

Tooele City Council and  
Tooele City Redevelopment Agency  
Joint Business Meeting

Date: July 18, 2007  
Time: 7:00 p.m.  
Place: Tooele City Hall Council Chambers  
90 North Main Street, Tooele, Utah

**City Council Members Present:**

Mike Johnson, Chair  
Steve Bevan  
Steve Pruden  
John Hansen  
Scott Wardle

**City Employees Present:**

Mayor Patrick Dunlavy  
Chief Kirby, Chief of Police  
Sharon Dawson, City Recorder  
Lisa Carpenter, Deputy Recorder/City Council Liaison  
Doug Bayly, Assistant City Attorney  
Kacie Evans, Finance  
Kami Perkins, Human Resource  
Paul Hansen, Contract City Engineer  
Cary Campbell, Public Works Director  
Rachelle Custer, City Planner

Minutes prepared by Elisa Jenkins

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

**1. Pledge of Allegiance**

The pledge of Allegiance was conducted by Dennis Murray.

**2. Open Forum for Public Comment**

Chairman Johnson invited anyone who wished to address the council to come forward.

Steve Milligan addressed the council. He is with Cambridge Development. He is looking to purchase property on the northwest corner of 700 South and Coleman Street. 700 South has a flood issue and there are some development issues that need to be addressed. He would like some direction on how to proceed. Chairman Johnson stated that it is their intention to fix the problems but it is not budgeted for this year. Mr.

Milligan would like to know what they need to do to be able to proceed with development on this property. There are 7 lots that they are purchasing. They are up against a time frame and would like to get a feel for what the city's intentions are for this street. Chairman Johnson referred the question to Mr. Paul Hansen.

Mr. Hansen stated that this is an ongoing discussion that they have had with previous developers. This is a big challenge the storm drain is an issue. The city has not formulated a final plan for the storm drain. The storm drain is a partnership with Settlement Canyon Irrigation. Mr. Hansen stated that it would be helpful for the developers to approach Tooele City and Settlement Canyon Irrigation and get together so they can formulate a plan. 700 South is very narrow. The developers could participate in the cost to widen the street.

Chairman Johnson suggested that Mr. Hansen spearhead a meeting with the developers and discuss the operational issues. Chairman Johnson stated that the council is aware of 700 South and Coleman is a problem. They would like to see the house on the corner gone. They would like to see the street widened and the storm drain taken care of. The drain pipe needs to go down the middle of the street instead of in the back yards. Mr. Hansen said he will start to work on this issue. He needs to work with the county and Amsource and see what the proposed fix is.

**Councilman Pruden moved to close the open forum.** Councilman Wardle seconded the motion. All members present voted "Aye". The open forum closed at 7:12 p.m.

**3. Discussion and Possible Motion Regarding Council Chairmanship**

Presented by Chairman Johnson

Chairman Johnson stated he has served on the council with Councilman Bevan for 7 ½ years. Councilman Bevan has decided to retire at the end of the year. He has not yet served as Chairman. He suggests that Councilman Bevan serve as Chairman for the Council for the remainder of his term and Councilman Johnson serve as Vice-Chairman.

**Chairman Johnson moved to appoint Councilman Bevan to serve as Chairman for the rest of his term and Councilman Johnson to serve as Vice-Chairman.** Councilman Wardle seconded the motion. All members present voted "Aye".

Chairman Bevan will resume the rest of the meeting.

**4. Resolution 2007-37 A Resolution of the Tooele City Council Consenting to the Mayor's Appointment of Kathy Harris as the Tooele City Parks and Recreation Director**

Presented by Mayor Patrick Dunlavy

The Mayor reported that the charter requires that he present a name to the council to appoint a Parks and Recreation Director. He would like to appoint Kathy Harris as the Tooele City Parks and Recreation Director. The Mayor stated that they advertised the position. He received applications and they were looked at very closely. There were specific things that he was looking for in an applicant. Kathy has worked for the city for 27 years. She was the first person that he hired to take care of the weeds on Main Street. He feels that she will bring a great deal of expertise and experience to this position.

