

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, July 15, 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

City Council Members Excused:

Melodi Gochis

City Employees Present:

Mayor Debbie Winn

Jim Bolser, Community Development Director

Chief Ron Kirby, Police Department

Steve Evans, Public Works Director

Paul Hansen, City Engineer

Roger Baker, City Attorney

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 Kelly Odermott, City Clerk.

2. Roll Call

Justin Brady, Present

Tony Graf, Present

Ed Hansen, Present

Scott Wardle, Present

3. Presentation on Switch Point.

Presented by Council Member Hansen

Council Member Hansen introduced SwitchPoint and they will work on homelessness in the City and County. It is important to deal with homelessness and help individuals who need help. The

program is currently running in St. George and they have come up to discuss what they are starting in the County.

Ms. Christie Johnson, Director of the Tooele Resource Center and Ms. Carol Hollowell, Executive Director of Switchpoint, made a presentation. Also, in attendance with them was Chairman of the Switchpoint Board Dr. David Dangerfield. Ms. Johnson stated that they had taken over operations of the food pantry, resource center, and domestic violence shelter on July 1, 2020. There have been positive connections made since July 1. The center has assisted 180 households, had over 7,000 pounds of food donated to the food pantry and given out almost 12,000 pounds of food. There are eight adults and five children at the Pathways Shelter. A thrift store is being opened up in the Allen's flooring building. There have been over 170 volunteers donating over 500 hours of time through the thrift store and pantry. The Thrift Store helps fund operations, but also allows homeless individuals to work and earn items from the store. Helping individuals out of poverty is done by helping individuals have a place in the community.

Ms. Hollowell stated that Switchpoint has been working on moving grants and writing grants for the Tooele County which is rural. There is a lot of grant money that is available to rural communities. Switchpoint has been fortunate to get state funding dollars which is the first time that grant has ever been used in the community. There are a lot of questions as to how to open a shelter and they have been working for four months in partnership with the Tooele County Housing Authority. Tooele has been embracing the services and people show up to volunteer. The thrift Store will be accepting donations in the next week. They have seen 47 individuals in a week that have helped with setting up operations.

Council Member Brady asked how Switchpoint is funded? Ms. Hollowell stated that they hoped to have the same kind of funding as in the St. George operations, which is a partnership of public and private donations. They get grant dollars and they never want it to be more than 50% of their budget. The Thrift Store should make at least 50% of the income. It will not be the only business that will be opened to support jobs and income for operations. Currently in St. George it is 30% grants and the rest come in from businesses and donations.

Council Member Brady stated that this is needed in the community. Chairman Wardle congratulated Colleen Johnson who helped start this. Chairman Wardle asked how does the public become involved in the process and ease concerns that they may have going forward? Ms. Hollowell stated that they are good at social media and providing volunteer opportunities for the community. Once everything is settled, there will be more volunteer opportunities and the volunteering promotes a sense of ease with operations. The Knights of Columbus will keep the late nights open at the food pantry until 8:00pm. The more engagement with the community, the more ease that will come with what is happening. Ms. Johnson stated that as volunteers come in, they will be asked where they want to volunteer, the thrift store, the community garden. Switchpoint has a piece of property that will become a garden to provide fresh produce. Volunteer opportunities can be tailored to what the volunteer would prefer.

Chairman Wardle asked transitional housing and how is the community educated? Ms. Hollowell stated that the best thing to do is have public forums to invite them discussions of what will be happening. Currently Switchpoint does not own anything yet, but as they move forward with the partnership with Tooele County Housing, they can move people from the domestic violence shelter to transitional housing. There will be case managers to help people move out of homelessness to self-sufficiency.

Ms. Johnson shared a story about teaching an individual about the food pantry. They are trying to reach out to the aging population to have them sign up for boxes to be picked up at the senior center.

Chairman Wardle stated the greater the ability to educate, listen and collaborate, the easier the process will be. He stated that he is concerned that this will be a hard process. He visited the shelter services in St George and appreciated what he saw.

