

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, February 15, 2006
Time: 7:00 P.M.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Michael Johnson, Chair
Steve Bevan
Steve Pruden
Scott Wardle

City Council Members Excused:

John Hansen

City Employees Present:

Patrick Dunlavy, Mayor
Roger Baker, City Attorney
Glenn Caldwell, Director of Finance
Cary Campbell, Public Works Director
Richard Jorgensen, Land Use Technician
Casey Allie, Director of Parks and Recreation
Ron Kirby, Chief of Police
Paul Hansen, Contract City Engineer
Lisa Carpenter, Deputy City Recorder/City Council Liaison

Minutes prepared by Andrea Cahoon

The meeting was called to order by Chairman Johnson at 7:00 p.m.

1. Pledge of Allegiance

The pledge of allegiance was led by Councilman Bevan.

2. Student Recognition Awards

Presented by Mayor Dunlavy and Steve Pruden

Councilman Pruden presented the "Mayor's Community Recognition Award" to the following students:

Jessie Gillins, Alex Scott, Arthur Fleming, Camarilla Olsen, and Mathia Glitton from Tooele Junior High School

3. Open Forum for Public Comment

Chairman Johnson invited anyone who wished to address the Council to come forward and do so.

No one came forward to address the Council.

Councilman Bevan moved to close the open forum. Councilman Wardle seconded the motion. All members present voted, "Aye." The open forum closed at 7:08 p.m.

Chairman Johnson excused John Hansen from the meeting.

4. Health Department Update

Presented by Myron Bateman

Mr. Bateman explained that the Health Department is really a City/County Department. It encompasses four programs: Environmental Health, WIC, a dental clinic, and the public health nurses/community health program.

Mr. Bateman informed the Council that they had acquired land to the north of their current location and west across the alley to expand the health department. They are funding the building out of mitigation money collected in the past.

Chairman Johnson asked about the Asian bird flu and the West Nile virus. Mr. Bateman said there has been no person to person spreading. They have developed a pandemic plan on the Asian flu. They are continuing to monitor the West Nile virus this year. Chairman Johnson said that although the City is not interested in joining the mosquito abatement district, they are happy to do their part to contribute to that effort.

Councilman Wardle commented that the free dental clinic has helped a lot of people. He asked when it would be up and running again? Mr. Bateman said the new building will include 850 square feet for that dental clinic. The local dentists have been donating four hours a month to this program. They plan on continuing that program and installing new equipment for the dentists' use. He thanked Dr. Mike Wells who has paid the rent on the old dental clinic (4th South and Main) out of his own pocket.

Councilman Pruden asked when they would be constructing the new building? Mr. Bateman said they would break ground around the first of May. They are having their predevelopment meeting on March 8 with the City. Mr. Bateman said they appreciated the City staff who had been great to work with.

5. PUBLIC HEARING and Motion for Ordinance 2006-06 An Ordinance of the Tooele City Council Amending the Tooele City General Plan, Land Use Element, for Approximately 77 Acres of Property Located from the Future 3200 North Street to the Northern Tooele City Limit on the West Side of SR-36, from Low Density Residential (LDR) to Medium Density Residential (MDR), and Prescribing Conditions

Presented by Cary Campbell

Mr. Campbell explained this is the Robert's rezone located at the northern most part of the City, west of Highway 36. He felt they had answered all of the questions that the Council members have had. They were presenting two ordinances for consideration this evening, Ordinances 2006-06 and 2006-07. The developer will be installing a culinary well and reservoir & the distribution infrastructure, and hooking into the main sewer and water lines. He stated it was all outlined in the Ordinance.

Councilman Wardle thanked the staff for helping him understand it and for answering his questions.

Chairman Johnson stated that Councilman Hansen (who was absent) had asked him if we were requiring the developer to put in a secondary water infrastructure as well and if it would be a benefit for us to do that? Mr. Campbell said he was not sure how much water they would have to put into this ground. He deferred to Paul Hansen. Mr. Hansen said they have told Mr. Roberts that he is not to rely on secondary water. We are continuing secondary water studies and if we come to the end of those studies and find out we can make it work, and it will be beneficial, and we have enough water, we would consider that. We can't answer that question today.

Chairman Johnson said he was fine with the conditions. He understood that all of those items should be completed within one year of the subdivision plat. He wondered exactly what that meant? He wanted it to be that no building permit gets issued until the items are done. Mr. Baker said that the City Code requires that all public improvements are to be completed within one year of the final plat approval. This is consistent with what the code requires. Chairman Johnson said the developer will have to bond for this and if the items are not completed, the City will call the bonds and complete the work. Mr. Baker said the code does allow for two 6-month extensions.

Chairman Johnson stated this was a public hearing.

No one came forward to address the issue.

Councilman Pruden moved to close the public hearing. Councilman Wardle seconded the motion. All members present voted, "Aye." The public hearing closed at 7:25 p.m.

Councilman Bevan moved to adopt Ordinance 2006-06 with all of the conditions recommended by staff. Councilman Pruden seconded the motion. All members present voted, "Aye."

