

**Tooele City Council & Municipal Building Authority  
Business Meeting Minutes**

**Date:** Wednesday, May 15, 2019

**Time:** 7:00 p.m.

**Place:** Tooele City Hall, Council Chambers  
90 North Main Street, Tooele, Utah

**City Council Members Present:**

Brad Pratt  
Dave McCall  
Melodi Gochis  
Scott Wardle

**City Council Members Excused:**

Steve Pruden

**City Employees Present:**

Mayor Debbie E. Winn  
Jim Bolser, Community Development Director  
Chief Ron Kirby, Police Department  
Roger Baker, City Attorney  
Glen Caldwell, Finance Director  
Stephen Evans, Public Works Director  
Chief Ron Kirby, Police Department  
Darwin Cook, Parks Department Director  
Paul Hansen, City Engineer  
Michelle Pitt, City Recorder Director  
Cylee Pressley, Deputy Recorder

Minutes prepared by Kelly Odermott

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Council Member McCall

**2. Roll Call**

Scott Wardle, Present  
Dave McCall, Present  
Brad Pratt, Present  
Melodi Gochis, Present

Since Chairman Pruden was excused from the meeting Council Member Wardle acted as Chair of the meeting.

3. **Mayor's Youth Recognition Awards**

Presented by Mayor Winn, Stacy Smart, and Police Chief Ron Kirby.

Mayor Winn welcomed visitors for the Mayor's Youth Awards and introduced Tooele City Police Chief Ron Kirby and thanked him for his collaboration. Ms. Smart highlighted Communities That Care Programs including Second Step, QPR, and Guiding Good Choices.

Ms. Smart, Chief Kirby, and the Mayor then presented the Mayor's Youth Recognition Awards to the following students:

- Haven Jarvis
- Marjorie Gibbons
- Dorian Dillon
- Cooper Tolbert

4. **Public Comment Period.**

Chairman Wardle invited comments from the public.

Mr. Justin Brady stepped forward to address the Council. Mr. Brady inquired with the Council on if the City had an active transportation plan for walking and biking paths or if the City was planning to put one in place?

Mr. Bolser stated that the City is starting the process of redoing the City's General Plan which includes the City's Transportation Plan. The active transportation plan is one area that is required to be addressed. Mr. Brady asked if that is a new requirement? Mr. Bolser stated that it was a recent change, but the City was already in the process of making the change. Mr. Brady stated that the County has an active transportation plan, but all maps stop at the City limits. Was that because the City does not provide funding for that. Mr. Bolser stated that it is jurisdiction limits.

Chairman Wardle closed the public comment period.

Chairman Wardle recognized Boy Scout Troop 314 that was in attendance.

5. **Resolution 2019-41 A Resolution of the Tooele City Council Affirming Tooele City's Decision to Pay the Net Amount Declared by the District Court to Aposhian Sod Farms, Inc. in Equal Annual Installments as Provided by the Lease Agreement and as Allowed by the Utah Government Immunity Act.**



Presented by Roger Baker

Mr. Baker stated in 1990 Tooele City acquired an agricultural property near the town of Vernon and leased that to a company to farm it and preserve City water rights purchased with the land. Tooele City terminated that agreement and under the terms of that agreement, the City is committed to pay the value of the sod that was in the ground at the time of the lease termination. It has taken some time to reach a determination of the sod value, but the court has determined the value to be \$1,128,513. The lease agreement provided for the payment to be made in equal installments over a period of years. State law determines the period of years. The Resolution is for equal annual installments over a period of 10 years in the amount of \$112,851.

Chairman Wardle asked the Council if there were any questions or comments, there were none.

**Council Member McCall motioned to approve Resolution 2019-41.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

6. **Water Quality Report.**

Presented by Paul Hansen

Mr. Hansen stated the requirement to prepare a water quality report originates from the 1996 amendments to the Safe Drinking Water Act. There are several requirements in that Act. Under the Act, anyone who provides water to a community water system must report annually on the water that is tested, the health effects, the level of any contaminants that may be detected and the likely sources of that contamination. The Rule also requires that the City issue a letter to the Director of the Division of Drinking Water that the report was prepared correctly and reflects all water quality data that was turned in to the State. The final requirement of the Rule is that the report be distributed to customers by July 1 of the following year.