Council Member Graf stated that he is excited to see this move forward. It is needed. He appreciates the openness and has had his concerns eased. Council Member Hansen stated he supports what they are doing. He thinks there will be a challenge with the community and wants education and openness to move forward. Chairman Wardle asked the Council Members to visit.

4. Public Comment Period

Chairman Wardle stated that there were no public comments and closed the public comment period.

5. Public Hearing

- a. Ordinance 2020-31 An Ordinance of the Tooele City Council Adopting the “Impact Fee Facilities Plan (IFPP) and Impact Fee Analysis (IFA): Parks and Receptions, Police and Fire Services (July 2020),” Amending Tooele City Code Chapter 4-15, and Enacting Amended Impact Fees for Public Safety (Fire and Police) and Parks and Recreation**

Presented by Lewis Young Robertson & Birmingham

Fred Philpot presented a presentation for the impact fees, over an online group meeting platform. The Impact fee Facilities Plan identifies the demands placed upon the existing facilities by future development and evaluates how these demands will be met by the City. Parks and recreations had existing facilities for the pool and splash pad with future investment to maintain level of service and 2012 sales tax revenue bonds. Police includes the new police building and financing f that building. Fire had no buy in to existing facilities, but included apparatus and future facilities.

Summary of the proposed impact fees –

Proposed Single Family – \$3666.80, which is a 46% increase.

Proposed Multi-Family - \$2661.80, which is a 16% increase.

Proposed Commercial - \$352.10, which is a 56% increase.

Proposed Industrial - \$114.34, which is a 13% increase.

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

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

b. Ordinance 2020-27 An Ordinance of Tooele City Council Reassigning the Zoning Classification to the LI Light Industrial Zoning District for Approximately 65 Acres of Property Located at Approximately 1232 West Utah Avenue

Presented by Jim Bolser

Mr. Bolser stated this is an item that has been before the Council previously and is in the process for public hearing with second reading options. The subject property is immediately west of the Union Pacific Railroad Corridor on the north side of Utah Avenue. The existing zoning on the property is RD Research and Development and RR-1 Rural Residential. The proposal was originally for the I Industrial zone. There was a conversation at the Council's last meeting as a first reading item, to the potential of amending the application to the LI Light Industrial zone. Following the conversation with the City's legal counsel, should the City Council choose to do so, LI Light Industrial zoning can be approved for the applicant per the Council request. The ordinance in the packet is for the LI Light Industrial zone. The I Industrial zoning ordinance is also written. The applicant is acceptant of the LI Light Industrial zone, but also immediately provided paperwork to amend the application to the LI Light Industrial zone. A letter from the applicant in support of the LI Light Industrial zoning has been provided to the Council in the packet, as well.

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

Chairman Wardle opened the public hearing.

Mr. Spencer Knight the applicant stated that the area currently has zoning for RR-1 Rural Residential and RD Research and Development, both of which do not fit with the uses in the surrounding area. The application is attempting to find a best use and the LI Light Industrial will be a good fit for the area.

Chairman Wardle closed the public hearing.

c. Ordinance 2020-28 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the I Industrial Zoning District for Approximately 120 Acres of Property Located at Approximately 1830 West Highway 112.

Presented by Jim Bolser

Mr. Bolser stated this property is along SR112 and to the north of 1000 North. This is beyond the point where Utah Avenue becomes SR 112. The property immediately to the south is owned by the Bolinder Real Estate Group and they operate an extraction facility. This property is owned by the same ownership. It is largely undeveloped, other than the trail corridor owned by the County at the northeast corner of the property. The existing zoning for the property is a combination of GC General Commercial and RD Research and Development. The applicants have expressed a desire to bring the entirety of their property into a single zoning classification, which is the I Industrial zone. The Planning Commission has reviewed and forwarded a positive recommendation by a five to one vote.

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

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

d. Ordinance 2020-29 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the I Industrial Zoning District for Approximately 3.5 Acres of Property Located at Approximately 318 South 1200 West.