Chairman Bevan added that she will do a great job.

**Councilman Pruden moved to approve Resolution 2007-37.** Councilman Hansen seconded the motion. All members present voted “Aye.”

5. **Resolution 2007-38 A Resolution of the Tooele City Council appointing Steven Dale as Mayor Appointed Alternate to the City Planning Commission**

Presented by Mayor Patrick Dunlavy

The Mayor reported that there is currently an opening on the Planning Commission as an alternate. Steve Dale has run for office which speaks highly of him. Steve Dale will bring a lot of expertise to the Planning Commission. He would like to present his name to the council.

**Councilman Johnson moved to approve Resolution 2007-38.** Councilman Wardle seconded the motion. All members present voted “Aye”.

6. **PUBLIC HEARING & MOTION o Ordinance 2007-20 An Ordinance of the Tooele City Council Assigning the R1-7 PUD Zoning district to Property Located at Approximately 1000 North 200 West**

Presented by Rachelle Custer

Ms. Custer reported that in 2005 the city entered into a development agreement with Copper Canyon on a residential PUD development. This property is part of that development, it was the city’s oversight that there was a general commercial zoning that was in the agreement to be residential. The city would like to clean that up and make it an R1-7 PUD in accordance with the development agreement.

Councilman Pruden stated that if that is re-zoned those houses will back the underpass.

Ms. Custer stated that the lots on Tooele Blvd lots will have a uniform fence.

Councilman Johnson asked who will maintain the open space. Ms. Custer stated Copper Canyon PUD will have a Special Service District. Ms. Custer stated that the lots that

back Tooele Blvd will be maintained by a SSD. The lots that back 1000 North will have a slope and not have a SSD.

Chairman Bevan stated that this is a public hearing.

Tom Spencer from Fieldstone Homes addressed the council. He stated that most of the homeowners elect to put up a fence. The CC&R's state that the only type of fence homeowners can put up is a tan vinyl fence. It looks nice if people have the same type of fence.

Councilman Wardle wanted to express to the builder the importance of keeping 1000 N looking nice. This is the gateway to the community. There are double frontage lots on 1000 N. If homeowners elect not to purchase a fence there is a safety issue and an esthetics issue along the gateway. That is a big concern for the city and it was a big concern for the Planning Commission.

Councilman Johnson asked if it would be in the best interest of the city to pay for a fence on 1000 North.

Mr. Spencer stated that there are about 20 lots that back on 1000 N. The average width is about 60 ft.

Councilman Wardle wanted Mr. Spencer to take back the concerns to Field Stone of the Planning Commission and the Council regarding the double frontage lots.

Mr. Spencer stated that he understands their concerns. It is possible that Field Stone could put in the fencing as an incentive to purchase these lots, because they are not premium lots.

**Councilman Hansen moved to close the public hearing.** Councilman Pruden seconded the motion. All members present voted "Aye". The public hearing closed at 7:30 p.m.

**Councilman Hansen moved to approve ordinance 2007-20.** Councilman Johnson seconded the motion. All members present voted "Aye".

7. **PUBLIC HEARING & MOTION on Final Plat Approval for Copper Canyon PUD Phase 2a.**

Presented by Rachelle Custer

Ms. Custer stated that previously the council approved the final plat on phase 2. The developer has come back and asked if they can split it into two sections 2a and 2b. Staff recommends approval of the final plat with the following conditions: 1) Bond for and construct 2a and 2b simultaneously 2) Improvement on the detention facility as a bonded item.

Mr. Spencer stated that all fees have been paid.

Chairman Bevan stated that this is a public hearing. No one came forward to address the issue.

**Councilman Hansen moved to close the public hearing. Councilman Wardle seconded the motion.** All members present voted “Aye”. The public hearing closed at 7:32 p.m.

