

**Tooele City Council and  
Joint Redevelopment Agency  
Business Meeting Minutes**

Date: Wednesday, April 1, 2009  
Time: 7:00 p.m.  
Place: Council Chambers  
90 North Main Street, Tooele Utah

**City Council Members Present:**

Steve Pruden, Chair  
Mike Johnson  
John Hansen  
Scott Wardle  
Dave McCall

**City Employees Present:**

Mayor Patrick Dunlavy  
Roger Baker, City Attorney  
Sharon Dawson, City Recorder  
Cary Campbell, Public Works Director  
Glenn Caldwell, Finance Director  
Randy Sant, RDA Consultant  
Paul Hansen, City Engineer  
Chief Ron Kirby, Chief of Police  
Rachelle Custer, City Planner  
Lisa Carpenter, Deputy Recorder  
Milo Berry, Communities that Care Director  
Gary Vario, Fire Chief

**Others Present:**

Debbie Winn, Chamber of Commerce  
Shawn Milne, Planning Commission

Minutes prepared by Elisa Jenkins

Chairman Pruden called the meeting to order at 7:00 p.m. Chairman Pruden recognized former Mayor Charlie Roberts who was in attendance.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Boy Scout Troop 1141.

**2. Mayor's Community Recognition Awards**

Presented by Mayor Dunlavy, Councilman Wardle and Chief Kirby

Mayor Dunlavy welcomed all those who had come to support these students. He appreciates the opportunity at City Council meetings to recognize these special young people. He feels that it is very important for young people to be recognized for what they do. These students are a wonderful asset to this community.

Councilman explained that each student will receive a certificate signed by the Mayor. They will also receive a bag of goodies. The bag contains a gift certificate for a bucket of range balls at the golf course, a water bottle from Utah State University, movie tickets from Cinema 6, a Mayor's Recognition Award wristband, chap stick from the Tooele County Health Department, a Tooele City lapel pin, as well as some various other goodies.

Councilman Wardle then presented the Mayors' Community Recognition Awards to the following students:

Vivi Lawrence, Tooele Junior High School  
Sidney Warrick, Clarke Johnson Junior High  
Casin Ferney, Tooele Junior High School  
Dominick Sellers, Clarke Johnson Junior High  
Britney Bresee, Tooele High School  
Natalie Edmundson, Tooele High School  
Hillary Anderson, Tooele High School  
Renee Adams, Tooele High School

Mayor Dunlavy said "thank you" to all of these students for all that they do. He also thanked the families for their support.

A brief recess was taken for a picture with the Mayor and the recipients of this award.

### **3. Open Forum for Public Comment**

Chairman Pruden invited anyone from the public who would like to address the Council to come forward.

Charlie Roberts addressed the Council. He wanted to give the City Council an update on the Tooele's Sister City Kambarka, Russia. Mr. Roberts stated that the Sister Cities Committee wanted to thank Mayor Dunlavy and the City Council for their support. He explained that for this program to be successful they need support of the elected officials and a vibrant committee from the community. He feels that they have both. He further explained that the Sister Cities has had a separate account that they have worked directly with Mr. Caldwell to handle the finances but now the funds will be shifted from the City and moved to Heritage West Credit Union. Mr. Roberts stated that they have received notification that there will be an Open World Program for this fall. He turned the time over to Jana Roberts for her to explain this program.

Ms. Roberts said the Open World Program will be held October 10 -18 of this year and the theme will be Accountable Governance. She stated that she and Charlie will be putting together the program and they are in the process of nominating five people from Kambarka to help with the program. She would like the City Council to be involved in this program. The Open World Program is funded by Congress. There are a number of host cities that will be doing the Open World Program this year. The company that is putting this together is called World Services which is hired by the Open World Center in Washington D.C. She said that she has done 6-7 Open World Programs in the past. She also stated that this is the only ongoing bipartisan funding that is funded every year by Congress. She feels that they have always had very positive programs in the past.

Councilman Johnson asked where the Open World Program is held.

Ms. Roberts indicated that the Open World Program is in Washington D.C. She said that the delegates will be selected and will go to Washington D.C. for a week and then they will come to Tooele. She said they do this so our two countries can have good relations. She said that the Russians will come with a presentation for the City Council as well.

Chairman Pruden thanked the Roberts for the work that they do.