Presented by Jim Bolser

Mr. Bolser stated this property is developed on the front half. It is located on the west side of 1200 West and bordering the Union Pacific Railroad Corridor to its west. The existing zoning is LI Light Industrial as are the properties around it to the north, south, and east. Immediately to the west is the railroad corridor which is on a sliver of land that is outside the City boundaries and immediately on the other side of the corridor is the Peterson Industrial Depot and Ninigret Industrial Depot with an I Industrial zone. The proposal is to reassign the property to the I Industrial zone. The arrangement for the property is to establish an auto impound yard for a couple of different towing companies who are on the Tooele County Sheriff rotation for impound, that is administered under the Utah state guidelines. Mr. Bolser stated he has been in contact with the Tooele County Sheriff's on their inquiry on if the land will move forward for approval. The applicant provided photos of companies in the area that are LI Light Industrial zoning and

would be somewhat similar to the use proposed. Those were shown on the screen. These facilities are generally not screened, but the facility proposed will be required to screen the property to be in compliance with state laws.

In the last meeting and in the work session tonight, there has been an idea expressed about the concerns about the LI Light Industrial and I Industrial activities and whether it would be appropriate to look at a new third zone classification between these two. That is an option that has been approved for staff to move forward and there could be three options for the rezone. The City Council could move forward with the application tonight or place it on hold awaiting the third industrial classification. The Planning Commission held their own public hearing and forwarded a negative recommendation by a four to two vote, specific to the industrial zoning.

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

Council Member Brady asked for clarification on the Council options for the application during the meeting.

Mr. Bolser stated there are two ways to do it, If the Council is comfortable with the use of the impound yard, but not comfortable with some of the potentials from the I Industrial zone, the Council has the potential to approve the application with the risk that the use could change due to the Industrial zoning business allowable activities, with the knowledge that a third zone is being prepared to make the impound yard a conforming use and not permit some of the other concerning uses. The Council also has the ability to say they would like to wait until the new zone is established and approved.

Council Member Brady stated a rezone to industrial with a text amendment. Mr. Bolser stated it would be approving the application as proposed and then immediately working on the new zone to get that prepared and through the public process to apply it to this piece of property. The new third zone would not have the allowable activities that have been deemed more heavier usage.

Council Member Graf asked for a realistic timeline for the text amendment. Mr. Bolser stated the noticing requirement is four to six weeks. Beyond that it is time to write it. It needs to be done carefully to strike the right balance and not creating an unforeseen consequence. Writing it will take a couple of weeks. There will need to be discussion so that the Planning Commission and Council are comfortable with what has been prepared. Council Member Graf stated there is a sense of urgency and what is the application period for being on the rotation? Mr. Bolser stated that he believed they had a deadline of July1, 2020 to be in with the County to be on the rotation. Mr. Bolser stated that he had provided a letter to the county stating they were in the process of the rezone that would allow a business license and the County Sheriff Office accepted that as a

temporary hold to retain the active application status. Mr. Bolser stated he did not know the how often the application process occurs.

Chairman Wardle asked the applicant to approach and answer questions. Chairman Wardle asked if the property owners are selling the property in the next six months? Mr. Doug Allred stated they are. Chairman Wardle asked to a different business or the same business? Mr. Allred stated the same business. Chairman Wardle stated the property will maintain this function for at least six months. Mr. Allred stated they are selling the property to this business and then they are doing a two-year lease back. Chairman Wardle asked if they are amenable to putting them in another zone if and when it is ready? Mr. Allred stated absolutely. Chairman Wardle asked how long will cars be stored in impound? Mr. Allred stated the way they understand it, is no car will be there more than 30 days. They will be rolling in and out. Chairman Wardle stated that the opaque fencing will be maintained? Mr. Allred stated there are neighbors and they are partial owners of the fencing and there will need to be a conversation to make opaque fencing. Council Member Hansen stated the impound lot cannot be approved by the state without opaque fencing.

Chairman Wardle opened the public hearing.

Mr. Dave Allred stated he has been in business for 26 years in Tooele County. He stated that he appreciated the work that has been done on his application. He stated that he has been to every meeting that has been had and he questions that he has heard repeatedly what type of business are they? The business is electrical work, but that doesn't reach the scope of the type of business they are. They are business that has been in business for 26 years. They support the local community. They are business that participates in student athletics, in scholarships, and with the community. He has done work for the county, the city, residential, and school district. He cares about Tooele and what kind of community it is. Through the process nobody has bothered to ask what kind of business they are. They spend time in the community and live here. They take care of the residents of Tooele.

