

**Tooele City Council  
Business Meeting Minutes**

**Date:** Wednesday, September 4, 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

Steve Pruden

**City Employees Present:**

Mayor Debbie Winn

Jim Bolser, Community Development Director

Chief Ron Kirby, Police Department

Roger Baker, City Attorney

Glenn Caldwell, Finance Director

Steve Evans, Public Works Director

Kami Perkins, Human Resource Director

Paul Hansen, City Engineer

Darwin Cook, Parks and Recreation Director

Michelle Pitt, City Recorder

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 Wardle.

**2. Roll Call**

Steve Pruden, Present

Scott Wardle, Present

Dave McCall, Present

Brad Pratt, Present

Melodi Gochis, Present

Chairman Pruden welcomed Boy Scouts of America Scout Troop 1456.

### **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:

- Noah M. Syphus
- Easton Tripp
- Josie Prescott
- Shelby Asay

### **4. Public Comment Period.**

Chairman Pruden invited comments from the public.

Mr. Michael Howsden stated that he lives on Smelter Road and he wanted to address Resolution 2019-65 which is listed as item eight on the agenda. Mr. Howsden stated that he is concerned about the impact of a pipeline that is addressed with the resolution. There had been little notice about the resolution in the neighborhood and that concerned him. He stated that he thought the subdivision which is addressed by the resolution has not been approved by the City Council or Planning Commission and no one in the neighborhood has had a chance to comment on the action. Mr. Howsden stated that he has had flooding from the golf course on his property and is concerned about another pipeline behind his fence line. Furthermore, there is a lack of water pressure in the neighborhood and he feels that adding more homes will create more water pressure issues. This resolution provides for a looped line which would add parallel pipeline and water issues to the neighborhood. Mr. Howsden stated that there are issues with protecting houses from fire because of the lack of water pressure. He stated that he is against the resolution to have another pipeline behind his home. Mr. Howsden encouraged the Council to delay a vote on the pipeline until an alternative is found.

Mr. John Lockhart stated that he also lives on Smelter Road. There are problems with the water pressure. He shared a story of the lack of water to fight a vacant lot fire. There are fire hydrants, but there is probably not enough pressure. There is not much water pressure and adding another pipeline will create more pressure issues.

**Council Member Wardle motioned to move agenda item eight right behind the public comment period of item number four.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council

Member Gochis, “Aye,” Council Member Wardle, “Aye,” Chairman Pruden, “Aye.” The motion passes.

5. **Resolution 2019-65 A Resolution of the Tooele City Council Approving a Settlement Agreement and General Release with Charles and Crystal Lawrence.**

Presented by Roger Baker

Mr. Baker stated that those were excellent questions from the public. He did not address the exact nature of the flooding from the golf course but stated that the flooding was from faulty PVC joints and bear no resemblance to the type of line that would be put in with this resolution. This is a line that is put in under state requirements for culinary water pressurized lines. Mr. Baker addressed the specifics of the agenda item. The Lawrences’ have proposed to develop their property, which is their right under the Utah Constitution and State Code. They have to follow City rules in doing so. This subdivision as well as the Lawrences’ current house and all houses on Smelter Road are served by a single feed dead-end water main line. The entire purpose of tonight’s discussion is to eliminate the single feed line and loop the subdivision and have the ancillary benefit of looping all the Smelter homes. Instead of a single feed line with limited pressure, it would be a looped line with two pressurized sources. One from the west on Smelter and one from the south on Droubay Road. The City agrees that the water pressure in the neighborhood is less than desirable as things are today. The City’s position is that if the subdivision was to go in the pressures would get worse if there is no water looping. The concerns addressed in the resolution and to which the Lawrences’ have agreed are intended to address especially fire flow water. In the event of a fire in the area, the pressure available to firefighters would be much improved over what it is today. While public safety is the main driver for this, it will have the ancillary benefit of raising the water pressures to the individual homes in the neighborhood. The City believes that this will be beneficial to the new subdivision and provide benefits to existing homes on Smelter as well.

Mr. Baker stated that the resolution is styled as a settlement agreement because a dispute arose as to whether the City had the right to require the water looping in the first place. To avoid further contention or delays, the parties have negotiated a resolution so that there will be no further disputes. The resolution contains provisions to require the looped water line and the City will participate in the costs of the looped line. The location of the water main will be as the two parties decide. On the City property the water line will go where the City feels it works best. Whether the line is close to the property lines or further south there is no benefit or risk to the adjacent properties. The City believes that this agreement is very much in the public interest and in the interest of the local area as well.

Mr. Hansen stated that a statement was made that the settlement agreement is being approved prior to any application for the subdivision being considered by the Planning Commission or City Council. That is absolutely correct. The application for the Lawrence subdivision has not

been to the Planning Commission or the City Council in either preliminary form or final plat. The subdivision will be before both bodies two more times before it would receive final approval. This settlement agreement simply acknowledges what the City would do in terms of waterline participation, should the developer receive final plat and preliminary plat approval to move forward. Should City Council not approve the final plat, the settlement agreement becomes null and void. There would be no expenditure of funds and the expenditure would only be made once the improvement is in place if the development proceeds.

