**Tooele City Council and**

**Tooele City Redevelopment Agency**

**Business Meeting Minutes**

Date: Wednesday, February 4, 2015

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers

90 North Main Street, Tooele Utah

**Council Members Present**:

Brad Pratt, Chair

Scott Wardle

Debbie Winn

Steve Pruden

Dave McCall

**City Employees Present**:

Mayor Patrick Dunlavy

Roger Baker, City Attorney

Glenn Caldwell, Finance Director

Michelle Pitt, City Recorder

Lisa Carpenter, Deputy Recorder

Jim Bolser, Public Works and Community Development Director

Chief Ron Kirby, Chief of Police

Paul Hansen, City Engineer

Heidi Peterson, Communities that Care Director

Randy Sant, RDA Director

Rachelle Custer, City Planner

Minutes prepared by Elisa Jenkins

Chairman Pratt called the meeting to order at 7:02 p.m. He recognized Terry Linares in the audience. He welcomed Boy Scout Troop 1461 who were working on their Citizenship in the Community Merit Badge.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Emma Penrod from the Tooele Transcript.

1. **Roll Call**

Brad Pratt, Present

Scott Wardle, Present

Dave McCall, Present

Steve Pruden, Present

Debbie Winn, Present

1. **Mayor’s Community Youth Recognition Awards**

Presented by Mayor Patrick Dunlavy, Heidi Peterson, and Chief Ron Kirby

Mayor Dunlavy welcomed all that had come to support these students. He said that this award recognizes special young people in the community. It is very gratifying to him to listen to these students’ stories. These young people go above and beyond. He introduced Heidi Peterson, the Communities that Care Director and Chief Ron Kirby from the Tooele City Police Department. He stated that he appreciates Chief Kirby and his officers for all that they do with this program.

Ms. Peterson thanked everyone for coming and supporting these students. She congratulated the students who will be receiving this award. She stated that the Communities that Cares program evaluates the risks that kids are up against in the community and then they put programs into place to help them. She mentioned that there are four programs that the Communities that Care program offers in the community which are; 1) Lions Quest in the Elementary Schools, 2) Second Step which is in process of replacing Life Skills Training in the Secondary Schools 3) Guiding Good Choices which is a family program; and 4) QPR, which is a new suicide prevention program, the next meeting will be held March 17, 2015. She encouraged anyone interested in the Guiding Good Choices Program or QPR to contact her. She explained that the students receiving this award will receive a backpack filled with donations from various businesses in the community and she thanked those businesses for their donations. She thanked the Tooele School District and the teachers for their support of the Communities of Care program in the schools. She also thanked the Police Department for their role in this program.

Ms. Peterson then presented the following students with the Mayor’s Community Recognition Award:

Casidy Gordon, Northlake Elementary

Demmek Russell, Excelsior Academy

Holly Turner, Overlake Elementary

Vincent Montez, West Elementary

Jr Munguia, Copper Canyon Elementary

Jacob White, Copper Canyon Elementary

Jocelyn Jenkins, Tooele Junior High

Ms. Peterson congratulated these students and thanked their families for their support.

Mayor Dunlavy asked the recipients of this award to stand and he recognized them again for receiving this award. He noted that as he listens to the awards as they are given, he is always impressed by what these young people have accomplished. He said that he is very proud of these students and noted that they will be the future leaders of the City. He also recognized the families for the important role they play in these young people’s lives.

1. **Public Comment Period**

Chairman Pratt opened the public comment period to anyone who would like to come forward and address the Council.

Norman Rowe, 1964 N 40 W addressed the Council. Mr. Rowe said that he moved to Tooele last June and lives in Overlake. Since moving here he has had five dog attacks. None of the dogs were licensed or registered with the City. He feels like this is a problem within the City and he would like to see something done about loose dogs. He feels like there needs to be more enforcement.

Dan Snarr, 449 West Vine Street addressed the Council. Mr. Snarr is a sculptor in the community and he came to follow up from the last City Council meeting when he spoke during the public comment period. He would like to donate some of his work to the Veteran’s Park. He needs to start raising money for the project and asked if the Council had made a decision yet to whether they would support him in this project. He talked to Councilman McCall before the meeting and he cleared up a lot of questions for him.

Chairman Pratt closed the public comment period at 7:38 p.m.

Chairman Pratt turned the next item over to Councilman Pruden, Chairman of the RDA Board.