Ms. Amber Snyder stated she represents the towing company that is trying to move onto the property. The yard has been approved by the state. Currently the company makes 50% of the tow rotation in Tooele County with heavies and semi roll overs. Tooele needs the company and, in the past, they have been out of Salt Lake, but the ETA's are too long for the Sheriff's office. They have to have property in Tooele.

Mr. Doug Allred stated he is a partner in the company. He thanked Mr. Bolser for the help with the application and Planning Commission. He stated that the most encouraging thing with watching the process is knowing that the process is working. Hard questions are asked He stated it is disheartening that the questions have to be asked because of

past experience. The business has 98% of their employees who work in Tooele. They would like to keep that here. When the Tooele Commercial Park was made, the city was giving the land away at one point. They purchased property and built the business. The rezone allows them to diversify and they are leasing back the property. He asked them to consider the rezone with their guarantee that an impound yard is the only thing that will be there until a new zoning classification is in place.

Mr. Andy McCrady stated he works with the potential buyer of the property and they have deadlines for the loan on the property. They can't get the loan without the proper zoning. He stated that the towing company is one of the largest towing companies in the state. The sizeable investment that is being made, will not turn this into a junk yard. This will be a holding yard or a AAA breakdowns. It is way in the back and it will be shielded. They will lose their ability to the loan and the investment to the property without the approval. It is a needed service for the community. Wrecking yard has a negative connotation, but that isn't the case. Council Member Hansen asked for clarification that it will be an impound yard. Mr. McCrady stated it will be an impound yard. There will not be junkers sitting around and a big part of the business is AAA. AAA is a huge part of the business and will be branded as AAA.

Chairman Wardle closed the public hearing

6. Second Reading Items

- a. **Ordinance 2020-31 An Ordinance of the Tooele City Council Adopting the "Impact Fee Facilities Plan (IFPP) and Impact Fee Analysis (IFA): Parks and Recreations, Police and Fire Services (July 2020)," Amending Tooele City Code Chapter 4-15, and Enacting Amended Impact Fees for Public Safety (Fire and Police) and Parks and Recreation**

Presented by Lewis Young Robertson & Birmingham

Chairman Wardle asked the Council if there were questions on the presentation. Council Member Brady asked what the total impact fee was and it seems different than what was presented last time. There was an agreement between Chairman Wardle and Council Member Brady that it was less than what was previously mentioned.

Council Member Brady motioned to approve Ordinance 2020-31. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- b. **Ordinance 2020-27 An Ordinance of Tooele City Council Reassigning the Zoning Classification to the LI Light Industrial Zoning District for Approximately 65 Acres of Property Located at Approximately 1232 West Utah Avenue**

Presented by Jim Bolser

Mr. Baker stated that it has been suggested that there be a condition on the approval of this item. The suggestion is if the rezone is approved to LI Light Industrial that there be a condition that the historic stormwater ditch that is a necessary facility in the event of a major storm, be reestablished in the current location or as the property develops to be established per storm water studies.

Council Member Hansen stated that he has not seen water run on that side of the road, is for the possibility? Mr. Bolser stated there has been water in there and it is also for prevention. Water was running on both sides last year.

Council Member Hansen motioned to approve Ordinance 2020-27 with the prescriptive easement added to the motion. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

c. Ordinance 2020-28 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the I Industrial Zoning District for Approximately 120 Acres of Property Located at Approximately 1830 West Highway 112.

Presented by Jim Bolser

Chairman Wardle asked the Council if there were any further comments on this item, there were none

Council Member Graf motioned to approve Ordinance 2020-28. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

d. Ordinance 2020-29 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the I Industrial Zoning District for Approximately 3.5 Acres of Property Located at Approximately 318 South 1200 West.

Presented by Jim Bolser

Mr. Bolser stated the public hearing has been held this evening.