Mr. Hansen stated that there was also a statement made that installing two parallel water lines in close proximity to each other would have little or no value. That also is a correct statement, but does not truly represent what is intended with this line. The intent of this line is to have the Lawrence development should they proceed, tie in at the southern end of their cul-de-sac. From that point the City has two options. The City could route them directly west across the golf course, or if in the City's best interest to wrap around to the north end of the golf course property and then extend the line back south and tying in further south. By installing the looped waterline it satisfies the concern expressed about supply, pressure, and fire protection. Mr. Hansen stated that fire protection is the primary concern of the City and the need for the looped waterline. With the Lawrence's help two fire flow tests were run on Smelter Road. The tests showed that the City meets fire flow under State conditions. State conditions require what the measure of fire flow will be at 20lbs residual pressure. The City meets the state minimum flow and pressure standards, but City standards are higher. That is another reason the City is going beyond the State standard to participate in this agreement.

Mr. Baker stated that the state legislature has determined that while this type of business is to be conducted in public, that subdivision approvals do not require notice to neighbors or people within a certain distance. These do not require public hearings. The City has been careful to follow all procedural requirements in presenting what is before the Council today.

Chairman Pruden stated that hopefully this gives more information to the process, but reminded the public that this is just the beginning. This is a potential situation if the Lawrence's decide to go through with the subdivision and the application will still need to go through Planning Commission and City Council approvals.

**Council Member Wardle motioned to approve Resolution 2019-65.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

6. **Condominium Plat for Porter's Place Subdivision Creating Six Condominium Duplex Style Units at Approximately 596 South Coleman Street on 0.98 Acres in the R1-7 Residential.**

Presented by Jim Bolser

Mr. Bolser stated that this is an application that builds upon a subdivision plat that is already approved and was approved several months ago. It is on the west side of Coleman Street just north of 700 South. The property was approved for a three-lot subdivision a number of months ago and now there is a specific type of development proposed, as described by this action. The zoning for the property is R1-7 Residential as are the surrounding properties. The three lots were intended to be duplex lots and it is a permitted use in the R1-7 Residential zone. The intent of this plat proposal is to establish ownership provisions with that plat and the separation of the units, essentially making them into condos. The back part of the property is identified as parcel A. Parcel A has a notation stating that it is undevelopable unless access is provided. Mr. Bolser stated that the next agenda item will address that. The nature of the application is to establish the condo plat for the properties. Planning Commission has heard this item and forwarded a unanimous positive recommendation.

**Council Member Pratt motioned to approve the Condominium Plat for Porter's Place Subdivision Creating Six Condominiums Duplex Style units at approximately 596 South Coleman Street in the R1-7 Residential zone.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

7. **Subdivision Final Plat for the Hunters Meadow Subdivision Consisting of 53 Lots on 14.065 Acres Located at Approximately 750 West 700 South in the R1-7 Residential Zoning District.**

Presented by Jim Bolser

Mr. Bolser stated this subdivision as mentioned from the last item includes the area of Parcel A at the rear of the three lots. An aerial of the property was shown on the screen. The back property in the previous application is included within the boundary of this property. The zoning of the property is R1-7 Residential to the north and east, with MR-8 Multi-Family Residential wrapping around the west to the south. The plat of the subdivision shows 53 single family lots with multiple points of access. There are accesses at the south on 700 South, one in the northeast corner at American Way and one in the northwest corner. There is a stub street in the northeast corner of the project that would tie into American Way in the Westland Mobile Estates to the north. There is a strip of property along the northern boundary of the project that is owned by Settlement Canyon Irrigation Company. That property is currently an open ditch for runoff of storm waters and excess irrigation water. The property owner has worked out an arrangement with the Irrigation Company to discharge at a controlled rate, storm water from inside the development from the retention pond into the storm water channel in exchange for piping the channel or at least the portion that crosses the development. This agreement that the City had no involvement in, helps controls some the issues with the channel and presents the opportunity to

have American Way tied into this development. Where American Way and the Hunters Meadow development have stub streets with the Settlement Canyon Irrigation property between the piping of the ditch would allow both stubs to connect in the future. Planning Commission has forwarded a unanimous positive recommendation.

Chairman Pruden asked if there were questions or comments from Council, there were none.