6. PUBLIC HEARING and Motion for Ordinance 2006-07 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map, Assigning the R1-10 Zoning District to Approximately 77 Acres of Property Currently Zoned RR-5 from the Future 3200 North Street to the Northern Tooele City Limit on the West Side of SR-36, and Prescribing Conditions

Presented by Cary Campbell

Chairman Johnson said that now that the General Plan has been amended, they can consider the rezone. He stated that this action has the same conditions set forth as the previous agenda item. Mr. Campbell said, "If I was going to speak, I would have stated just what Chairman Johnson said."

Chairman Johnson stated that this was a public hearing.

Mr. Baker said there needed to be one correction made for the record. The rezone is for R1-10 zoning (not R1-12 as was incorrectly advertised).

No one from the public came forward to address the issue.

Councilman Pruden moved to close the public hearing. Councilman Wardle seconded the motion. All members present voted, "Aye." The public hearing closed at 7:26 p.m.

Councilman Bevan moved to approve Ordinance 2006-07 with the same conditions as set forth in Ordinance 2006-06. Councilman Pruden seconded the motion. All members present voted,

“Aye.”

Chairman Johnson thanked the City staff and Mr. Roberts for their work. Councilman Pruden thanked Mr. Roberts for his patience with the Council and explained that their earlier reluctance was due to the location and the impact it would have on the City’s resources. He thanked him for his willingness to work with the Council and the staff to address their concerns. Mr. Roberts said he has had a lot of practice, not only in Tooele, but other places. Mayor Dunlavy added his thanks to him and his family. Councilman Wardle said the packets of information he gave them last November were very helpful. Chairman Johnson said Tooele has more than enough starter homes, so he welcomed this development. He felt it would be nice to have a higher level of home.

7. Resolution 2006-04 A Resolution of the Tooele City Council Expressing Strong Opposition to Senate Bill 170, Land Use Amendments, and Requesting that Our Senators and Representatives Vote Against This Bill

Presented by Roger Baker

Mr. Baker said the Council and the administration had requested the opportunity to voice opposition to SB170 that was drafted by Senator Mansell. The proposed bill has been revised into two smaller bills that are not as egregious, but are still the object of concern. This is the draft produced and distributed by the Utah League of Cities and Towns.

Councilman Pruden asked him to summarize for the public what it was they were opposing. Mr. Baker said the entire bill is 80 pages long and he hasn’t studied it in depth. It would basically take away 75 years of development law and your abilities as a City Council to establish land use policies as a matter of legislative policy. Chairman Johnson said it would preclude, for example, what they just did (referring to the rezone).

Councilman Pruden asked what his (Mr. Mansell’s) motive was? Chairman Johnson stated he was a developer. Councilman Wardle said it started with the Bluffdale problem. Mr. Baker said also from the Wal-Mart in Sandy City. Chairman Johnson strongly encouraged them to pass this.

Councilman Pruden moved to adopt Resolution 2006-04. Councilman Wardle seconded the motion. All members present voted, “Aye.”

8. Resolution 2006-05 A Resolution of the Tooele City Council Approving an Amended and Restated Development Agreement for Copper Canyon P.U.D.

Presented by Roger Baker

Mr. Baker said this is the culmination of more than six months of effort with the City administration and staff and the new interest owner in the Copper Canyon development. This amends the development agreement that has been in existence since December of 1997. The amendments have been carefully negotiated and reflect what both parties consider to be a win-win situation. The resolution has attached to it a table that is Exhibit C to the resolution that summarizes the major distinctions between the original development agreement and the proposed amended development agreement. The number of units would decrease from 586 to 494 units which results in an increase of the minimum lot size to 6,000 square feet (from 4,500 square-foot minimums). With fewer homes the development will need less water, and the lots will allow a higher quality and greater variety of homes.

Mr. Baker stated they have reached a compromise as to the water rights. The City will continue to

provide the water rights as promised in 1997, but the developer, acknowledging that the cost of water rights has doubled, will contribute cash to the City to obtain the water rights. The developer has agreed to contribute cash money for the construction of 1000 North. The original agreement required him to construct portions of that road, but now will allow him to contribute toward the larger road construction project rather than to construct the portions required in the original agreement. The park acreage has decreased by 3 acres, but the plans include a more functional trail and park system than originally proposed. The proposed decrease in park acreage has been reviewed and is supported by the Parks Director, Casey Allie.

Councilman Wardle pointed out that the image on the screen was not the same as what they were currently considering. Mr. Baker stated that was correct, it was just roughly the layout. He also held up a binder that included the landscape and park plans in great detail including the structures, playgrounds, restrooms, etc. He informed the Council that the book would be incorporated by reference into the development agreement and the developer would be bound to these by the agreement. He also told the Council that their packets did not include Exhibit B to the new agreement because it wasn't available yet. He showed Exhibit B to the Council.

