

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, March 4, 2020

Time: 7:00 p.m.

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

City Council Members Present:

Justin Brady

Tony Graf

Ed Hansen

Scott Wardle

Melodi Gochis

City Employees Present:

Mayor Debbie Winn

Jim Bolser, Community Development Director

Chief Ron Kirby, Police Department

Roger Baker, City Attorney

Steve Evans, Public Works Director

Darwin Cook, Parks Department Director

Glenn Caldwell, Finance Director

Cylee Pressley, Deputy Recorder

Michelle Pitt, City Recorder

Minutes prepared by Kelly Odermott

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Brynn John.

2. Roll Call

Justin Brady, Present

Tony Graf, Present

Ed Hansen, Present

Scott Wardle, Present

Melodi Gochis, Present

3. Tooele Boys and Girls Club Update and Jr. Girls in Government

Presented by Darlene Dixon

Ms. Dixon gave a brief presentation about the Boy and Girls Club, including highlights from 2019. Highlights included the participation numbers for the program and the members of the community who have been helped by the program. She introduced Angela Gorringer the Program Director for the Tooele Program. Ms. Gorringer introduced Girls in the Government program, which is a new program in the club. Ms. Gorringer had the girls introduce themselves and their topics for speech. One member gave her speech on plastic pollution.

Chairman Wardle thanked the girls for presenting. Mayor Winn stated she had the opportunity to hear the speeches when she was invited to an event. She was impressed with the girls and their topics.

4. Mayor's Youth Recognition Awards

Presented by Stacy Smart, Mayor Winn, and Police Chief 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:

- Molly Shumway
- Quinn Heiner
- Caleb Eyre
- Camdon Dunn
- Joseph Batalla

5. Public Comment Period

Chairman Wardle opened the meeting for public comment.

Ms. Maggie Mondragon stated that she is the Chairwoman for the Chamber of Commerce. She wanted to state they have partnered with the City for Census 2020. They did a Facebook live and asked the City to share it.

Chairman Wardle closed the public comment period

Chairman Wardle stated that he appreciated the Council and the goal of the Council is more transparency in government. The Council is adjusting and will continue to adjust. One change, all ordinances will automatically go to a second reading. First reading items may be voted, tabled, or moved to a second reading.

6. Public Hearing

- a. Ordinance 2020-09 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the R1-7 Residential Zoning District for 1.15 Acres of Property Located at Approximately 600 South Canyon Road.
Presented by Jim Bolser

Mr. Bolser stated that this item was presented as first reading item at the prior meeting. The property is at the current southern end of Canyon Road. The property is within the MU-160 zone which requires a minimum of 160 acres to each residential unit. The proposed zoning is to be reassigned to the R1-7 Residential zoning and would only need 7,000 square feet per each residential unit. There are no other R1-7 Residential zones around it. It could appear as spot zoning, but spot zoning is not illegal. The R1-7 Residential zone could yield approximately six lots, however there is a lot of topography and elevation change on the site. The applicant has requested the zoning change with the intent of three lots. Staff has reviewed the property and three lots is probably the limit of the lot with its topography challenges. The Planning Commission has reviewed this and forwarded a unanimous positive recommendation.

Chairman Wardle opened the public hearing, there were no comments. Chairman Wardle closed the public hearing.

7. Second Reading Items.

- a. Ordinance 2020-09 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the R1-7 Residential Zoning District for 1.15 Acres of Property Located at Approximately 600 South Canyon Road
Presented by Jim Bolser

The discussion of this item is under item 6 a.

Council Member Hansen motioned to approve the Ordinance 2020-09. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- b. Ordinance 2019-07 An Ordinance of the Tooele City Amending Tooele City Code Title 6 (Animal Control) to Accommodate the Utah Community Cat Act.
Presented by Roger Baker

Mr. Baker stated the Utah Legislature passed the Community Cat Act. That act protects what is called a community cat, which is a feral cat that belongs to a cat colony. It is either a feral cat that has had its ear clipped and has been neutered or spayed, or it is a non feral cat that hangs out with a feral cat. Community cats enjoy greater protections than other animals. The City code needs to be amended to comply with the Community Cat Act. Under the proposed amendments, community cats will be exempt from Tooele City licensing requirements. The City code

currently criminalizes the act of harboring a stray animal, including feeding. Under the act, cats are now protected and those who feed them cannot be charged with a crime. The amendments also added several definitions.

