

**Tooele City Council  
Business Meeting Minutes**

Date: Wednesday, September 21, 2011  
Time: 7:00 p.m.  
Place: Tooele City Hall, Council Chambers  
90 North Main Street, Tooele Utah

**Council Members Present:**

Scott Wardle, Chair  
Mike Johnson  
Steve Pruden  
Dave McCall  
Shawn Milne

**City Employees Present:**

Mayor Patrick Dunlavy  
Roger Baker, City Attorney  
Glenn Caldwell, Finance Director  
Chief Ron Kirby, Chief of Police  
Paul Hansen, City Engineer  
Cary Campbell, Public Works Director  
Rachelle Custer, City Planner  
Randy Sant, RDA Consultant

**Others Present:**

Tim Gillie, Tooele Transcript

Chairman Wardle called the meeting to order at 7:00 p.m.

Minutes prepared by Elisa Jenkins

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Councilman Johnson.

**2. Roll Call**

Councilman Pruden, Present  
Councilman McCall, Present  
Councilman Milne, Present  
Councilman Johnson, Present  
Chairman Wardle, Present

**3. Open Forum for Public Comment**

Chairman Wardle invited anyone from the public who would like to come forward and address the Council to do so.

Shirley Beagley, 486 W 500 S, Tooele addressed the Council. She informed the Council that her road was finished and thanked the Council and administration.

Councilman Johnson asked Chris Sloan if he had any information about redistricting.

Chris Sloan addressed the Council. He said that he did not have a whole lot of information. He indicated that the Senate base map is still being tweaked but it will not benefit Tooele City. He said that the House passed their base map and it should keep Tooele City and Stansbury Park in one seat. There is still an important meeting tomorrow that he will attend.

Ms. Custer introduced Garrett Sutherland who was doing a community project for Tooele Junior High.

Chairman Wardle closed the open forum at 7:08 p.m.

**4. Resolution 2011-45 A Resolution of the Tooele City Council Authorizing the Mayor to sign on behalf of Tooele City a Contract with Hansen, Allen & Luce for Flood Plain Mapping of the Settlement Canyon and Middle Canyon Drainage Channels**

Presented by Paul Hansen

Mr. Hansen stated for the record that that he does not have any ownership or business affiliation with this company. He explained that Tooele City has two designated drainage channels within the city limits that are established by the Federal Emergency Management Administration (FEMA) as special flood hazard areas. There are four FEMA maps that encompass the city limits. He showed the Council on the overhead the route that FEMA shows the flood limits and special hazard areas for Settlement Canyon which he stated are not the way that the water flows. This map represents a 1% chance of a storm exceeding the volume. He also showed the path FEMA shows for Middle Canyon drainage. He indicated that the concern of the administration and staff is that these maps are not correct. These maps do not correctly reflect what the staff would define as the special flood hazard area and it makes it very difficult for the City to manage growth adjacent to these channels. The other deficiency the city has is accurate studies that delineate how much water comes down the channels and what the direct correlation is to the adjacent properties. He said that several years ago the Tooele City Council implemented a storm water fee that is assessed to all properties in the city for the purpose of helping them mitigate and manage storm water flows. The administration would like to hire an engineering firm to help better define what the flows limits would be. This would be a study that would then enable them to take the information and file it with FEMA with the intent of getting these maps updated to correctly show what the risk is and then allow them to design and build facilities correctly sized. The administration and the staff met with a couple of engineering firms and listened to them and read their proposals and it was the Mayor's recommendation, which staff agreed with, to go with Hansen, Allen & Luce based on their experience, qualifications, and previous work they have

done with the City. He apologized that he did not get a copy of the contract into the Council's packet. He said that the scope of their proposal is to perform the engineering, evaluation, the study of the mountains, to run the hydraulic models and to prepare the mapping. Their cost would not exceed \$63,000 for this study. He feels this is a very important study. They will be coming back to the Council under a separate action to obtain the aerial photography and the contour map that will be used to help generate this study. The cost of that aerial photography and contour mapping will also be approximately \$75,000.

Chairman Wardle asked how long it would take Hansen, Allen & Luce to complete the study.

Mr. Hansen said that it depends on how soon they could get the aerial imagery and the correct contours. The aerial photography would occur in the fall. It would take them about 5-6 months after the photography is completed.

Councilman Johnson noted that there was not a contract in their packet to review so he would like Mr. Baker to review it before it is signed.

**Councilman Johnson moved to approve Resolution 2011-45 with the condition that the City Attorney reviews the contract first.** Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle "Aye".