1. **Resolution 2015-02 A Resolution of the Redevelopment Agency of Tooele City, Utah (“RDA”) approving a Wind Lease Option Agreement with Windy Mountain LLC**

Presented by Randy Sant

Mr. Sant said they have been working with this company for about year. Windy Mountain is interested in exploring whether or not a potential wind farm could be put on some property that the RDA owns by the Tooele County Landfill. He said that this option gives them a three year period of time to do their due diligence. Under the terms of the option if they find out that it is feasible they would move forward with a more detailed lease. They would operate the wind farm for 20 years and at the end of 20 years the property would come back to the RDA. There is not a lot that the RDA can do with this property because it would be expensive to run utilities to it. This gives the RDA the opportunity to collect some revenue. They have asked for a three year option, although he doesn’t feel like it will take that long. He is asking that they move forward with this resolution so the company can do their due diligence.

**Board Member Wardle moved to approve RDA Resolution 2015-02**. Board Member Pratt seconded the motion. The vote was as follows: Board Member Wardle, “Aye”, Board Member Winn, “Aye”, Board Member McCall, “Aye”, Board Member Pratt, “Aye”, and Chairman Pruden, “Aye”.

Councilman Pruden turned the remainder of the meeting back over to Chairman Pratt.

1. **Resolution 2015-09 A Resolution of the Tooele City Council Authorizing the Disposal of Lost or Mislaid Personal Property**

Presented by Roger Baker

Mr. Baker explained that there is a specific state statute that governs how lost and mislaid property collected by the police department can be handled and disposed of. The police department has provided a list of the property to the City. This resolution has a list of the equipment attached to it. The items can be used for public interest use, which means the items can be sold at auction and the money earned would go back to the police department, the items can be re-used by the police department, or the items can be destroyed. The City has a contract with an auction company that sells the items online and then they send a percentage back to the City.

**Councilman Pruden moved to approve Resolution 2015-09.** Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Pruden, “Aye” and Chairman Pratt, “Aye”.

1. **Resolution 2015-10 A Resolution of the Tooele City Council Authorizing the Disposal of Property No Longer Needed as Evidence**

Presented by Roger Baker

Mr. Baker stated this is property that the police department has that has not been lost or mislaid but was gathered because it was evidence in a crime. Often times the police department can return the items to the property owner once it is no longer needed. The state law prohibits cities from giving firearms back that have been taken if they were used in the commission of a crime or if the owner of the gun cannot lawfully poses a gun. In many cases they do not know who the owners are. This resolution deals with a number of firearms that were collected as evidence and cannot lawfully be returned or they do not know who the owners are. They can put them to a public interest use; they do not auction firearms to the public. They will either be reused by the police department or destroyed.

**Councilwoman Winn moved to approve Resolution 2015-10**. Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Pruden, “Aye” and Chairman Pratt, “Aye”.

1. **Resolution 2015-11 Resolution of the Tooele City Council Approving a Franchise Agreement with Comcast**

Presented by Roger Baker

Mr. Baker explained that a franchise agreement is a special kind of contract between a utility provider and the local government, because utility providers go into the city’s rights-of-way to lay out their cable, power or phone lines. Without using the public streets that the government owns they could not provide the service. The franchise agreement the City has with Comcast has expired and they would like to enter into a new franchise agreement. The contract that they have negotiated with Comcast would be for an additional 10 years and has some modified provisions. The modifications protect the City, it allows the City to request an audit of their records and they have to produce the records at their cost, but the audit is done at the City’s cost. It also regulates all aspects of their ability to utilize the rights-of-way to conduct their business. It also addresses how much they have to pay which is a 5% franchise tax, which is a fairly important source of revenue for the city’s operation. He presented this resolution for a new ten year franchise agreement with Comcast.

**Councilman McCall moved to approve Resolution 2015-11**. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Pruden, “Aye” and Chairman Pratt, “Aye”.

1. **Green Meadows Subdivision Preliminary Plat**

Presented by Jim Bolser

Mr. Bolser stated that a few months ago the Council adopted an annexation agreement for a block of property where Skyline drive currently ends at the east end of the community. This application is the first step in the development of that property and it is proposed that this property be subdivided into 47 residential units to be sold and developed for new homes. He noted on the overhead screen where the extension of Skyline Drive will be. He also said that as the Council is aware that there were a number of conditions placed on the annexation agreement that must be complied with and all those that are pertinent to the preliminary plan have been complied with and are included with this proposal. The staff report that was sent to the Planning Commission and was included with their recommendation in the Council’s packet outlines as a reminder a list of items that have to be satisfied as this project moves forward to the final plat stage. The Planning Commission has reviewed this item and forwards a unanimous positive recommendation.

Councilman Pruden told Mr. Arbshay that the plat looks nice and is laid out well.

**Councilman Pruden moved to approve the Preliminary Plat for Green Meadow Subdivision**. Councilman Wardle seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Pruden, “Aye” and Chairman Pratt, “Aye”.

1. **Copper Canyon PUD Subdivision, Phase 3 Final Plat**

Presented by Jim Bolser

Mr. Bolser said this is the next phase in the Copper Canyon Development; they are in the final plat stage and are ready to begin selling lots. The Planning Commission has reviewed this item and has forwarded a unanimous positive recommendation to the City Council.

