

## Tooele City Council Work and Redevelopment Agency Meeting Minutes

**Date:** Wednesday, December 1, 2021

**Time:** 5:30 p.m.

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

### **City Council Members Present:**

Ed Hansen

Justin Brady

Maresa Manzione

Tony Graf

### **City Council Members Excused:**

Melodi Gochis

### **City Employees Present:**

Mayor Debbie Winn

Jim Bolser, Community Development Director

Adrian Day, Police Department Chief

Darwin Cook, Parks and Recreation Director

Roger Baker, City Attorney

Shannon Wimmer, Finance Director

Jamie Grandpre, Public Works Director

Paul Hansen, City Engineer

Michelle Pitt, City Recorder

Holly Potter, Deputy City Recorder

Jared Stewart, Economic Development Coordinator

Kami Perkins, Human Resources Director

Minutes prepared by Katherin Yei

### **1. Open City Council Meeting**

Vice-Chairman Hansen called the meeting to order at 5:31 p.m.

### **2. Roll Call**

Tony Graf, Present

Ed Hansen, Present

Justin Brady, Present

Maresa Manzione, Present

Melodi Gochis, Excused

### **3. Mayor's Report**

Mayor Winn stated she has two 'End of Warranty' certificates and bonds that have been released including the Copper Canyon Phase 9 and Home Town Court. She stated the City has been approved for two more grants additional parking on Main Street and UDOT Safe Sidewalk Grant. She stated Mr. Stewart approached UDOT asking to shrink landscaping on Main Street and add additional parking. They were approved for to add five spots on the West side of Vine Street. She stated Mr. Stewart put in an application for sidewalk on 1000 North and was awarded \$154,000. The sidewalk will be on the south side in between Main Street and 200 West. She stated the City does have to match \$54,000 to get the full amount. The project needs to be designed and completed by December 31, 2022 with approval by UDOT. She stated her appreciation for the staff for putting together the tree lighting ceremony. She encourages residents to walk around, look at decorations and enjoy the tree on the mountain. She invited everyone to the Santa parade on Saturday, December 4<sup>th</sup>, beginning at 10am at Veterans Park.

#### **4. Council Member's Report**

Council Member Manzione stated she attended the tree lighting ceremony, RDA meeting, Special Service District meeting, and Pre-Development meeting.

Council Member Graf stated he attended the Arts Council Meeting, Children's Justices Center Advisory board quarterly meeting, and shared his positive thoughts on the decorated trees.

Council Member Brady stated he attended tree lighting ceremony, RDA meeting, responded to email from resident about the tree ordinance regarding the \$2 per capita, and Pre-Development meeting.

Council Member Hansen stated he attended the tree lighting ceremony, local homeless coordinator meeting, and Downtown Alliance Meeting.

#### **5. Discussion on a Potential City Code Text Amendment to Section 7-4-11 of the Tooele City Code Regarding Public Safety Aisles in Parking Lots**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser stated the discussion of the City Code amendment addresses the width requirement for certain emergency isles and when they need to be wider. He stated the provision would apply to all parking lots. This section has aged and they have learned that it may not need to be a universal application but can be customized to where it may be specifically needed. He stated the proposed revision for multi-family residential developments would deal with specific requirements when dealing with tall buildings, like apartments, listed has over 2 stories and areas with added requirements, like covered parking between the drive aisle and the building. He stated the proposed revisions for non-residential developments would deal with specifics in buildings taller than 30 feet among other criteria shown in the proposed language. He stated they identified 30 feet because the fire code specifies a fall clearance, in case a building collapse. He stated the intent is not to eliminate but to customize it so it can fit for the right scenarios.

Council Member Graf asked under the non-residential uses if criteria 1, 2, and 3 is an OR or AND.

r. Bolser stated it would be an OR so that if any of the 5 criteria exist then the wider public safety aisles would be in play.

Council Member Graf stated if it was taller than 30 feet, it would be in play.

Mr. Bolser stated the text amendment still has to go through formal process but asked for any additional feedback.

**6. Discussion on a Proposed City Code Text Amendment to Section 7-11a-18 of the Tooele City Code Regarding Exterior Building Material Requirements for Multi-Family Residential Development**

*by Jim Bolser, Community Development Director*

Mr. Bolser stated this application is from an applicant outside the City with the application info included in the packet. He stated the request is to revise Section 7-11a-18, subsection 1, for the exterior requirements for multi-family residential developments. He stated subsection 1 states there needs to be a minimum of 50% to be a specific set of materials. The application language would change subsection 1 from the minimum of 50% to a maximum of 25%. He stated the application gave materials for justification with their reasoning being mostly for cost of construction compared to moderate income housing. He stated Tooele City is compliant with all state requirements for low and moderate income housing. Modern income housing is defined through formulas adopted by the state, with three levels identified as AMI based off of the county median household income. He stated through the three steps it equates to maximum housing cost. It is not uncommon for a lower threshold for housing to be subsidized or rent controls to meet those requirements. He stated the update report recently given to the state shows Tooele meets or exceeds all requirements and complies with all state rules. When dealing with low and moderate income housing, the City only has to meet a minimum threshold. He stated establishing code of this sort would be applicable to every project, not just moderate-income housing. He stated they still need to go through the formal process, but is asking for feedback.