Chairman Johnson asked if they were considering some type of service district to maintain the amenities? Mr. Baker said the agreement does require a special service district to be created to maintain the public park areas, trail areas, and the landscaped boulevard. Chairman Johnson asked if there was a deadline for that to be formed because it is much easier to form when one person owns all of the property? Mr. Baker answered, "Yes."

Mr. Baker said he had received some Council feedback on the architectural guidelines. He received a clarification from the developer today that clarifies the number of homes that will be required to have brick or stone as an element of the facade. Fifty percent of the homes in each phase will have to have brick or stone elements, consisting of at least 3.5 foot wainscots across the front of the house, and more if the homeowner desires. This will replace the original sheet that was in the packets.

Mr. Baker said the developer is represented here this evening. He said the developer has been good to work with in addressing their concerns. Fieldstone Homes is the homebuilder who is anticipated to build the homes in this subdivision.

Councilman Pruden pointed out an area on the map and asked if it was the detention basin? Mr. Baker and Walter Plumb answered, "Yes." Councilman Pruden said it is "parkish." Mr. Baker said it is not required to be a park, but that is what they want to do with it. Mr. Plumb indicated that it would be landscaped with trees and grass.

Councilman Pruden asked if the cinder block wall would be on both sides of Tooele Boulevard? Mr. Baker answered, "No." The cinder block wall is intended to buffer the boulevard from the railroad so it is just on the north and west sides. Councilman Pruden asked what about the double frontage lots? Mr. Baker said the double frontage lots will have the vinyl privacy fence that will be maintained by the special service district.

Councilman Wardle asked if the homes will have basements? Mr. Plumb said some of Fieldstone's homes don't have basements due to water table issues. It is okay at this site, so there will be basements. Councilman Wardle said that Fieldstone does build a nice home and has nice developments. He stated that his concern was that they wanted a higher quality development. Mr. Plum said in their landscape plan they intend to make the detention basin so that it can be used like a park area.

Mr. Baker said the park facilities will be eligible for impact fee reimbursement credits. They have agreed to donate the ground without receiving impact fee credits. Trails are not eligible for those credits.

Councilman Pruden asked if this plan was flexible enough that somewhere in the subdivision a church could be configured in? Mr. Plum said they would consider that. Mr. Baker said that would be an allowed use in this area and they (a church) would have to negotiate that with the developer.

Councilman Wardle moved to adopt Resolution 2006-05. Councilman Pruden seconded the motion. All members present voted, "Aye."

Mayor Dunlavy thanked the staff for their work on these negotiations. They went over and beyond their duty.

The Fieldstone representative arrived at this point and said their intent was to construct bigger homes for bigger families. They have not finalized the product they will do out there. He provided some examples of homes being built in Spanish Fork and Saratoga Springs. Councilman Pruden asked if these homes will have basements? The Fieldstone representative answered, "Yes." Councilman Wardle said they don't want another starter home community. The Fieldstone representative said their average home size is 2,500-2,900 square feet. Chairman Johnson asked if the homes will be similar to homes in Overlake? The representative said they would be more refined than that.

9. Minutes January 18, 2006 and February 1, 2006

Councilman Bevan moved to approve the minutes from the January 18, 2006, and February 1, 2006, meetings as presented. Councilman Wardle seconded the motion. All members present voted, "Aye." Chairman Johnson stated that he was not in attendance at the February 1, 2006, meeting.

10. Invoices

Presented by Mayor Dunlavy

Mayor Dunlavy presented the following invoices for payment:

- Haynie & Company for the 2004-2005 Audit in the amount of \$16,545.00
- Tooele County Auditor for 4th Quarter 2005 Dispatch Fees in the amount of \$25,752.00
- The Percs Index Inc., for computer hardware and software, in the amount of \$10,894.00 (most paid by federal grant)
- Fire Service Specification & Supply in the amount of \$11,854.00 (Homeland Security grant)
- Holmes Roberts & Owens for legal work in the amount of \$34,189.16

Councilman Pruden moved to pay the stated invoices. Councilman Wardle seconded the motion. All members present voted, "Aye."

11. Mayor's Report

Mayor Dunlavy reported the following:

- He gave them a legislative update & summary from Randy Sant
- HB170 has been amended into two smaller bills; The League of Cities and Towns is still

opposing both amended bills.

12. Adjourn to Discussion Items to be Followed by a Closed Executive Session to Discuss Pending Litigation

Chairman Johnson welcomed Gerald Sagers who is one of the new Planning Commission members.

Councilman Wardle moved to adjourn the meeting. Councilman Bevan seconded the motion. All members present voted, "Aye." The meeting adjourned at 7:57 p.m.

Discussion Items:

No minutes were taken on the discussion items.

1. Deadline Date Regarding the Moving of Mobile Homes

Presented by Mike Johnson

2. Graffiti Ordinance

Presented by Roger Baker

3. North Tooele City Special Service District Issues/Boundaries

Presented by Mike Johnson

4. Legislature Issues

Presented by Mike Johnson

Chairman Johnson removed this item from the discussion items.