**Councilman Wardle moved to approve the final plat for Copper Canyon PUD Phase 2a.** Councilman Hansen seconded the motion. All members present voted “Aye”.

8. **PUBLIC HEARING & MOTION on Final Plan Approval for Copper Canyon PUD Phase 2b.**

Presented by Rachelle Custer

Ms. Custer stated that staff recommends approval of this final plat with the following conditions: 1) Bond for and construct 2a and 2b simultaneously 2) Improvement for park and trails as bonded items 3) Submit park plans to parks department for review and approval prior to bonding. Ms. Custer stated that the landscaper has already been in contact with Kathy.

Chairman Bevan stated that this was a public hearing. No one came forward to address the issue.

**Councilman Hansen moved to close the public hearing.** Councilman Johnson seconded the motion. All members presented voted “Aye”. The public hearing closed at 7:34 p.m.

**Councilman Johnson moved to approve the final plat for Copper Canyon PUD Phase 2b.** Councilman Hansen seconded the motion. All members presented voted “Aye”.

9. **PUBLIC HEARING & MOTION on Amended Plat for West Point Meadow Condominiums to Modify the Design and Layout of the Buildings to be Constructed Located at 600 North 680 West by Denis Hepworth.**

Presented by Rachelle Custer

Ms. Custer reported that this development will consist of 63 condominium units. The project was previously approved and construction started. One building was completed. The development is now ready to proceed with the other building but has made some design changes to the exterior of the buildings and must amend the existing plat. There are two, four, and five unit buildings in this development. All units are constructed side

by side. The existing building is all siding. The future buildings exterior has changed from original plat to contain stucco and brick wainscot to meet the multi family guidelines. Staff recommends approval of the final plat.

Councilman Pruden asked if the 680 West concerns from the previous meeting were resolved. Ms. Custer stated that it has all been looked at by the engineer. All previous issues have been resolved.

Councilman Bevan stated that this is a public hearing. No one came forward to address the issue.

**Councilman Wardle moved to close the public hearing.** Councilman Hansen seconded the motion. All members present voted “Aye”. The public hearing closed at 7:37 p.m.

**Councilman Hansen moved to approve the amended plat for West Point Meadows Condominiums to modify the design and layout of the buildings to be constructed located at 600 North 680 West.** Councilman Wardle seconded the motion. All members present voted “Aye”.

**10. Ordinance 2007-21 on Disposal of Significant Parcels of Real Property**

Presented by Doug Bayly

Mr. Bayly reported that this ordinance is a mandate from the Utah State Legislature. The city is required to pass an ordinance regarding disposal of Significant Parcels of Real Property. The statute has two components 1) to define by ordinance the definition of “significant parcel of real property” and 2) to give the public notice and an opportunity to comment on proposals to dispose of significant parcels of real property.

Mr. Bayly proposes that any parcel to be disposed of is a “significant parcel of real property”. “Reasonable Notice” means publication of notice in a newspaper of general circulation at least 14 calendar days prior to a public hearing.

Councilman Johnson would like to clarify and add under section 1-25-2 after the first comma *by conveyance of a fee simple absolute interest in said real property.*

**Councilman Johnson moved to approve Ordinance 2007-21 with the addition to 1-25-2 as stated above.** Councilman Hansen seconded the motion. All members present voted “Aye”.

**11. CORRECTED Resolution 2007-32 A Resolution of the Tooele City Council Adopting the Tooele City Reuse Project Plan, Dated October 2006, prepared by Caldwell Richards & Sorensen, for the Reuse of treated Wastewater.**

Presented by Paul Hansen

Mr. Hansen reported that two weeks ago a resolution was presented to the council to adopt the city's reuse project plan for waste water there was an erroneous date published in the ordinance that is being corrected in this corrected resolution. The reuse plan that the city would like the council to formally adopt is the one that was dated October 2006. That is the one the state approved and that is the one the state is allowing the city to operate under. This is simply a correction, nothing else changed.