Mr. Hansen highlighted a few items that are included in the report. The first item that is required is to answer the question "where does my water come from?" In the year 2018, Tooele City provided culinary water from a combination of 12 wells and one spring. That number is down from the past due to wells that were down. The second requirement is to address why are there contaminants in my drinking water? There are many contaminants in water that come from a variety of sources. Most are from natural elements in the earth, there is also the potential of organics and decaying matter, industry and business contaminants, etc. There is a broad range. The City follows the State standards and samples on a rotating basis 80 different contaminants. The City is not required to test every source yearly for all 80 listed contaminants, because through the years the City has been able to demonstrate that the water quality is consistent and meets drinking standards. Over time the City does test for all of them, but it is not every year.



For the 80 contaminants that the City is required to test for, the City had only two that were detectable. One is total trihalomethanes which are products of disinfection. The City chlorinates the water and these are natural byproducts of that disinfection process. The other was nitrate. Nitrate is a natural element, but can also be added by fertilizer, septic tanks, and other sources. In each of those cases where it was detected the amount was well below the regulatory limits. For example, total trihalomethanes have a limit of 80 parts per billion and the highest detected was 3.7 parts per billion. In the case of nitrates, the state allows 10 parts per million and the highest level detected was 3.3 parts per million. With the testing provided, the City continues to meet State and Federal drinking water standards.

Mr. Hansen stated that this year the City also tested a group of regulations called the Unregulated Contaminant Monitoring Rule or UCMR4. The four stands for this the fourth round that goes back to the 1996 Act. The EPA is mandated under that rule to require an additional list of 30 contaminants to sample nationwide to see if there is anything that is common that hasn't been detected in the past or may become a growing problem. The City did detect a variety of contaminants, mostly however natural occurring elements or the result of disinfection. Of those 30 elements there are no limiting standards. The EPA only provides the minimum detection report. It will be seen in the coming years if the EPA will add any of these to the standard tests.

Mr. Hansen stated that another requirement is to monitoring and reporting violations. Tooele City had no monitor or report sampling or notification violations in 2018. Also included is important health information, specifically regarding lead. Lead is an ongoing concern. It was not detected in the sampling, but information is provided to the residents. Most lead contamination comes from inside people's homes through the plumbing. The final condition of the Rule mentions the certification letter to the State. That certification letter has already been submitted. The Water Quality Report will be posted on the City's webpage and a copy of the report will be delivered to every water customer who has paper billing and an electronic notice to all electronic billing customers.

Chairman Wardle asked if the Council had any questions or comments, there were none.

**7. Resolution 2019-40 A Resolution of the Tooele City Council Approving the Municipal Wastewater Planning Program Annual Report for Tooele City for 2018.**

Presented by Steve Evans

Mr. Evans stated the Division of Water Quality of the Utah Department of Environmental Quality requires the City to review and affirm by Resolution that there has been a review of the whole waste water planning program. This is broken into three things, the financial aspects of running a wastewater collection system and a wastewater plant, the collection system itself and the sewer reclamation plant. Ray Henninger, the waste water supervisor put the program together.



Chairman Wardle asked the Council if there were any questions or comments, there were none.

**Council Member Pratt motioned to approve Resolution 2019-40.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

**8. Public Hearing and Decision on Ordinance 2019-04 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the R1-7 Residential Zoning District for 16.4 Acres of Property Located at 600 West and 650 West Utah Avenue.**

Presented by Jim Bolser

Mr. Bolser stated this is a request for a Zoning Map Amendment on the west end of Utah Ave, just a little west of Coleman Street. An aerial photograph was shown on screen. The current zoning for the property is RR-1, as are the properties surrounding it on all sides. This application originally came before the Planning Commission in March with a request to rezone the property to the MR-8 Multi-Family Residential zone. There was a concept plan with it that identified a mixture of single-family residences and attached multi-family product. The Planning Commission had a public hearing and heard substantial public comment. The Planning Commission issued a recommendation opposing the application. The applicants requested a continuance while they considered further options. They came back with a revised request to rezone the entire property to R1-7. This would allow only single-family detached product or two family attached. The Planning Commission had another public hearing a week ago. Again, there was fairly substantial comment both in favor and opposed to the application. The Planning Commission opposed the rezoning with a negative recommendation to the City Council with a 6 to 1 vote, based on six specific findings.