**Councilman Wardle moved to approve the Copper Canyon PUD Subdivision, Phase 3 Final Plat.** Councilwoman Winn seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Pruden, “Aye” and Chairman Pratt, “Aye”.

1. **PUBLIC HEARING & MOTION on Ordinance 2015-04 An Ordinance of Tooele City Amending the Tooele City General Plan Land Use Element and Land Use Map, and Assigning Base Zoning, for the Overlake Properties**

Presented by Jim Bolser

Mr. Bolser stated that as the Council is aware in August of 2014 the City entered into a settlement agreement to settle ongoing litigation with Tooele Associates regarding the Overlake Development. As a part of that settlement agreement section nine states that the developer parties would put together a land use proposal for the development pattern of the remaining undeveloped properties included in the original Overlake Development Agreement and submit that to the City and then the City would work with them to finalize and adopt it into the General Plan Land Use Element, the General Land Use Map and then into the Zoning Map. This is what this ordinance proposes to do. He showed the Council and the audience a map version on the overhead screen that goes along with the language in the ordinance. Staff has worked with the developer’s and they have been good to work with and take into consideration the City’s thoughts as well as their own goals. The Planning Commission has reviewed this item and has forwarded a unanimous positive recommendation to the City Council.

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

Chairman Pratt closed the public hearing at 7:55 p.m.

**Councilman McCall moved to approve Ordinance 2015-04.** Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Pruden, “Aye” and Chairman Pratt, “Aye”.

1. **PUBLIC HEARING & MOTION on Ordinance 2015-05 An Ordinance of Tooele City Amending the Overlake Planned (P) Zoning District and the Tooele City Zoning Map**

Presented by Jim Bolser

Mr. Bolser stated that this item goes along with the item that was just approved. As a part of the terms of the settlement agreement the City has to reduce the planned P zone which the development agreement applied to the entirety of the Overlake property and scale it back to the developed portions of Overlake. This ordinance shrinks the zone back to the developed areas of Overlake so that the design standards, architectural standards, and review process outlined for the P zone would remain in place only for this area. The Planning Commission has forwarded a unanimous positive recommendation for the Council’s consideration.

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

Chairman Pratt closed the public hearing at 7:57 p.m.

Councilman Wardle thanked the Mayor and the staff for the work they have done on this.

**Councilman Wardle moved to approve Ordinance 2015-15**. Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Pruden, “Aye” and Chairman Pratt, “Aye”.

1. **PUBLIC HEARING & MOTION on Ordinance 2015-02 An Ordinance of Tooele City Amending Certain Provisions of Chapter 7-25 of the Tooele City Code Regarding signs**

Presented by Jim Bolser

Mr. Bolser said this is an ordinance draft that has been unchanged since September. It has been before the Council and the Planning Commission for review and discussion on a few occasions where staff has gone through and outlined the provisions one at a time. Where the ordinance has remained unchanged, he did not go through the proposal in detail but deferred to the Council’s questions. The Planning Commission has forwarded a positive recommendation with a 5-2 vote.

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

Allie Derrick, of Tooele addressed the Council. Ms. Derrick thanked Councilwoman Winn, Councilman McCall, and Councilman Wardle in helping business owners to better understand this ordinance, she appreciates their hard work. She also thanked Ms. Carpenter and the staff for helping her work out some issues with the City. She feels like that progress has been made with the business owners in Tooele and this ordinance.

Andrea Cahoon, Tooele addressed the Council. Ms. Cahoon said that she had forwarded some things to Councilwoman Winn and understands that the proposals that are made for this ordinance were not things that they were talking about before and asked if they would be considered in the future. She thanked the Council for letting her have input.

Councilwoman Winn said yes.

Danny Marz, Tooele addressed the Council. Mr. Marz is a small business owner in Tooele. He feels that this ordinance is not quite business friendly. He asked if after this ordinance is passed if changes could still be made in the future.

Councilman McCall said that changes can always be made to ordinances.

Councilman Wardle said that it is unrealistic to hold them to a time frame of the next month or two.

Mr. Marz said he just wants to make sure that they can continue to move forward and get changes made that are friendly to the businesses.

Chairman Pratt said that he will make some comments at the end of the public hearing that might help answer his questions.

Orville Derrick, Tooele addressed the Council. He said that his concern with the final ordinance is that it does not take into consideration the need of small businesses to put out temporary signs without going through extensive planning to get the signs approved. He also has an issue with feather signs. He said in the last ordinance he has seen it does not allow for feather signs.

Councilman Wardle said the last draft that went to the Planning Commission that Mr. Derrick saw did not have the additional language regarding feather sings and they are going to add it into the motion tonight.