Mr. Roberts indicated that next summer Tooele will do an exchange with Kambarka. He stated that they have not had an elected official go to Kambarka since 2002, and a lot has changed since then. He encouraged the Council to consider this when looking at the budget. Mr. Roberts stated that they will be sending a delegation of 3-4 students and 3-4 members of the committee to Kambarka.

Mayor Dunlavy thanked Mr. and Mrs. Roberts and their committee for all of their efforts in the Sister Cities program.

Chairman Pruden closed the open forum at 7:30 p.m.

#### **4. Adopt 2008-2009 Audit Report**

Presented by Glenn Caldwell

Mr. Caldwell explained that an audit for the fiscal year 2008 has just been completed. He then introduced Randy Jensen to deliver the audit report.

Mr. Randy Jensen of Haynie and Company presented the annual audit report. A copy is included with the minutes as Exhibit A. Mr. Jensen indicated that overall this was a positive report and he commended the City Council, Mayor Dunlavy and Mr. Caldwell for the operation of the City and for the great job that they do.

Councilman Johnson verified with Mr. Jensen that there were no safety or soundness issues that he was concerned with.

Mr. Jensen replied no.

Councilman Johnson asked if there were any internal control issues.

Mr. Jensen said they found no internal control issues for this audit year.

**Councilman Hansen moved to accept the June 30, 2008 audit report.** Councilman McCall seconded the motion. All members present voted "Aye".

Chairman Pruden thanked Mr. Caldwell and Mayor Dunlavy on behalf of the Council for the good job they do.

5. **Mayor's Appointment of Russell Hammond, Becky Bryant, Spiros Makris, Aimee Stewart, Mark Nelson, Michelle Pitt and Scott Wardle to the Downtown Executive Board.**

Presented by Mayor Patrick Dunlavy

This item was removed prior to the meeting.

6. **PUBLIC HEARING & MOTION on Preliminary Plan & Final Plat Approval for Brown Subdivision. A two Lot 5.93 Acre Subdivision to be located at 375-349 North 1000 West.**

Presented by Rachelle Custer

Ms. Custer asked the Council to table this item. The developer was asked to provide a mylar prior to this meeting and he has not done so yet. She asked if this could be tabled to the May 6, 2009 City Council meeting.

**Councilman Wardle moved to table this item to the May 6, 2009 City Council Meeting.** Councilman Hansen seconded the motion. All members present voted "Aye".

7. **PUBLIC HEARING & MOTION on Ordinance 2009-07 An Ordinance of the Tooele City Council Amending Title 7 Chapter 19 to Allow Flag Lots for Infill Development**

Presented by Rachelle Custer

Councilman Johnson understands that this is being addressed to help with the long skinny lots between Main and 100 West and other areas of that nature. He asked if the lot is subdivided between the flag and the staff.

Ms. Custer stated that there is a picture in the ordinance as to what the flag lot will look like. They will be required to have a 24' wide staff along the public right-of-way. The staff is not to exceed 220' in depth before the flag portion of the lot begins. The flag

portion of the lot must be the minimum size allowed by the zone. She indicated that many of these flag lots are in an R1-7 zone and in that zone the flag lot would be required to be 7,000 sq ft minimum.

Councilman Wardle indicated that when looking at lots along 200 West, there are several lots that would not be buildable because of their current width.

Ms. Custer stated that some of those lots would be difficult to build upon. There is a provision in the ordinance where an exception to decrease the staff width may be done with Planning Commission and Fire Department approval upon extenuating circumstances. Improvements on the alley may still be required to be installed such as curb and gutter. She said that they have to look at this on an alley by alley basis.

Councilman Wardle asked Chief Vario what the width of a road needs to be for a fire truck to maneuver.

Chief Vario indicated that the standard width of roadways in Tooele is what they ask for. He said that if there is no parking allowed on the road they can look at different scenarios.

Mr. Custer said that a 24' road was the recommendation from the Fire Department for this ordinance.

Councilman Wardle asked what the Fire Department would be comfortable in granting in the width of the staff if someone came to them with an extenuating circumstance.

Chief Vario stated that 24' would be adequate as long as there is no parking allowed.

Councilman Wardle asked if they were comfortable going less than 24'.

Chief Vario said that anything less than 24' becomes an issue of getting equipment in and out.

Ms. Custer stated that each flag lot will have to be considered on a case by case basis.

Councilman Jonson said that he understands the ordinance to say that the staff needs to be 24' wide and free of any obstruction.