1. It does have a negative effect on the character of the surrounding areas.
2. It is not consistent with the intent and goals of the Master Plan.
3. It is not suitable to have a subdivision next to RR-1 zoned properties.
4. It would not be detrimental to the health, safety and general welfare of the area.
5. This is a rural open space area and should be maintained as open space.
6. This will affect the adjoining properties and their uses.

Chairman Wardle asked the Council if there were any questions.

Council Member Pratt asked if that was a negative recommendation by a 6 to 1 vote? Mr. Bolser stated that was correct.

Chairman Wardle opened the public hearing.



Mr. Steve Wilcox stated that he has lived on Coleman Street for 19 years. They purchased the property because they like the rural area. We still love the rural area. It would be good to have single family, dual, and multi-family in the middle of a RR-1 zone. Mr. Wilcox stated that he spent 13 years on the City of Grantsville Planning Commission and this was called spot zoning. He stated that he didn't think that the development was good for the city, the character, or the people in the area.

Mr. Myron Nix stated that he had lived on Coleman Street for 81 years. He has watched it grow from a gravel road. He stated that he lives on a street without curb and gutter on one side of the road. There is a school on the corner Utah Avenue and Coleman Street. The school traffic blocks his driveway two times a day. He stated there was supposed to be one acre lots all around. Things that have been talked about in prior meetings was that there needs to be a place for our kids to live in Tooele. He stated that Tooele is a bedroom community to Salt Lake City. He raised four boys and none of them live in Tooele. Everyone has a one acre lot or bigger. I Mr. Nix stated that he would hate to see spot zoning or multi-family dwellings in the middle of the rural area. He stated that he doesn't think we have the resources to house another 800 families. He stated he votes no.

Ms. Kathlyn Beard stated that she lives adjacent to the property. She stated that it is not a matter of chopping up the land for more housing, on both sides of that housing is animals. We are all involved in FFA. People are going to say the smell bothers us and don't want to smell horses and chickens We keep our places clean. If you put that in there and there are a whole bunch of tiny houses. The road won't hold it. She stated that she used to run a daycare. All the kids were in FFA. The parents couldn't house the animals. She stated that growth is important but she would like to keep it one acre. Back 18 years ago the same thing happened and the neighbors talked. The City Council and the Planning Commission promised to the neighbors that it will always be one acre lots. We have agreed to not chop the land up. If the land was chopped up in one acre, they will not have people saying they don't like the small. Back then we were promised that it would never be changed.

Ms. Angela Hill, stated that she lives south west of the property. She lives on an acre and half. She stated that there are issues with utilities. I am not too fond of adding 140 cars close to an elementary school that does not have a four way stop and no stop light. It was mentioned that if the residents want RR-1 Property they can move to Erda. I couldn't sell my property and move to Erda. There is talk about a need for affordable housing in the City limits and she stated that she agreed with that. The City is going to grow, but don't take away the RR-1 that there is so little of. Ms. Hill stated that she looked at the City map and RR-1 is a little part of the City. She stated that she thinks RR-1 should stay part of the City. If the City needs to build a subdivision somewhere else to get money, then it needs to go somewhere else.



Mr. Mike Lionelli stated that he has property adjacent to the property. He stated there is RR-1 on all sides. Growth needs to occur. There have been roads cutting through his property. Take a stand and stick to it. This is reaching into a part of town that is dwindling. If Tooele wants to retain the rural feel than you need to do that. He stated that he heard the comment in the last meeting about moving to Erda. You are elected officials and we voted for you. He stated that initially they were going to do more. He stated that he thinks the first decision should have been the only decision.

Ms. Margie Gonzales stated that she lives four houses down and directly across from the elementary school. The property was purchased from parents. If they had known the property was going to change, they probably would not have purchased the property. That would be directly behind us. The development with the amount of homes would have a bigger voice. If anything was going to change or didn't what would happen. The people proposing the project were stating that there was so much need to build. Drive around Tooele, drive around Erda, drive around Stansbury. There are plenty of places to build. This is for sale and that's why this is going there. Why change it. There are places for people to live and it doesn't need to go there. We can't get into our home because of school traffic. It will take time for the school to catch up with the homes. They park right in front of our home and wait.