Ransom Hatch, of Tooele addressed the Council. Mr. Hatch is one of the owners of Extreme Satellites in Tooele. He also thanked Councilwoman Winn and Councilman McCall for the meetings that they have had and listening to the business owners. He feels that this ordinance is too restrictive on temporary signs he does not feel like they should not have to get a permit to do that. He also has an issue with feather signs he feels like they should be allowed.

Tracy Shaw addressed the Council. Ms. Shaw thanked the Council for the time they have put into listening to the businesses owners of the City. She also asked the Council to give special consideration to seasonal businesses. She would also like to see temporary signs allowed.

Curtis Beckstrom, 443 E 700 N, addressed the Council. He asked if A-frame signs are allowed on the sidewalks in the City.

Chairman Pratt said no.

Mr. Baker said that they are only allowed in the downtown overlay with certain parameters. He stated that the City Code already allows for A-frame signs to be located in the downtown overlay with certain specifications. That is already in the Code, and the revisions in the ordinance tonight do not change that.

Brandon Hatch of Tooele addressed the Council. He said that he is grateful that the Council has worked with the business owners in Tooele regarding the sign ordinance. He said that some of the changes have affected his business. He said that it is important for businesses to be able to market to the public. He feels like signs can beautify the commercial area. He feels like the sign ordinance in Tooele is more restrictive than in other cities in Utah.

Chairman Pratt closed the public hearing at 8:10 p.m.

Chairman Pratt thanked the staff for working with the Council on this ordinance. He thanked Councilman Wardle; he noted that he has been working on this ordinance for the past nine years. He wanted the business owners to know that the Council has been listening to their needs. He said that the changes that are written into this ordinance are changes as a result of the suggestions from business owners to the Council. Not all the suggestions have been written into the ordinance because they have to take into consideration the safety and the appearance of the community. They also have to take into the consideration the residents of the community. He feels like they have come up with a good balance. He thanked all the members of the City Council for their work on this ordinance. He is also grateful for the staff in working with the Council and the business owners within the community. He said that as the community continues to change and grow the opportunities change and he understands that this ordinance will continue to change as well. It is the Council’s goal to protect the best interests of Tooele City.

Councilman Wardle said that some of the businesses owners feel like they were not brought in from the beginning and he said that they did not know how to do that because not everyone responded to the inquiries to the Chamber of Commerce in 2012. He has been in a number of meetings with this sign ordinance, and noted that many of the concerns came from misinformation. He said that this has to be a very legal document because of the first amendment. The first amendment protects how we speak. He said that public opinion matters. He appreciates the decrease in rhetoric over the last month; there has been a lot of rhetoric that has been inflammatory and he appreciates the business owners bringing that under control.

Councilwoman Winn noted that back in July of 2013 when the ordinance was voted upon last time there was not one person at the meeting to make a public comment. She commended all those who are here. She said that the discussions that have taken place over the last few weeks have taken care of the gossip and what the ordinance really does say. She appreciates everyone who has attended the workshops over the last few weeks. She appreciates the hard work of the staff and the Council members to make this ordinance what it is today, it will never make everyone happy. They are doing the best that they can and they will continue to do the best they can and take the public’s comments.

**Councilman Wardle move Ordinance 2015-02 with the following changes;**

1. **Section 7-25-4; strike feather signs as a sign that is prohibited, renumber inflatable signs to number 13 and all other signs not permitted by this chapter as number 14.**
2. **Section 7-25-14 add; 10 (j) feather signs pursuant to the following:**
3. **Feather signs shall be no taller than 8 feet from the ground at the base of the sign;**
4. **Feather signs shall not be located less than 5 feet from any street right of way;**
5. **Feather signs shall not be located within any clear view area;**
6. **Feather signs shall be allowed in a ratio of one sign for every 50 feet (portions thereof not qualifying for a sign) of street frontage along which the sign is posted; and**
7. **Feather signs shall only be located on the property for which they represent or advertise.**

Chairman Pratt seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Pruden, “Aye” and Chairman Pratt, “Aye”.

1. **Minutes: January 21, 2015**

**Councilman Wardle moved to approve the minutes for the meetings held January 21, 2015 as presented.** Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilwoman Winn, “Aye”, Councilman Pruden “Aye”, Councilman McCall, “Aye”, and Chairman Pratt, “Aye”.

1. **Invoices**

Ms. Pitt presented the following invoice for payment.

* Fat Pot Technologies for police records management system annual maintenance & license to use in the amount of $23,300.

**Chairman Pratt moved to approve the invoice as presented by Ms. Pitt**. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Pruden, “Aye” and Chairman Pratt, “Aye”.

1. **Adjourn**

**Councilman Pruden moved to adjourn the meeting.** Councilman Wardle seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Pruden, “Aye” and Chairman Pratt, “Aye”. The meeting adjourned at 8:22 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 18th day of February 2015

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Brad Pratt, Chair Tooele City Council