Council Member Hansen asked if they require 50% brick, what are the other City requirements. Mr. Bolser stated there is an aesthetic standard they want to maintain with the community by establishing design standards and durability within the community. He stated those can change depending on what the Council's goals are.

Council Member Hansen stated if they maintain the aesthetic that it shouldn't be maximum but a minimum.

Council Member Manzione stated she agrees with Council Member Hansen, there should be minimum and not a maximum. She stated sometimes its hard for residents to fit in, but the more it can fit into the community better. She stated she is open to the idea to reduce but not as presented.

Mr. Bolser stated they have not given hard data on what how this proposal would affect their own project.

Council Member Graf asked if there was a commonality looking at other Cities.

Mr. Bolser stated there are a variety of requirements and standards established by what the Council wants to see in the community. He stated he is aware of communities that have very little requirements, and aware of communities that have higher requirements but it all comes back to the standard that a community wants to set for itself.

Council Member Brady stated the applicant stated it is because of higher cost for supplies they are asking for the change. He asked if they had complaints before Covid.

Mr. Bolser stated that the staff hears various things about various portions in the Code. He stated it is based on the idea of the developer and their prerogative and ideas. He stated the supply chain and cost for masonry supplies could be temporary or permanent. It is driven by the market.

Council Member Graf stated he would hate to make change to code that is driven by a temporary supply chain change.

Mr. Bolser stated one element that is not temporary is marketing demand state-wide. Housing is in high demand state-wide.

Council Member Graf stated trying to make a good decision would be to be educated on cost and any additional information to make an educated choice.

Mr. Bolser stated in the application materials, there was a reference of change in cost, but he is not sure what the number is based off of, it's only a listing of change in cost.

Council Member Graf stated the way something looks is important, because appearance is important for residents and businesses, he wants to be sensitive to long term effects.

Council Member Brady stated there is a part where rent will be more because of the brick, but the prices they list, the developer is trying to push costs on the City. They are blaming it on the materials not the market.

Council Member Hansen asked if they can require one side to be brick.

Mr. Bolser stated they can require that and to a degree they do that already. He stated the existing Code section states that 75% of the 50% has to be on the front of the building or facing a public right-of-way.

Council Member Brady stated the apartments put up by his residence is tilt-up concrete and decorative.

Mr. Bolser stated it is not uncommon for that to be done, but that specific project was also done under different standards as well.

Mr. Baker stated an observation from someone who was a part of drafting the original multi-family design standards in 2005, and the single-family design standards shortly after, was not on

how to make things pretty, but how good architectural design can improve the quality of life for people living in the homes and for their neighborhoods. He stated that when he lived in a multi-family project, the quality of the project's architecture and design made a big difference in his quality of life.

Council Member Hansen asked if 2005 was the last time it was updated.  
Mr. Bolser stated it was overhauled about two years ago.

## **7. Discussion on a Potential City Code Text Amendment Regarding Non-Conforming Accessory Structures**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser stated it is not an active application with the letter and exhibits in the packet being all the staff had received. He stated the underlying question is non-conformities, which are things that existed prior to ordinances and can continue to exist with a code change. The nature of non-conformity is when it is not something identified in an ordinance but identified as not allowable. He stated they allow it to continue, but have a restriction on it with the idea that it will go away or become conforming in the future. The provision is that a non-conformity can be torn down and rebuilt but cannot be enlarged. He stated in fairness of the applicant, the site in question is well maintained. However, if the ordinance was changed to allow the expanded structure, it would not just apply to him but to everyone. He stated even if they somehow defined it geographically to a certain area, it still would not have the same guarantees as may be felt in the applicant's case. He stated the difficult part about it is that it works really well for one person but could not be great for someone else. The nature of the question is whether or not they want to revise the ordinance to change how they deal with non-conformities.

Council Member Manzione asked if they could do it but not change the use or only allow a certain percentage.

Mr. Bolser stated potentially that could work, but if they were to allow it, how do they limit and control placement. He stated there are pros and cons.

Council Member Manzione stated it is already non-conforming, and asked if it matters.

Mr. Bolser asked if a structure is not great, would they want it to be bigger. He stated the consideration could be good but could not be good.

Council Member Graf stated keeping the individual property rights in tact should be a priority, but protecting rights by making one change opens up a Pandora's Box that could affect rights. He stated it goes back to making a change that is suited for one individual but not a great change for the community.

Mr. Bolser stated it is a question that is difficult, but if it is something the Council chooses to do, the staff would figure out a way that it could work.