Ms. Custer said that is written into the ordinance.

Councilman Johnson asked how that can be enforced. The staff portion is part of the driveway and people could park there.

Ms. Custer indicated that is something that will need to be looked at. The ordinance clearly states that it must be unobstructed and that would be a condition placed upon the subdivision approval. She agreed that it would be hard to enforce.

Councilman Hansen indicated that he read the Planning Commission discussion. He was not concerned about the part of their discussion concerning water rights. He feels water rights should be required. His concern is the lots on 50 West and 150 West. He said if someone wanted to subdivide those lots and build on the back half they would have to access the lot from the front or improve the alley way.

Ms. Custer said that the only way they would be able to access the lot from the alley is if the alley was improved to the minimum standard of the public right-of-way that Tooele City has set. That is why the alleys would have to be looked at on a case by case basis. Some of the alleys are fully improved and some are not.

Councilman Hansen asked if a house was built off of 200 W where will the utilities come off of?

Ms. Custer stated that the utilities would come off of 200 West and go down the staff part of the lot.

Councilman Hansen said that this ordinance would discourage someone to build and it would be very expensive.

Mr. Baker indicated that he does not see this ordinance as intended to help subdivide the long skinny lots between 100 West and 200 West. He envisions this ordinance helping the 400 North area where there are homes all along the streets but there are several acres on the interior that are not developed. In order to get a street behind these homes a house would have to come out. Instead with this ordinance you could put in a 24' drive down the side of one of the lots and open it up for some more lots in the interior of that property. He sees this facilitating infill opposed to facilitating developments on the alleys.

Councilman Hansen noted that would have to pay for the infrastructure, a new connection to the road, water rights, etc.

Mr. Baker stated that it is not a new type of subdivision but it is a new type of lot so they would have to conform to the subdivision rules.

Councilman Hansen has safety concerns with this type of lot and development. He does not see this ordinance helping clean up these types of lots. He has concerns relating this ordinance to 50 West and 150 West, not as infill.

Councilman Johnson had some public safety concerns with building homes behind other homes and the only way for the Fire Department or police department to access those homes is to go down a private lane that is 24' wide. The private lane is supposed to be kept free from obstruction, but there is not a way to enforce it.

Ms. Custer said that currently the City allows flag lots in the sensitive area overlay. They took much of the same requirements from that ordinance and put it into this ordinance. They did get the Fire Departments input. If the staff lane is obstructed it could be a problem for emergency vehicle access.

Chief Vario asked if there will be fire hydrants on the lot.

Councilman Wardle read part of the ordinance under paragraph (k) *Fire hydrant must be installed at the public ROW portion of the staff; unless otherwise approved by the Fire Department.*

Chief Vario said that he does have some concerns about parking on these lots, water supply, and access to equipment.

Councilman Johnson suggested tabling this ordinance so Chief Vario could look at it.

Chief Vario suggested that the inspectors look at.

Mayor Dunlavy asked Ms. Custer who she spoke with at the Fire Department about this ordinance when they were putting it together.

Ms. Custer indicated that she spoke with Dave Gillette.

Chief Vario asked if Dave Gillette supported this ordinance.

Ms. Custer said that Mr. Gillette asked for the minimum width of the staff to be 24', he also asked for a fire hydrant to be installed at the public ROW, and asked that all provisions of the currently applicable fire code to be met.

Chief Vario said that there is a home above Vine Street that has this kind of access and they made them put sprinklers in their home, because of the steepness of the road. He said that if Dave Gillette has looked at this then he is fine with it and it does not need to be tabled.

Councilman Wardle is not comfortable with making paragraph 3 (b) to read less than 24' wide even with Planning Commission and Fire Department approval. He feels that 24' should be the standard.

Councilman Hansen noted that these flag lots vary in sizes.

Ms. Custer stated that some of the narrower lots may not benefit from this ordinance, because they cannot create a non-conforming lot by doing a subdivision. The 60' minimum would have to still apply to the existing lot. In an RR-1 it is 100'.

Councilman Hansen noted that most of the standard size lots in the area of 50 West and 150 West are 80' wide by 330' deep.

Ms. Custer stated that in that area they are. She indicated that in the area that Mr. Baker referred to some of those lots are 140' wide and 300' deep.

Councilman Wardle noted that on 400 South and off of 200 West would be a flag lot area, that whole back portion is a large undeveloped area.

