff and Council Members were asked to let Council Member Gochis or Chairman Pruden know if they had ideas of other organizations who might be able to accept donations towards the statue. There may be just under 300 coins left.

- Schedule for Monthly Budget Meetings
Presented by Chairman Steve Pruden

During the budget process it was suggested that monthly budget meetings be held. Chairman Pruden suggested that these meetings be scheduled at a set time, and at a regular interval, with subgroups reporting to the Council about the information they gathered.

The Mayor suggested the meetings be on the first Council work session of the month, and it be listed on the work session agenda as “Council Budget Reports”.

It was suggested that the subcommittees meet at 5:00 p.m. on Planning Commission nights, or make other arrangements with each department individually. The Mayor will bring to the next work session a suggestion of subgroups and the Council can choose which departments they would like.

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

The meeting adjourned at 6:08 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 September, 2019

Steven Pruden, Tooele City Council Chairman