Council Member Graf stated that the act basically covers all cats because a residential cat could hang out with a feral cat. Mr. Baker stated that potentially that is true.

Council Member Brady motioned to approve the Ordinance 2019-07. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

8. First Reading Items.

- a. Resolution 2020-16 A Resolution of the Tooele City Council Approving a Contract with Broken Arrow, Inc., for the Installation of RPZ Station at Dow James Park
Presented by Darwin Cook

Mr. Cook stated an RPZ station is a reduced pressure zone station or backflow preventor. At this particular park there is an improper culinary connection that was abandoned some time ago and is being updated. This is the contract to enter into an agreement with Broke Arrow to install the backflow preventor. The contract is for the amount of \$43,700. It is a six-inch culinary connection to adequately supply the connection in the event the secondary water is turned off. It also protects the public drinking water.

Council Member Hansen asked if this goes between the irrigation and culinary water connections? Mr. Cook stated that is correct. Any backflow, siphon, low pressure eliminates that. Council Member Graf asked if this is housed outside? Mr. Cook stated it is housed outside in a cage with a lock. They are winterized at end of season. There are several in the City.

Chairman Wardle added that this was discussed in the prior budget and is part of updating the parks. Mr. Cook added that it will be paid for out of P.A.R. Tax funds.

Council Member Hansen motioned waive the second reading of Resolution 2020-16 and adopt Resolution 2020-16. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- b. Ordinance 2020-04 An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Acceptance of Public Improvements
Presented by Roger Baker

Mr. Baker stated that this ordinance involves the acceptance of public improvements that have been largely been constructed by developers as part of developments. Those improvements become the infrastructure backbone of the City. Included are water lines, sewer lines, streets, street lights, stop signs, and so forth. It is important for the life of the infrastructure to have them done to City specifications. In fact, the audit places a value on those items, so they need to be in an acceptable condition. The process of accepting the improvements is a formal process that involves the City Council. It begins with staff inspectors who conduct periodic inspections and a final inspection and prepare inspection reports. That results in the signature from two department heads and the City engineer certifying their completion. At that point the improvements are brought to the City Council for acceptance. Acceptance means that from the moment of the vote, the infrastructure is City owned and maintained. However, it is predominantly an administrative function for the administration to inspect and certify the completion for the City. The City Council is the legislative function to enact the laws of the City for specifications by which infrastructure is built. The proposal is a transition of the formal process, where it would largely remain the same for inspection, department heads, and engineer certification. Then with the Mayors' and Chair of Council signature, infrastructure would be accepted administratively as of the date of the certificate of completion and acceptance. That signature date would begin the one-year warranty period. That one-year period monitors the new infrastructure to ensure there are no defects in workmanship or materials and defects are taken back to the developer for fixing.

Chairman Wardle asked if there were any comments or questions

Chairman Wardle stated that he thanked the staff for the feedback on the process. This speeds up the process for developers. This is an important of check and balances of the settlement of the lawsuit with Tooele Associates. This was a check and balance that was implemented at that time.

Council Member Gochis motioned to move to a second reading for Ordinance 2020-04.

Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- c. Ordinance 2020-05 An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Approval of Subdivision Final Plat Applications.
Presented by Jim Bolser

Mr. Bolser stated the approval of subdivisions comes in two steps; the preliminary plan and a final plat. By state law these are very clearly administrative decisions. With administrative decisions so long as the application meets the terms and standards established in the code, the City is obligated to approve them. With subdivision being an administrative step, the next item to identify is when the entitlements happen with that subdivision. Case law is that it is with the

preliminary plan, leaving the final plat process to be more of a clean up and finalization process. Currently in the process the preliminary plan and final plat are brought before the Council and Planning Commission at each step. This ordinance would leave the preliminary process the same. The application would be reviewed by the Planning Commission and then forwarded to the Council with a recommendation. The Council would issue a decision on the project. The final plat would become an administrative process done by staff. The mylar for recording would still need to be done as required by state law and the mylar would be brought to the Planning Commission Chairperson for their signature and the Council Chair for their signature. It would not have to go for a formal vote or require signatures from the entire Council.