Ms. Custer stated that only two lots are allowed off of one staff. More than two you would have to put in a street.

Mr. Paul Hansen wanted to clarify a few things in the ordinance. He referenced 7-19-22.1 of the ordinance as proposed, where it reads *Flag or L-shaped lots may be allowed in certain locations to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this title or other ordinances adopted by the City. The primary purpose of this chapter is not to make development of property easier. Rather, it is to serve as a "last resort" for property for which there is no other reasonable way to develop.* He does not feel that the intent of this ordinance is to accommodate the alley ways. There are roads on 50 West and 50 East where access can be granted. He said that if someone came to him and wanted to develop on a flag lot in one of these scenarios he would be inclined to say no because it is not a last resort to develop that property. There are other mechanisms to provide access to that property. However, there are many areas of town that have large areas of property on the interior of existing development where this could be used as a last resort.

Councilman Wardle noted that they still could only get two lots off of one staff.

Mr. Hansen said that was correct, but it may allow multiple points of access. He also noted under paragraph (m) of this ordinance it states the all provisions of the currently applicable fire code shall be met. It is not the cities intent to jeopardize fire safety or the cities fire rating.

Councilman Wardle stated that his point on paragraph 3 (b) is he does not want anyone to lower the 24' width minimum of the staff portion of the lot. It is critical that fire trucks are able to get to the lots.

Mr. Hansen noted that they have permitted homes to be built on flag lots in the sensitive area overlay by requiring sprinklers, and requiring fire hydrants to be built inside of the flag portion of the lot. He said that with the Fire Departments help they can find ways to accommodate development without compromising any of the City's standards. They do not want to jeopardize the Fire Department abilities to protect the homes.

Councilman Johnson asked what is wrong with having these large lots.

Mr. Hansen stated that many of these areas currently have agricultural rights, and people are becoming less tolerant of livestock in neighborhoods as the City continues to develop. As a result they are finding that many of the interior parcels of ground are lying dormant.

As new developments come to town, and if there is not mechanism in place where these lots can be converted for development, the new developments will be forced to expand outward. Mr. Hansen indicated from a maintenance standpoint he can serve a home through a flag lot with existing main lines without having to build and maintain new main lines. Infill lots allow the City to accommodate growth without increasing the number of new roads, new water lines, new sewer lines, etc.

Councilman Johnson asked what they can do address the problem of parking on the staff so emergency vehicles can access the home if needed? How can they control that problem?

Mr. Hansen said they talked to the Fire Department about this problem. He indicated that discussions with Fire Department representatives centered on the fact that they may not be able to stop adjacent to a vehicle parked on the roadway, but that fire trucks could still get by. It was his understanding that the Fire Department could accept this because of the incidental chance of vehicles being parked on the driveway, and the fact that they have big bumpers that could push vehicles out of the way if necessary.

Chief Vario stated that worse case scenario they could drive over the grass or curb if they needed to. He indicated that if Dave Gillette has looked at this he is comfortable with it.

Mr. Campbell said that in the ordinance it states that the width of the staff needs to be 24', and fire code allows the minimum access width as 20'. He said that some consideration has been given to the staff and the width. It gives them a little bit of wiggle room.

Councilman Johnson said that Councilman Wardle's concern is he does not want that width to go below 24'.

Mr. Baker stated that it would be easy to put a period after the minimum width of the staff portion of flag lots shall be 24', and only allow discretion in the length of the staff.

Councilman Wardle said that he would feel more comfortable with that. He feels that this is a good ordinance he just has concerns on the safety part.

Mr. Baker stated that staff has discussed this. In their discussion they felt that it was unlikely that people would park on the staff because it is not near the garage or the house. The house still has to meet the setback requirements from the property line. It is most likely that cars going down that staff would continue through and park at or near the house. The staff portion would be used to pass through not as a destination. There is always a chance that there could be a large party at the home with a large amount of cars but that would only be once in awhile.

Chairman Pruden feels that if the Fire Department has looked this over he defers to their expertise. He does not have a problem with this if the Fire Department approves of it.

Chairman Pruden stated that this is a public hearing if anyone would like to come forward and address this issue.

Councilman Johnson noted that there were two opposing votes from Planning Commission to not approve this. He stated that those votes were against this proposed ordinance because developing costs were being imposed on already established lots.

