

## Tooele City Council Business Meeting Minutes

**Date:** Wednesday, July 6, 2022

**Time:** 7:00 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

Dave McCall

### **City Employees Present:**

Mayor Debbie Winn

Jim Bolser, Community Development Director

Adrian Day, Police Department Chief

Roger Baker, City Attorney

Shannon Wimmer, Finance Director

Darwin Cook, Parks and Recreation Director

Jamie Grandpre, Public Works Director

Michelle Pitt, City Recorder

Holly Potter, Deputy City Recorder

Minutes prepared by Katherin Yei

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

### **1. Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Brady.

### **2. Roll Call**

Tony Graf, Present

Ed Hansen, Present

Justin Brady, Present

Maresa Manzione, Present

Dave McCall, Present

### **3. Public Comment Period**

Chris Sloan shared concerns about the safety of the parade and candy being thrown from the floats.

**Council Member Manzione motioned to move item number 6 before item number 4.**

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

**6. Public Hearing & Motion on Ordinance 2022-22 an Ordinance of Tooele City Amending Sections 7-13-1, 7-15-3, 7-15a-3, and Chapter 7-14 of the Tooele City Code Regarding Multi-Family Residential Zoning Districts**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser presented a text amendment regarding the zoning districts. Currently there are three zones. There are few options available for varying zoning assignments. There are two options; taking the MR-25 zone and fitting it into a new MR-20 zone along with creating a new MR-12 zone or creating two more zones and keeping MR-25. The Council asked to see the second option to move forward, but to keep the options of reference for the Planning Commission. The Planning Commission had two motions, removing MR-25, which failed and the motion to have all 5 zones which passed 6 to 1. In Table 4 of Chapter 7-14, there has been a long-standing error regarding garage allowances in the R1-7 and R1-8 zones has also been corrected.

The Council had a discussion regarding keeping the MR-25 zone. The ordinance is voting on the 5 zones. MR-25 is a tool that could be handy if it is the right time and place. If MR-25 is not going to be approved within the City, they should remove it as a zone.

The public hearing was opened.

Chris Sloan shared the discussion the Planning Commission had. If they will not be using the MR-25, they should remove it from the zoning districts.

David Gumucio shared his thoughts about keeping MR-25 in the zones without ever allowing it within the City. Architecture is changing within the development community and could be used.

The public hearing was closed.

The Council shared some additional thoughts regarding the MR-25 zone. Though it could be a great tool to have, the Council needs to think about what they may actually approve without causing more work for the staff and applicants.

**Chairman Brady motioned to approve the Ordinance 2022-22, including only the MR-20, MR-16, MR-12, AND MR-8.** Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Nay," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Nay." The motion passed

**4. Public Hearing & Motion on Ordinance 2022-20 an Ordinance of Tooele City Reassigning the zoning from GC General Commercial to RC Regional Commercial for the**

**Western 10 Acres of 2520 & 2540 North 400 East, Reassigning the Zoning from GC General Commercial to MR-25 Multi-Family Residential for the Central 7.4 Acres of 2520 & 2540 North 400 East, and Reassigning the Zoning from RD Research and Development to R1-7 Residential for the Eastern 17 Acres of 2520 & 2540 North 400**

**East**

*Presented by Jim Bolser, Community Development Director*

When a Zoning Map Amendment comes forward, the Council is not locked into the requested zones of the application.

Mr. Bolser presented information on a Zoning Map Amendment for 34 acres located north of Liddiards. The Property contains two zoning districts; the west side is zoned GC General Commercial and the eastern half is RD Research and Development. The RD blends Light Industrial with heavier commercial uses. The Land Use Map has three designations. The western is Regional Commercial; central area is High-Density Residential for multi-family densities; the eastern acres are Medium-Density Residential. The Land Use Map does not specify which zones are appropriate for a specific property, only a range of zones. The applicant is requesting the Zoning Map be changed to RC, Regional Commercial, MR-25 Multi-Family Residential and R1-7 Residential. With the MR-25 zoning district no longer existing by the Council's previous item there will need to be a new assignment for the multi-family portion of this request. They are in compliance with the Land Use Map. The Planning Commission has heard this and forwarded a positive recommendation.