Chairman Wardle asked if there were any comments or questions.

Council Member Brady asked between the preliminary plan and final plat can the developer make any changes? Mr. Bolser stated that if it is a minor change that doesn't affect the configuration or density, they are fine to do that. If there are alterations to the project that do alter configuration, those would be brought back as an amendment to the preliminary plan.

Chairman Wardle stated that he thinks this has been a collaborated project to streamline the process.

Council Member Brady motioned to move to a second reading for Ordinance 2020-05.

Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- d. Ordinance 2020-06 AN Ordinance of Tooele City Amending Tooele City Code Chapter 4-11 Regarding Sidewalks to Establish Civil Penalties for Violations.
Presented by Roger Baker

Mr. Baker stated that currently all violations of this code chapter regarding sidewalks are criminal violations. That would include obstruction of sidewalk with a lemonade stand or failing to shovel the snow, or other minor violations. In discussions with the Mayor and Police Chief, it is the recommendation that these do not need to be criminalized and involve law enforcement. Staff is recommending transitioning the chapter to civil penalties and preliminary suggestion has been provided to the Council regarding the fine levels, with a \$50 fine for a first violation, \$100 fine for a second violation, and so forth.

Chairman Wardle asked if there were any comments or questions.

Council Member Hansen motioned to move Ordinance 2020-06 to a second reading.

Council Member Brady seconded the motion. The vote was as follows: Council Member

Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- e. Resolution 2020-10 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Civil Infractions for Violations of Tooele City Code Chapter 4-11 Regarding Sidewalks.
Presented by Roger Baker

Mr. Baker stated this is a formality to include the civil penalties in the City fee schedule for sidewalks. This item would not be approved until after the ordinance is approved.

Chairman Wardle asked if there were any comments or questions.

Council Member Gochis stated that she had reviewed the penalties and found them appropriate.

Council Member Brady motioned to move Ordinance 2020-10 to a second reading. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- f. Subdivision Final Plat for Providences at Overlake Phase 4 by HK Schmidt, LLC at approximately 400 West 1400 North for 30 Lots in the R1-7 Residential Zoning District.
Presented by Jim Bolser

Mr. Bolser stated this is the next phase in the Providence of Overlake Subdivision. This development is on the south end of the original Overlake area, just to the east of 400 West. The zoning for the property is R1-7 Residential, as are all of the surrounding properties. Phases three through six all received preliminary plan approval together and then the final plats are coming along in phases. Phase two and three are done. It does comply with the preliminary plan. The Planning Commission has reviewed this and forwarded a unanimous positive recommendation.

Council Member Graf asked about the phase six. Mr. Bolser stated that at the time the preliminary plan was put forward, there was no plan for phase six, so it was just an extra area at the end.

Council Member Brady asked if there were parts of this development that are part of the North Tooele Service District? Mr. Bolser stated phase one and two have been annexed into the district. Phases three through six the applicant has not been interested in annexing into the district. Council Member Brady stated that he had heard that at one time the applicant did indicate to the Service District, he would annex in for the whole development. Mr. Bolser stated that he may have verbalized his intent at the time, but at the time of filing for application for

three through six he has verbalized he does not want to annex into the District. Council Member Brady asked about phase three and double fronting lot, the applicant would need to have an HOA or annex into the District. Mr. Bolser stated there is one double frontage lot on 400 West transition to Franks Drive. The applicant would have to comply with City standards, so it would be appropriate to work with the applicant for the one lot. Mr. Bolser stated that the occupant would have to have an agreement or maintain the lot or annex into the district. Chairman Wardle asked could the lot be requested into the district? Mr. Bolser stated the applicant could request that.

Council Member Gochis stated the map shows the proximity to the railroad and there appears to be a road or a trail next to phase five, but it is close to the railroad. Mr. Bolser stated that he believed that is an access road for the railroad. Council Member Gochis asked will there be a requirement for a barrier between the development and the railroad? Mr. Bolser stated that could be done. Chairman Wardle asked how that could be done? Mr. Bolser stated that it can be done as a condition of approval when phase five comes forwarded. Chairman Wardle asked is that part of the final plat tonight or how could the Council make that part of the phase five? Mr. Bolser stated it is not part of phase four tonight, but could be added to phase five and the City could administer that.