**Council Member Wardle motioned to approve the Subdivision Final Plat for the Hunters Meadow Subdivision Consisting of 53 Lots located at Approximately 750 West 700 South in the R1-7 Residential Zone.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

8. **Public Hearing and Decision on Ordinance 2019-20 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the RR-1 Residential Zoning District for 3 Acres of Property Located at 705 North 100 West.**

Presented by Jim Bolser

Mr. Bolser stated that this is an application for a Zoning Map Amendment. A map of the property was shown on the screen. There are existing uses on the property which are nonconforming based on the zoning and the property owners are the applicants on the application. The Zoning Map identifies the property as General Commercial zoning, but the property is used as residential and agricultural. The property owner is requesting the Zoning Map Amendment to have the Zoning Map classification that most closely resembles the current use on the property. The zoning around the property does not match the proposed reclassification of zoning for the property, but the applicant is interested in having property zoning that would eliminate nonconformies zoning. The Planning Commission held a public hearing and forwarded a unanimous positive recommendation.

Chairman Pruden opened the public hearing, no comments were recorded. Chairman Pruden closed the public hearing.

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

**Council Member Gochis motioned to approve Ordinance 2019-20.** Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

9. **Ordinance 2019-21 An Ordinance of Tooele City Amending Tooele City Code Section 1-6-4(7) Regarding the Mayor's Duties as City Budget Officer**

Presented by Scott Wardle

Council Member Wardle stated that over the course of the budget and discussion on the purchasing policy the Council and Staff found items on State Code and in the City Charter that needed the language clarified. Ordinance 2019-21 adds a line to the City Code for the Mayor to be the City Budget Officer.

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

**Council Member McCall motioned to approve Ordinance 2019-21.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

**10. Ordinance 2019-22 An Ordinance of Tooele City Enacting Tooele City Code Section 1-8-3 Regarding Financial Reports**

Presented by Scott Wardle

Council Member Wardle stated that the language is changed to comply with State Code and City Charter indicating that the City Recorder shall provide to the City Council, monthly financial reports and quarterly detailed financial reports as required by state law. In a meeting prior to the Council meeting, it was recommended going through Tooele City Code Section 1-8-1 and 1-8-2 and editing the Code to make the description gender neutral.

**Council Member Pratt motioned to approve Ordinance 2019-22 with the language in the Tooele City Code Section 1-8-1 and 1-8-2 being amended to gender neutral language.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

**11. Ordinance 2019-23 An Ordinance of Tooele City Code Chapter 1-14 Regarding the Duties of the Director of Finance.**

Presented by Scott Wardle

Council Member Wardle stated that this amendment takes and cleans up the Director of Finance section to bring the City under code. It deletes the section of the appointment of the Budget Officer, who is now the Mayor. The Council has added an item to have an independent audit proposal given to the Council prior to the date of the tentative budget. That auditor could be appointed and there is a chance that the contract awarded is a multi-year contract, but that will be



determined by the Council. The final part of this is that the Financial Director will deliver to the City Recorder, the monthly and quarterly financial reports.

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

**Council Member McCall motioned to approve Ordinance 2019-23.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

## **12. Police Station Update**

Presented by Paul Hansen

Mr. Hansen showed a short aerial vide of the Police Station that was captured by the Contractor to the Council and described the images in the video.

Mr. Hansen stated that the building should be dried in by the end of October, early November. The masonry work and site work (asphalt and concrete) around the building should be done by early November. The target for occupancy is mid-March 2020. Things are moving quickly.

Mr. Hansen stated that the project was awarded as a guaranteed maximum price. Within that guaranteed maximum price there were two contingencies. The first is an allowance that the contractor has at their discretion to account for market changes. There was also an owner contingency which allows the City requested modifications as the project advances. The general contractor has a remaining contingency of \$232,000 and the City has a remaining balance of \$109,000. As of today, the project is approximately \$330,000 below budget based upon these values. That does not include the 5% that was authorized as additional contingency; that has not been touched. The project is moving along well, and it is 50% of the contract time and approximately 30% of the contract cost. Everything is on track. City staff and the contractor meet weekly and go over prices and costs. The project is on track and under budget.

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

Mr. Hansen stated that the staff will be coming back to Council with some additional furnishing and equipment costs. These are apart from the construction costs.

Mayor Debbie Winn thanked Paul Hansen in making sure that the building is what the City has asked for. She also thanked the other staff members involved. Mayor Winn stated that it will be a beautiful asset for the community.



### 13. Minutes

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

**Council Member McCall motioned to approve minutes from the City Council August 21, 2019.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

### 14. Approval of Invoices

Presented by Michelle Pitt

An invoice in the amount of \$61,478.00, to Greenshine New Energy LLC for 20 new solar street lights.

Council member Wardle asked if those lights were replacement or new. Mr. Steve Evans stated they were all new.

An invoice in the amount of \$23,083.92, to Mountainland Supply for the water cables and meters.

An invoice in the amount of \$387,501.72, to Semi Service Inc, for four dump beds, hydraulics, spreaders and salters for the new snow plow trucks.

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

### 15. Adjourn

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

The meeting adjourned at 8:00 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 September, 2019

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Steve Pruden, Tooele City Council Chair