The Council asked the following questions:

Is there a transition between the two zones?

Ordinance could use RSD. Is this project big enough to be considered?

Mr. Bolser addressed the Council. A concept plan has not been submitted yet. RSD zone is a write your own zone concept with the intent to look at projects of a certain size and have a variety of uses blended throughout instead of by clear boundaries. The minimum acres required is 20. The residential portion of this project is 24 acres.

David Gumucio spoke to the Council regarding a prior discussion about the property. In a prior meeting to find a buyer, the Council shared they would like to see the Land Use Map designations stay the same. MR-20 could be a fit and cascade through the R1-7

Jeff Lee addressed the Council regarding the look book the Council received before the meeting. Cascading makes the most sense for developments because the highest zone is against the commercial. It allows a nice buffer. They care for the community and want to make the most of the development. The rental market will stay strong, but they hope the costs for the housing market comes down. They can develop a beautiful project and maintain it.

The Council asked for clarification on the cascading or buffer option into R1-7. Are there any commercial businesses spoken for in this project?

Mr. Lee answered the Council's questions. It is an abrupt drop off. They want to create a natural buffer from the highest density to lowest density. He would like to put the pencil to the plan to see what it looks like from here. There is no commercial business lined up yet. They typically work with services and retail.

Mr. Bolser described the options the Council and the applicant has to move forward with the application. With an RSD for residential, the applicant can choose to move forward with the RSD if they choose. They would have to resubmit an application if they chose to move it in that direction.

Mr. Gumucio asked if the application fee could be waived if they resubmit an application.

Mr. Baker addressed the fees. Fees are not paid in exchange for approval, but to pay for City costs. The Mayor and Mr. Bolser can have that conversation of whether any of the fee can be credited to the new application.

The public hearing was opened. No one came forward. The public hearing was closed.

Mr. Baker suggests to table it to see options and move forward efficiently. If the application was tabled, there is a possibility it could be brought back next meeting if there was an amendment to the application. If they chose to move forward with the RSD, they would have to submit anew application.

**Council Member Graf motioned to approve Ordinance 2022-20 with the amendment of MR-25 to MR-20.** Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Nay," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

**5. Public Hearing & Motion on Ordinance 2022-21 an Ordinance of Tooele City Amending Table 1 of Chapter 7-16 of the Tooele City Code Regarding Heavy Equipment Sales and Rental in Non-Residential Zoning Districts**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser presented a text amendment that has come in from a private applicant. The City is working with Home Depot to be able to store equipment for the community to rent and use. Working with the applicant, the change would function using the existing land use category title and work as an accessory use in the text. One staff recommendation is to have this listed as a conditional use in the case of a hazard or nuisance. A second staff recommendation is including the conditional use into the RC Regional Commercial zone as well. The Planning Commission forwarded a positive recommendation.

The public hearing was open. No one came forward. The public hearing was

**Council Member Manzione motioned to approve Ordinance 2022-21 an Ordinance of Tooele City Amending Table 1 of Chapter 7-16 of the Tooele City Code Regarding Heavy**

**Equipment Sales and Rental in Non-Residential Zoning Districts.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

**7. Subdivision Plat Amendment Request for the Jake and Amy Subdivision by John and Amy Johnson to Amend Lot 3 of the Delamare Planned Unit Development and Lot 67 of the Pioneer Subdivision Addition #4, Located at Approximately 668 Pine Meadow Lane in the R1-7 Residential Zoning District on 4.83 Acres**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser presented a Subdivision Plat Amendment near Pine Meadow Lane. There are two parcels involved in the amendment, zoned R1-7 Residential. There is an existing home in the corner with the amendments to lot 3 of the Delamare PUD and Pioneer Subdivision. It will shift the lot line to the east. Uses will be consistent with R1-7 Residential district. Some accessory buildings will need to be removed because of non-conformities. The Planning Commission forwarded a positive recommendation.