Chairman Wardle stated that he loved the public hearing tonight and the public needs to be involved. He thanked Mr. Allred and the business is an example for that area. He stated he was going to vote against this tonight with the exchange of property and possible uses. Where that has occurred in the past and however, he appreciated the

ability of the Council to find solutions to problems. They don't just move things along, but find way to fix it.

Council Member Hansen motioned to approve Ordinance 2020-29. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Nay," Chairman Wardle, "Aye." The motion passed.

7. First Reading Items

a. Resolution 2020-61 A Resolution of the Tooele City Council Approving Insurance Coverage for Insurance period 2020-2021

Presented by Michelle Pitt

Ms. Pitt stated Tooele City has liability, property, and auto insurance through the Local Government's Insurance Trust since 2018. They would like to enter into an agreement with the Trust to continue the insurance through them. For the 2020/2021 insurance period a total of \$198,748. That breaks down to \$125,341 for liability coverage \$63,927 for property coverage and \$9480 for auto. This is up a little from last year with two auto claims and adding some new buildings, the biggest being the new police station. There have also been additions to vehicles and equipment.

Council Member Brady motioned to approve Resolution 2020-61. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

b. Resolution 2020-62 A resolution of the Tooele City Council Approving an Audit Agreement with WRSP Certified Public Accountants.

Presented by Shannon Wimmer

Ms. Wimmer stated this is a three-year contract with WSRP. The amount for the contract is \$51,500 for fiscal year 2020 and allows for a 3% increase over the next two years. There is also within the contract a provision for \$5,000 for a single audit. That is included for each year incase it is needed if the City reaches the \$750,000 threshold of federal expenditures. The three-year contract has been discussed has been the best option for a contract. This balances out the costs to the firm and also the city's ability to review these contracts periodically.

The costs are usually significantly higher the first year of an audit, as the firm learns the city processes and systems. Also, to train the new staff for the audit; by doing the three contract the firm is able to recoup the costs of training. It saves the City a significant

amount of time because as they become trained and more familiar there is a lot less staff time spent on the audit. The concerns with a multi-year contract especially an auditor, is that the firm gets lax. The industry has implemented procedures to combat that. There is required peer reviews and WSRP participates in the peer reviews and the results is a pass. There is also a review by the State Auditor's Office.

Ms. Wimmer stated that it had been asked by Council Member Graf about seeing audit costs at other cities. Unfortunately, figuring out what cities to call, even if they have the same population, they don't have the same accounting department and their audit includes a lot of different things. Some cities use two firms one to do the bookwork and one to do the audit. Some have more staff than the City has. She stated that she looked at previous costs and in 2014 the City paid \$54,500, 2016 \$58,900 and this proposal starts out at \$51,500 which is lower.

Council Member Graf motioned to approve Resolution 2020-62. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- c. Ordinance 2020-32 An Ordinance of the Tooele City Council Vacating a Dedicated Public Utility & Drainage Easement on Lot 2 of the Loma Vista Subdivision.**
Presented by Jim Bolser

Mr. Bolser stated that this is a property owner who would like to vacate a public utility easement on their property. This property located at 1237 East 270 South and is lot 2 of the Loma Vista Subdivision. This property is one that has taken advantage of the updated easement ordinance where easements are every other lot. The property owner is requesting a vacation of the easement to build a new accessory building. There is a rear easement for drainage and the vacation will not impede on that to ensure the drainage is maintained. When this was before the Council as discussion item, there was a question if the accessory structure has been approved by the Homeowners Association. In the time since that meeting, the HOA has approved the building if the vacation is approved.

Chairman Wardle moved this to a second reading.

8. Minutes

Minutes include July 1st Work Session and City Council Business Meetings.

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

9. Approval of Invoices

Presented by Michelle Pitt

An invoice in the amount of \$29,775, To Ken Garth Ford, for the purchase of a 2020 Ford F250 for the Parks Department.

An invoice in the amount of \$37,366.90 to Intermountain Regional Landfill, for biosolids. There is a contract in place, but due to the amount of the invoice it was brought to Council.

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

10. Adjourn

Chairman Wardle adjourned the meeting.

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

The meeting adjourned at 8:29 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 August, 2020

Scott Wardle, Tooele City Council Chair