Chairman Wardle closed the public hearing.

Council Member McCall stated that he would like to make a comment. He wanted to make everyone aware that the Planning Commission not the Council that heard this before. This is the Councils first time having this in front of them. Council member McCall stated that he understands where each commenter was coming from. We did not ask them to come before us. The property owner sold or anticipates selling the property to a developer. When that happens, it reaches the Planning Commission and then the Council. The Council Members did not bring this to the City. The neighbors did that. The Council is trying to figure this out. The Council did not start the process.

Council Member Pratt stated that he is very aware of the neighborhood. He has been in the City a long time. He remembers when Coleman Street was the West boundary of the City. He stated that he wanted the public to know that the comments have been heard and understood. The City has changed over a number of years. It is growing from the inside out. The rural part of Tooele is from the inside out being pushed out. Council Member Pratt stated that his opposition to this proposal feels like it is creating growing from the outside in. Putting R1-7 housing in the middle of an RR-1 with that zoning being the boundary all the way around the property. Council Member Pratt stated that he is against anything but RR-1 in this area. He stated that he won't say it won't happen in the future because the City is growing from the inside out. He stated that he has seen many farms and rural areas in the City become populated with single family homes. The property owner has chosen to sell or develop their property in that manner. He stated that he



thinks that needs to grow from the inside out and not the outside in. Council Member Pratt stated that he is against rezoning to an R1-7 zone.

Council Member Gochis stated that she appreciates people taking the opportunity to come before the Council and express their opinions. The opinions are valued. As well as the rights of the property owners. They do have a right to come before the Council. She stated that she agreed with Council Member Pratt. This area has RR-1 to the north, west, and south and that is probably the best use of the property.

Chairman Wardle stated he read all of the comments from the Planning Commission. He stated that he agreed with the comments. There is a time and a place. He stated that he was very intrigued with the promise from 18, 20 years ago, but the Council members do not have those minutes to look back on. He stated he can't guarantee what a Council will do in 15, 20 years, but for right now he would agree with the Council. This is not the time or place nor the type of rezone that should take place in this area.

Council Member McCall stated that he didn't know when he spoke earlier that the other Council Members were going to declare their vote or he would have declared his vote. Now that he is aware, he stated that before a rezone of this nature is done in this area, there is some due diligence that needs to be done. He stated that he agrees with the comment about the street. He has gotten caught over there when school was getting out. It is not pleasant. He stated that he thinks that the City will need to do some work in the area around the street and possibly with the school because a project of this size going in that neighborhood there will need to be something done with the traffic. It is dangerous enough on Utah Avenue going north on Coleman. Council Member McCall stated that he is against this as well.

**Council Member Pratt motioned to reject Ordinance 2019-04 and turn the rezone down.**

Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

Chairman Wardle asked staff to make a note that as we go back into the Master Planning documents to make a note about this conversation.

**9. Subdivision Preliminary Plan for Par Fore Estates, Application by Par 4 Estates LLC, Located at Approximately 775 East Vine Street, in the R1-7 Residential Zoning District, for the Purpose of Creating 62 Single-Family Residential Lots.**

Presented by Jim Bolser

Mr. Bolser stated that this is an application that is on the east end of Vine Street towards Droubay Road. An aerial photograph was shown on screen. It is between Vine Street and



Oquirrh Hills golf course. There is a sliver of property that the City has sold for the purpose of development. It has been purchased by a private party that is bringing forth their own development plan. The zoning for the property is R1-7. On the zoning there is a designation of a PUD. The PUD allows for a difference in the configurations of the properties, but not an additional density. There are no additional units that would be allowed under a standard R1-7 zone. The proposed plan was shown on the screen. It is considered single-family dwellings, but it is anticipated to be twin home lots. This proposal has been prepared and reviewed by staff and the Planning Commission and found to be in compliance with City Code requirements and in compliance with the PUD. The Planning Commission has heard this and forwarded a unanimous positive recommendation.

Chairman Wardle asked the Council if there were any comments or questions, there were none.