**Council Member Hansen motioned to approve Subdivision Plat Amendment Request for the Jake and Amy Subdivision by John and Amy Johnson to Amend Lot 3 of the Delamare Planned Unit Development and Lot 67 of the Pioneer Subdivision Addition #4, Located at Approximately 668 Pine Meadow Lane in the R1-7 Residential Zoning District on 4.83 Acres.** Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

**8. Resolution 2022-58 a Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Paul Hansen Associates, L.L.C. for City Engineering Services**

*Presented by Debbie Winn, Mayor*

Mayor Winn presented a contract with Paul Hansen for engineering services for Tooele City. The basic contract has stayed the same with an adjustment for inflation at an 6.8% increase.

**Council Member McCall motioned to approve Resolution 2022-58.** Chairman Brady seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

**9. Resolution 2022-59 a Resolution of the Tooele City Council Authorizing Payment of a Fee-in-Lieu of Water Rights Conveyance for the Harris Community Village Project**

*Presented by Roger Baker, City Attorney*

Mr. Baker presents a request to pay a Fee-in-Lieu of water rights conveyance for the Harris Community Village Project. This request is for a variety of uses for low income housing including 66 dwelling units, food pantry, day care, case management, etc. There is a policy that

allows the payment of fee-in-lieu for development water rights as approved by the City Council. The policy allows the Council to consider the social benefits of allowing payment of the fee-in-lieu. This application is two parts, approving fee-in-lieu and use the ARPA funds. The amount is 8.35 acre-feet.

**Council Member Graf motioned to approve Resolution 2022-59, a Resolution of the Tooele City Council Authorizing Payment by Tooele City of a Fee-in-Lieu of Water Rights Conveyance for the Harris Community Village Project and using the ARPA funds for reimbursement to the City.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

**10. Resolution 2022-60 a Resolution of the Tooele City Council Waiving Development Impact Fees for the Tooele County Housing Authority's Murdock Subdivision**

*Presented by Roger Baker, City Attorney*

Mr. Baker presented the application for the Tooele County Housing Authority's Murdock Subdivision. The dwelling unit fee is about \$13,000. Previously, the Council approved an impact fee waiver for the Bison Ridge and Buffalo Pass subdivisions of \$7,000 waiver per dwelling unit, for 12 units. At that time, the Council chose to not waive the entire fee. The cap in the code remains at \$10,000 per dwelling unit. The Council would be limited to \$10,000 waiver per dwelling unit under this Resolution.

The Council discussed the impact fee waiver and the benefits it has for the City and this applicant. They asked the following questions:

When the ordinance to set the cap was approved, was the intent to match what the impact fees were? Can the impact fees be paid with the ARPA funds?

Mr. Baker addressed the Council's questions. The waiver amount in the City Code was intended to approximate the impact fees at the time. It is a balancing decision for the Council of what is beneficial for the City but also the community. As drafted, this is just a waiver, ARPA would not be apart of it. The ordinance that allows the waiver has been crafted with the Tooele County Housing Authority and the State. The savings from impact fees that are not paid to the City goes right into the rental rates or mortgages, helping the people.

Mayor Winn spoke to the Council. The council can choose any amount to waive, but the difference can be paid through the ARPA funds.

The Council had some additional discussion about waiving 60-100% and using the ARPA funds to pay the remaining of the impact fees and recoup some of the lost money for the City. Using the ARPA funds this way is impactful and effective for the City and the community.

The City has used the ARPA funds in various places including the Americom contract and Headworks. There is a little over \$1 million to cover what the Council is asking for.

Mr. Baker addressed the Council. They do not need to change the City Code ordinance to do what the Council suggests, but include a condition that they waive the fee and the ARPA funds will reimburse. Another option is to waive the cap amount and then change the City Code ordinance to waive additional fee amount.