Mr. Baker stated that phase four cannot be conditioned on something that is in phase five. Mr. Bolser stated the Council could verbalize that and staff would administer it as best they can. Chairman Wardle asked if the motion needs to verbalize a barrier for the road, train tracks and phase housing. Mr. Bolser stated a request can be made to the applicant to attend the second reading and then that could be verbalized to the applicant about the need for a barrier.

There was a discussion about the motion and what could be added to it.

Council Member Gochis asked is the adjoining property to the east, are they the same developer? Mr. Bolser stated that is a larger property that is separate ownership.

Council Member Hansen motioned move to the second reading for subdivision final plat with a discussion be had by Mr. Bolser and the applicant about the double frontage lot of phase three be added to the Service District and a barrier against the service road and union pacific railroad. As well as notes, made by Staff to have discussions with other property owners and developers along the south and east of this property about a barrier between those properties and the railroad. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- g. Resolution 2019-54 A Resolution of the Tooele City Council Adopting the Voter Participation Area Map**

Presented by Michelle Pitt

Chairman Wardle stated that this is Resolution 2020-54.

Ms. Pitt stated that in 2019 the legislature adopted House Bill 119 relating to initiatives, referenda, and other political activities. This bill requires municipalities to establish voter participation areas, by dividing the City into four contiguous and compact areas of fairly equal population for the purpose of obtaining signatures for initiatives and referenda. The map is attached to the packet as Attachment A. The County Clerk would like to include this information in their new voter id cards which will be sent out in March. Ms. Pitt asked the Council to vote on this item.

Council Member Graf asked what is the reason for four areas as opposed to another number. Ms. Pitt, stated the bill determines the number of areas based on the municipality population. Tooele City falls within the population range for four voter areas. Council Member Brady asked if the population continues to grow, how will these areas be addressed or changed? Ms. Pitt stated the bill requires the areas to be reevaluated in 2022 and then every ten years.

Council Member Graf motioned to waive the second reading and approve Resolution 2020-54. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- h.** Resolution 2020-06 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Providence at Overlake Phase 1 Subdivision
Presented by Paul Hansen

Mr. Hansen stated public improvements only needed sewer stubs and sidewalks at the beginning of this development. The inspections were done and found the improvements acceptable. The acceptance date for these improvement is retroactive to June 1, 2019.

Council Member Brady motioned to adopt Resolution 2020-06. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

9. Minutes

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

Council Member Gochis motioned to approve minutes from the City Council February 19, 2020. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Brady, “Aye,” Council Member Graf, “Aye,” Council Member Gochis, “Aye,” Chairman Wardle, “Aye.” The motion passed.

10. Approval of Invoices

Presented by Michelle Pitt

An invoice in the amount of \$20,000, to Boys and Girls Club of Greater Salt Lake for an annual contribution for 2019/2020.

An invoice in the amount of \$33,200, to Electro Power Utah LLC, to change the variable frequency drive of Well 6.

An invoice in the amount of \$25,347.21, to Dell Marketing for network systems for the new Police Station building.

An invoice in the amount of 121,295.35, to Huber Technologies, for parts and equipment for replacement of greenhouse drying beds.

Ms. Pitt read a statement to the Council about the discoveries made by Huber Technology about the condition and repair of the greenhouse beds after Resolution 2019-76 was approved to repair the drying beds. The funds for the full replacement would be from the Sewer fund, which has adequate reserves to cover the replacement. An additional \$18,385 in labor will be covered under the existing contract from Resolution 2019-76 ad a contract modification will be brought back to the Council. Parts for the presses will be \$14,665.56

Council Member Hansen motioned to approve invoices. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Brady, “Aye,” Council Member Graf, “Aye,” Council Member Gochis, “Aye,” Chairman Wardle, “Aye.” The motion passed.

11. Adjourn

Chairman Wardle adjourned the meeting.

The meeting adjourned at 8:25 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 25th day of March, 2020

Scott Wardle, Tooele City Council Chair