**Councilman Pruden moved to adopt Corrected Resolution 2007-32.** Councilman Wardle seconded the motion. All members present voted "Aye".

12. **Minutes July 3, 2007 (City Council)**

**Councilman Johnson moved to approve the minutes of the July 3, 2007 meeting as presented.** Councilman Hansen seconded the motion. All members present voted "Aye".

13. **Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices:

- Clyde Snow Sessions & Swenson for Lamb Litigation legal fees for June 2007 in the amount of \$8,145.87.
- Utah League of Cities & Towns for league membership fee for fiscal year 2007-2008 in the amount of \$12,095.69.
- Pricewaterhouse/Coopers for June 2007 professional services rendered Grantsville City vs. Tooele City RDA in the amount of \$16,833.13.
- Utah Department of Transportation for participating cost for Tooele Blvd from SR-112 South to SR-36 in the amount of \$24,472.07.
- Utah Department of Transportation for participating costs for Droubay Road in the amount of \$37,099.60.
- Holme Roberts & Owen LLP for June 2007 Legal fees for Tooele Associates vs. Tooele City in the amount of \$42,374.25.
- Clyde Snow Sessions & Swenson for June 2007 Legal fees Grantsville City vs. Tooele City RDA in the amount of \$44,170.70.
- Depot Associates, LLC for fiscal year 2007 property tax increment refund in the amount of \$364,015.22.
- Various Vendors for City portion of storm drain improvement years 2003-2007 in the amount of \$61,096.91.

**Councilman Pruden moved to approve the invoices as presented.** Councilman Wardle seconded the motion. All members present voted "Aye".

**14. Mayor's Report**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy had nothing to report at this time.

**15. Adjourn**

**Councilman Hansen moved to adjourn the meeting.** Councilman Johnson seconded the motion. All members present voted "Aye." The meeting adjourned at 7:52 p.m. to a discussion item.

Approved this 1<sup>st</sup> day of August 2007

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Chairman Steve Bevan

**Discussion Item: Flag Lots**

Ms. Custer reported that they don't have a formal presentation they would like to get the council's feelings for allowing flag lots. There are few property owners that have 120-140 ft 1 acre lots who have lost their animal rights that would like to sell the back portion of their property for development but due to the current policy the city does not allow that for access. They would like to entertain the idea of allowing flag lots it would help as a safety issue, a fire hazard and an esthetics issue. The administration feels that is would be a good thing to allow flag lots.

Councilman Johnson asked how the fire department would access the back lots. Ms. Custer stated that there is a minimum drive width that would be required. If the lot was more than so many feet in depth a fire hydrant would be required. Some details have been addressed.

Councilman Pruden has a concern for visibility as someone pulls out of a long driveway. Will they be able to see when they get out? He would like to make sure that issue is addressed if the ordinance is changed.

Councilman Johnson asked what other cities allow. Ms. Custer stated that some allow flag lots and some don't.

Councilman Wardle asked that if someone develops a flag lot if the fire department would have to sign off in the pre-development process. Ms. Custer said that the fire department would have to sign off.

Councilman Johnson also would like the Planning Commission to look into this issue as well.

Mr. Hansen stated that he supports the expansion of flag lots in select areas. From a public works aspect it is beneficial to not continue to expand the city's infrastructure. If the city can encourage people to in-fill and he doesn't have to add roads, sewer lines, storm drains, and water lines it is a benefit to the city. It reduces the tax burden and helps the taxes that are collected to go further. It also increases the value of the land. Mr. Hansen's recommendation is the city look into further. The city did not want to proceed if there was no intent from the council to allow them to do so.

Chairman Pruden told the administration that the council would like to investigate the issue further.

Ms. Custer stated that they will start drafting an ordinance with the Planning Commission.