**5. PUBLIC HEARING & MOTION on Ordinance 2011-17 An Ordinance of the Tooele City Council Amending Tooele City Code Title 7 Chapters 4 and 16 Regarding Off-Street parking Requirements**

Presented by Roger Baker

Mr. Baker passed out a corrected copy of the ordinance to the Council; it fixes an error but does not change the substance. (A copy is included with the packet as Exhibit A). Mr. Baker explained that this ordinance is a result of a situation where the City was required to determine appropriate parking for a use and the City Code did not give specific direction about how much parking to require for that use. They had some guidelines but they were vague enough to lead to a dispute about whether what they required was appropriate. Rather than fight that fight any further they decided to reevaluate the code, restructure and define some uses, and establish a parking recommendation for those uses. They are specifically talking about a beauty shop and barber shop. They have worked with the Council and the Planning Commission to determine an appropriate off street recommendation for these uses. This ordinance defines how many parking stalls they would have to have. In addition they established a parking standard for personal services, which they did not have before. The other important change is in the very last section of the contract under Commercial Centers, first they establish a parking requirement and for the first time in the City Code they are implementing a sound planning principle to provide the Commercial Center to share parking between the various uses. If one use in the Commercial Center has their peak patron visiting in the middle of the day and the other in the evening there is no reason to require each of them to provide the maximum parking independent of themselves when there is an opportunity to meet everyone's needs through shared parking. This is a good

example of where the City can use their regulation to implement a business friendly policy that also makes sense. In addition to the page that Mr. Baker gave to the Council, the staff has made the corresponding amendments to the zoning code.

Councilman Wardle stated that it merges two parts of the code to read the same.

Mr. Baker said that was correct. They added the beauty salon in Chapter 4 and Chapter 16 and defined what it is.

Mike Johnson asked if it was the beauty salon at Jack's market that spurred the change. He asked if the issue was what kind of surface could be used in the parking lot.

Mr. Baker said that was the technical issue they asked the Planning Commission to decide. But it led into a bigger argument that the City did not have a parking requirement for personal services or beauty salons or barber shops. The City has a catch all provision that lets them use their best judgment comparing this use to other uses to establish parking standards. They have left that discretion in the ordinance but they have limited the number of instances where they need to use that discretion.

Chairman Wardle said that the Council has discussed this and he feels that it is not overbearing and said that it is business friendly. He said that they haven't had an instance like this in several years.

Mr. Baker said that this is a good example showing how the City works to improve its processes and regulations.

Chairman Wardle stated that this is a public hearing if anyone would like to come forward and address this issue. No one came forward.

**Councilman McCall moved to close the public hearing.** Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle "Aye". The public hearing closed at 7:22 p.m.

**Councilman Milne moved to approve Ordinance 2011-17.** Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle "Aye".

**6. Resolution 2011-44 A Resolution of the Tooele City Council Approving Minor Modifications to Access Road Easements for Construction and Maintenance of the Mona-Oquirrh 345kv Transmission Line**

Presented by Roger Baker

Mr. Baker explained that earlier this year Tooele City signed two easement documents with Rocky Mountain Power to allow a transmission line across City property. He showed on the

overhead screen a map and where the transmission line runs. (The map he referred to is also included with the resolution). He also said that corresponding with that easement was another easement to allow construction and maintenance access roads to get to the power lines and power poles. He said that Rocky Mountain Power recently approached the City with the feedback from its contractors who are on site studying the area and suggested some changes to the access road alignment to facilitate construction. The map showed where those changes are. Rocky Mountain Power no longer needs the vertical climb access easement instead they would use a lateral access. He said that this is in the City's best interest because it would be less intrusive.

Councilman Pruden recalled that the purple dotted line on the map already exists.

Mr. Baker said that the City utilizes it for their water utility access. He said that there will be a gate installed by Rocky Mountain Power to limit public access. The City will have access to that gate.

**Councilman Pruden moved to approve Resolution 2011-44.** Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle "Aye".

#### **7. Minutes: September 7, 2011; Work Session and Business Meeting**

**Councilman Milne moved to approve the minutes as presented.** Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle, "Aye".

Councilman Johnson abstained from voting on the minutes for the business meeting because he was not present.

#### **8. Invoices**

Mayor Dunlavy presented the following invoices for payment:

- Allied Fence Company for miscellaneous repairs/additions to existing chain link fence at the water tank at 880 South 900 West in the amount of \$8,120.70.
- Proforce Law Enforcement for upgraded police weapons in the amount of \$9,758.20. (Edward Byrne 2011 Grant)

**Councilman Milne moved to approve the invoices as presented by Mayor Dunlavy.** Councilman McCall seconded the Motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle "Aye".

#### **9. Adjourn**

**Councilman Johnson moved to adjourn the meeting.** Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Councilman Milne, “Aye”, Councilman Pruden, “Aye”, and Chairman Wardle “Aye”. The meeting adjourned at 7:28 p.m.

Approved this 5<sup>th</sup> day of October 2011

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Chairman Scott Wardle