Ms. Custer said that water rights were also an issue with some Commission members.

Commissioner Milne recalled that some Commissioners felt that the cost effectiveness of developing these lots would not be worth while.

Ms. Custer said that Commissioner Montano had asked in the Planning Commission meeting if these lots would be required to have culinary water or secondary water. She indicated that they would be required to have culinary water. Some of them may have secondary water. Commissioner Montano felt that the property was already being irrigated and they were requiring extra water. That is what she remembered of the discussion.

Mr. Hansen stated that the City will require what City Code requires for the creation of new lots.

Councilman McCall remembered that part of Commissioner Montano's concern at the Planning Commission meeting was by the time that someone pays impact fees, water rights, and has to put improvements in the cost would be too much. The property owner that has owned the property for many years has to purchase more water, and he did not feel that was right.

Councilman Johnson said that right now property owners cannot do anything with these lots.

Councilman Wardle said that this gives property owners more freedom with their property. If another house is built impact fees should be paid because it will impact the City.

Councilman Hansen did not feel that the concern of water rights to these lots was an issue; he feels that someone should have to pay the fees when building a new home. He has an issue with the other issues on 50 West and 150 West and the size of some of these lots. The cost to develop one of these lots would be very expensive. There are a lot of these lots that should not have animals. Some of these lots have garbage stacked from one end to the other.

Councilman Wardle stated that he did not know that fire code was 20'. That helps eliminate that concern that he had.

Chief Vario said that should give them adequate water and space.

Councilman Wardle felt that the ordinance is good. He hopes they are not doing this to control the animals. He hopes this is being done to help with infill.

Chief Vario stated that he appreciates the support of the City Council.

Commissioner Milne stated that the only dissent that he recalls from the Planning Commission meeting was the feasibility. He does not feel that is the intent of this ordinance. He understands that this is a last option for property owners.

**Councilman McCall moved to close the public hearing.** Councilman Wardle seconded the motion. All members present voted “Aye”. The public hearing closed at 8:13 p.m.

**Councilman Wardle moved to approve Ordinance 2009-07.**

Councilman Johnson would like Mr. Baker to add into the final ordinance that the staff shall be clearly and appropriately marked “no parking” at all times.

Mr. Baker asked the Council to authorize him to make some minor punctual and grammatical corrections to the ordinance.

Councilman Johnson seconded the motion with the above corrections.

The vote was as follows:

Steve Pruden, “Aye”

Mike Johnson, “Aye”

John Hansen, “Nay”

Scott Wardle, “Aye”

Dave McCall, “Aye”

**8. Resolution 2009-18 A Resolution of the Tooele City Council Accepting Completed Public Improvement Associated with Construction of the Geneva Rock Products Batch Plant Located at 1730 East Highway 112.**

Presented by Paul Hansen

Mr. Hansen indicated that these improvements are for a 12” water line from Industrial Loop Road to Geneva Rock Products located on SR-112. The inspections have been completed and he recommends the acceptance of the public improvements.

**Councilman Wardle moved to approve Resolution 2009-18.** Councilman McCall seconded the motion. All members present voted “Aye”.

**9. Minutes: March 4, 2009 (RDA); City Council Business Meeting Minutes March 18, 2009 and City Council Work Session Minutes March 18, 2009.**

**Councilman Hansen move to approve the minutes as presented.** Councilman Wardle seconded the motion. All members present voted “Aye”.

**10. Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Holme, Roberts & Owen for outside legal council for the Tooele Associates lawsuit for February 2009 in the amount of \$21,961.25.
- APA, Inc. for Nitty Gritty Dirt Band Concert for the 4<sup>th</sup> of July Celebration in the amount of \$25,000.

**Councilman McCall moved to approve the invoices as presented by Ms. Dawson.** Councilman Johnson seconded the motion. All members present voted “Aye”.

**11. Adjourn to Discussion Items:**

Chairman Pruden indicated that the discussion item has been tabled. Chairman Pruden noted that former Councilman Doug Redmond was in attendance of the meeting.

**1) Discussion Regarding the Subdivision of a lot owned by Mathew Arbshay in the Tooele Commercial Park Phase 1.**

**Councilman Hansen moved to adjourn the meeting.** Councilman Johnson seconded the motion. All members present voted “Aye”. The meeting adjourned at 8:20 p.m.

Approved this 6<sup>th</sup> day of May 2009

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Chairman Pruden