**Council Member Graf moved to approve Resolution 2022-61 in a three-step process: waiving \$6,000 per dwelling unit without reimbursement to the City from its ARPA funds, waiving an additional \$4,000 per dwelling unit with reimbursement to the City from its ARPA funds, and the City paying on behalf of the applicant the remaining amount of \$3,761.80 from its ARPA funds.** Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

**11. Resolution 2022-61 a Resolution of the Tooele City Council Waiving Development Impact Fees for the Tooele County Housing Authority's Harris Community Village Project**  
*Presented by Roger Baker, City Attorney*

Mr. Baker presented Resolution 2022-61. Many details are the same as item number 10, with the exception that the impact fees are slightly lower.

**Council Member Graf moved to approve Resolution 2022-61 in a three-step process: waiving \$6,000 per dwelling unit without reimbursement to the City from its ARPA funds, waiving an additional \$4,000 per dwelling unit with reimbursement to the City from its ARPA funds, and the City paying on behalf of the applicant the remaining amount of \$2,756.80 per dwelling unit from its ARPA funds.** Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

**12. Resolution 2022-62 a Resolution of the Tooele City Council Approving an Agreement with RH Borden and Company LLC for Sewer Line Transmissive Acoustics Assessment Services**  
*Presented by Jamie Grandpre, Public Works Director*

Mr. Grandpre presented an agreement for Sewer Line Transmissive Acoustics Assessment Services. It has not been done in the past. There is a transmitter and receiver that goes into two manholes and transmits acoustics. This helps shows the condition of the sewer system. The cost is \$57,700 with the work being completed by RH Borden and Company LLC.

Chairman Brady asked the following questions:

Would they be inspecting the older part of town first? What other communities use acoustic assessments?

Mr. Grandpre addressed the Council's questions. They would like to focus on the older part of time, in three year plan they would like to look at entire City. Payson, Lindon, and other Cities in Utah County have used this system.

**Council Member Manzione motioned to approve Resolution 2022-62, Approving an Agreement with RH Borden and Company LLC for Sewer Line Transmissive Acoustics Assessment Services.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

**13. Resolution 2022-63 a Resolution of the Tooele City Council Approving a Contract Change Order with Broken Arrow Inc. for the 2022 Roadway Improvement Project**

*Presented by Paul Hansen, City Engineer*

Mr. Hansen talks about a change order on the road project under resolution 2022-38. The City Council approved a contract with Broken Arrow for the road way projects. The South-eastern cemetery roads needs some improvement. The contract would be adjusted for an additional \$47,411.21 funded from the Road C funds. There is no contingency being asked.

**Chairman Brady motioned to approve Resolution 2022-63.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

**14. Resolution 2022-64 a Resolution of the Tooele City Council Approving a Contract Change Order with Broken Arrow Inc. for the 2022 Seventh Street Road and Utility Improvement**

*Presented by Paul Hansen, City Engineer*

Mr. Hansen presented a contract change to resolution 2022-44. The elements that needs to be addressed is the parking lot, the storm drain, and curb and gutter for the new Parks Department's building. The contract would be adjusted for an additional \$149,964.16 funded from the capitol project funds.

**Council Member Hansen motioned to approve Resolution 2022-64.** Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

**15. Minutes**

*~Wednesday, June 15, 2022, City Council & RDA Work Meeting Minutes*

*~Wednesday, June 15, 2022, City Council Business Meeting Minutes*

There are no changes to the minutes.



**Council Member Manzione motioned to approve Minutes.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

#### **16. Invoices**

Ms. Pitt presented the following invoices:

Utah League of Cities and Towns for membership fees in the amount of \$21,923.38  
Rehrig Pacific Company for 702 garbage containers in the amount of \$49,230  
Mountain States Fence Co. for the fencing project at the golf course in the amount of \$20,000  
Siddons Martin Emergency Group for Quantum Fire truck in the amount of \$1,019,106.98  
Tooele County Sheriff's department for dispatch needs in the amount of \$88,764  
Black & McDonald for solar lights in the amount of \$27,532.22

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

#### **17. Adjourn**

Chairman Brady adjourned the meeting at 8:43pm.

*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 20<sup>th</sup> day of July, 2022

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Justin Brady, City Council Chair