Council Member Hansen stated the rentals for England Acres is adjacent to this. He stated in the 1996 he built an accessory dwelling on a one-acre lot that was separate from his home. He stated in order to build it, he had to combine his properties.

Mr. Bolser stated he believes it there is a neighboring property belonging to the same owner. He stated they do not connect.

Council Member Brady asked if there was a permit that they could use, like Conditional Use Permit.

Mr. Bolser stated Riverton has a process like it. He stated one of the things he mentioned was it was difficult when they received an application that did not fit.

Mr. Baker stated there is a provision in the City Code that can address some non-conformities. It is a variance process, if the variance fits into the strict requirements of Utah statute, but a variance cannot allow a use that is prohibited in the zone. He stated that allowing the continuation of prohibited uses as legal nonconforming was a creation of common law, or the law of the America's state courts, and later codified in state statutes. There is a fundamental underlying principle that legal nonconforming uses are designed to end after a period of time, and not to be perpetual. He stated the law is designed to lead them to termination over time.

Council Member Hansen stated he would be upset if they were not allowed to expand on his property, but understand they have to protect City overall with the proper codes.

Mr. Baker stated another consideration is that if they were to allow someone to build an accessory structure that covered a large area of a residential lot, later there may not be enough room to build a house, in light of lot-coverage regulations, and they would be upside down in the land use policy.

Council Member Hansen stated they would like to think about it and learn more about it.

## **8. Discussion on the Water Conservation Plan**

*Presented by Jamie Grandpre, Public Works Director*

Mr. Grandpre gave a hard copy of the Water Conservation Plan. He stated the plan is a part of the Utah Water Conservation Plan Act to address the City's water resources. He stated some of the highlights include: the growth of population in the City by 2.7%, water production, annual precipitation, and water production per capita vs summer precipitation. He stated the City maintains records for well and springs. The City has been pumping continuous to help with residential growth. He stated the water production varies year to year due to precipitation, snow, etc. The City should expect to see a steady incline over the next year. He stated the City is using 177 gallons, which is significantly less than state average. Seasonal water demand shows an average demand throughout city. He stated Tooele city water rates are a tiered rate based on the size of meter and water usage. He stated the current challenges of the plan is water pricing; It is update on water master plan and the City is reevaluating fees. He stated the City is currently working on water pressure to help the City have better pressure. He stated the goals include

maintaining financially viable water system, reducing water user rate by 10% in the next five years, and maintain or improve the appearance of landscapes. He stated the cost analysis is to reduce water consumption by 10% benefits.

Council Member Brady asked if the plan considers the secondary water at the golf-course. Mr. Grandpre stated there is a section in there but it is premature on where they want to go.

Council Member Brady stated that is the key to solving the water problem. If they could get some to the North part of the City, there is billions of dollars to use for that issue. He stated secondary water has to be the key to fixing it no matter what water conservation strategies they use.

Mayor Winn stated they have hired an engineering firm to use the secondary water. She stated at the end of month, the initial study will be complete with a plan to move forward and look at costs.

Council Member Brady stated it would be worth it, even if they should bond.

Council Member Manzione stated in the long run, it will pay off.

Mayor Winn stated it is having been 20 years in the making.

Council Member Brady stated there is sufficient amounts to use on the golf-course and in the City.

Council Member Graf stated balancing the cost of doing it and the input they get could be beneficial. He stated he has been doing research on his own of rebate programs for shower heads, and faucets to help the citizens upgrade and have intelligent irrigations. He stated they should look at doing a program to incentives and invest in the City and citizens.

Council Member Manzione stated she agrees with Council Member Graf. She stated other Cities provide incentives. They need better education and maybe a separate campaign with real tips.

Mayor Winn stated the state of Utah has many programs that are available throughout the state anyone can use through [utahwatersavors.com](http://utahwatersavors.com). She stated Mr. Cook became conservation certified and needs time to put the plan together.

Council Member Brady asked how much water is saved when they upgraded the sprinkling system.

Mr. Cook stated it takes about a third of the time to water park. He stated the sprinklers just water the grass and not the sidewalk now.

Council Member Brady stated other sprinklers are not sufficient and asked if they need to be upgraded.

Mr. Cook stated the sprinklers do need to be upgraded. There was a study to help with the design.



Council Member Manzione stated it comes back to cost verses benefit.

Council Member Hansen asked for clarification on 177 gallons per capita lower than the state average.

Mr. Grandpre stated Tooele is using a lot less than the average state wide.

Council Member Hansen stated they are doing well compared to the average.

### **9. Closed Meeting - Litigation, Property Acquisition, and/or Personnel**

There was no closed meeting.

### **10. Adjourn**

**Council Member Hansen adjourned the meeting at 6:54 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 15<sup>th</sup> day of December, 2021

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Ed Hansen, City Council Vice-Chairman