**Council Member McCall motioned to approve Subdivision Preliminary Plat for Par Fore Estates, Located at Approximately 775 East Vine in the R1-7 Residential Zoning District, for the Purposes of Creating 62 Single-Family Residential Lots.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

**10. Public Hearing and Decision on Ordinance 2019-12 An Ordinance of the Tooele City Council Amending the Text of Chapter 7-4 of the Tooele City Code Related to Parking and Making Related Technical Changes to Chapter 7-15, Chapter 7-15a and Chapter 7-16 of the Tooele City Code.**

Presented by Jim Bolser

Mr. Bolser stated that this is a culmination of a lot of work by the staff, Planning Commission, and City Council. The Council has heard this multiple times. Mr. Bolser stated that he would touch on the primary points for the ordinance. The intent of the ordinance is to provide an overhaul of the parking regulations. Those are applied typically to new development as it comes in and how parking is provided and in what manner and what quantities, etc. There are a couple of primary goals in doing this. One, to preserve the existing provision of the City Code to the greatest degree possibly if determined applicable. It was found that a great deal of those provisions remain applicable. A good portion of the code remains. Also, there are regulations that have been administered over time specifically design elements for parking. Those have been administered by adopted policy but are not in the City Code. This ordinance does that. Currently the City Code has a set of equations for that says for this use there should be so many parking spaces or so many per square footage. Currently those provisions are in two separate places in the City Code. Those would now be in one location. Those are being removed from Chapter 7-16 and merged with what exists in Chapter 7-4. The other thing reviewed was to examine how parking was applied. Particularly when it comes to business, the world is changing



commercially. Now much commerce is done on the laptop. Parking needs to be adequate to allow businesses to be successful and not burdensome. With the changing economy, it provides changing business models for these businesses. There is a standard equation in the City and that now becomes a maximum and minimum, but in order to accommodate the business models of multiple business, the City has established ranges. As an applicant there is the free ability within nonresidential uses to design projects with parking amounts above or below that specific calculated requirement. For example, a parking calculation that required 100 parking spaces there is a 15% allowance. The project can be designed with 85 to 115 spaces fully compliant with the City Code. Because that may not meet every need, there is an additional possibility for more range. This would be done with a formal parking study to determine the true business need beyond the 15% and an optional review by the Planning Commission for an additional 10% range.

Mr. Bolser stated that there is a new policy to the City Code and staff has worked very closely with public safety employees to address. For example, if there is an emergency call at a business, the intents of the emergency staff is, to get to the incident directly and as quickly as possible. Within the code there is a policy that the public safety staff can review site plans and look at applications and identify what would be called public safety aisles. Those aisles would be most directly between the entrance off the road and the front door. Those aisles would be required to be a little bit wider and the other aisles will be a little bit more narrow to the minimum allowed by code. The Planning Commission has heard this and forwarded a unanimous positive recommendation.

Chairman Wardle asked the Council if there were any questions or comments.

Chairman Wardle stated that he appreciated the staff. It will be more cost effective and helpful for safety measures for business.

Chairman Wardle opened the public hearing. There were no comments.  
Chairman Wardle closed the public hearing.

**Council Member Pratt motioned to approve Ordinance 2019-12.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

## 11. Minutes

Chairman Wardle asked if the Council if there were any comments or questions. Chairman Wardle stated he was not in attendance at the May 1<sup>st</sup> meeting.



**Council Member McCall motioned to approve minutes from the City Council and City Council Work Session held on May 1, 2019 Work Session and Business Meeting, May 8, Work Session, and April 17, 2019 MBA meeting.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

**12. Approval of Invoices**

Presented by Michelle Pitt

There were no invoices.

Chairman Wardle stated that he wanted to make a statement. One of the longtime residents who has attended City Council for years, Shirley Beagly had a stroke within the last year and lost her husband two weeks ago. Her health is failing. He wanted to publicly recognize her great interest that she had with attending and being involved with the City business.

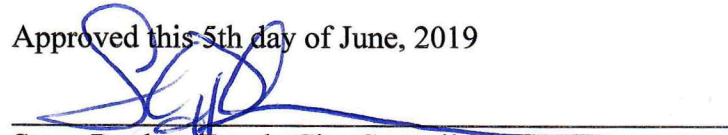
**13. Adjourn**

**Council Member Pratt moved to adjourn the City Council meeting.** Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

The meeting adjourned at 8:13 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 5th day of June, 2019

  
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Steve Pruden, Tooele City Council Chair