

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council and the Tooele City Redevelopment Agency will meet in a Work Meeting, on Wednesday, November 16, 2022, at 5:30 p.m. The Meeting will be Held in the Tooele City Hall Council Chambers, Located at 90 North Main Street, Tooele, Utah.

We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at <https://www.youtube.com/@tooelecity> or by going to YouTube.com and searching "Tooele City Channel".

AGENDA

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
 - a. **Boys & Girls Clubs Remodel Request**
Presented by Debbie Winn, Mayor
 - b. **Ordinance 2022-40** an Ordinance of the Tooele City Council Amending Tooele City Code Section 7-1-5 and Chapter 7-15 Regarding Fair Housing and Residential Facilities for Persons with a Disability
Presented by Roger Baker, City Attorney
 - c. **Gardner Batt Water Rights Fee-in-Lieu Request**
Presented by Jared Stewart, Economic Development Director
 - d. **Pratt Aquatic Center Fees**
Presented by Darwin Cook, Parks & Recreation Director
 - e. **Drysdale Parking**
Presented by Justin Brady, City Council Chair
 - f. **Ordinance 2020-26** an Ordinance of Tooele City Amending Section 4-8-2.1 of the Tooele City Code Relating to In-Fill area Street Requirements
Presented by Jim Bolser, Community Development Director
6. **Closed Meeting**
~ Litigation, Property Acquisition, and/or Personnel
7. **Adjourn**

Michelle Y. Pitt, Tooele City Recorder

Pursuant to The Americans With Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, At 435-843-2111 Or Michellep@Tooelecity.Org, Prior To The Meeting.

November 9, 2022

Mayor Debbie Winn
Tooele City
90 N Main Street
Tooele, UT 84074

Dear Mayor Winn,

Tooele City has been loyal supporters of Boys & Girls Clubs of Greater Salt Lake for more than 20 years. No matter how times have changed, your support has provided our city's young people with the needed critical services to grow into successful adults. We would not be where we are today without you.

As you know, the need for a dedicated facility for our kids and teens is greater now than ever before. We have successfully acquired the building located at 310 South Main Street and have received a conditional use permit from the Tooele City Planning and Zoning Commission to provide out of school time programming for our youth with renovations beginning this fall and an anticipated opening in early 2023. We envision partnering with Tooele City to provide a facility that offers youth and teens a sense of belonging and a vibrant community where they can imagine a new and brighter future for themselves and their families. They will receive homework help, mentoring, sports and recreation programs, behavioral health lessons, access to computer technology, service and leadership clubs, and so much more. These kids will take the skills they gain from your Club and transform their community.

As our renovation plans have been reviewed by city officials and the fire department, a critical need has been identified in order to ensure a safe building for our kids and teens and the staff who will occupy the building. The Tooele City Fire Inspector has indicated that the current hydrants near the building are insufficient to protect our building and kids and we are required for the building to be equipped with a fire suppression system in order to obtain an occupancy permit.

We invite Tooele City join us in our efforts to help youth become creators of their future and empower them to be agents of change. ***We respectfully request a donation of \$50,000 for the installation of a fire suppression system.*** This amount is in alignment with early estimates for the cost of the installation on all three floors of the building and will allow us to schedule the work during our upcoming renovations plans, increasing the efficiency and timing of the project.

We are grateful for your historical support and thoughtful consideration of this request.

Warm regards,



Amanda Ree Hughes
President & CEO



BOYS & GIRLS CLUBS
OF GREATER SALT LAKE

Whatever It Takes To Build Great Futures!

President & CEO

Amanda Ree Hughes

Executive Committee

Brad Hardy, Chair

Alicia Garcia, Chair-Elect

Scott Young, Secretary/Treasurer

Candace Dee

Craig Martucci

Dana Williamson

Jarrold Hall

Mike King

Kellie Williams

Board of Directors

Rob Goates

Dillon Hase

Neil Kaplan

Megan Marshall

Mark McCaskill

Randy Netto

Cristie Richards

Aprille Savarese

Rachel Sweet

Jill Tavey

Jeannie Yerkovich

(801) 322-4411

179 East 5065 South
Murray, UT 84107

Mail: PO Box 57071
Murray, Utah 84157

GSLClubs.org

TOOELE CITY CORPORATION

DRAFT ORDINANCE 2022-40

AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING TOOELE CITY CODE SECTION 7-1-5 AND CHAPTER 7-15 REGARDING FAIR HOUSING AND RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY.

WHEREAS, the federal Americans with Disabilities Act (ADA) and its successor statutes contains protections for persons with a disability, and the term “disability” includes drug addiction; and,

WHEREAS, the federal Fair Housing Act (FHA) and its successor statutes contains housing protections for persons with a disability, as does the Utah Fair Housing Act (UFHA); and,

WHEREAS, Tooele City Code (TCC) Chapter 7-15 governs residential facilities for persons with a disability; and,

WHEREAS, TCC 7-14 regulates residential zoning districts, and identifies residential facilities for persons with a disability as permitted (P) uses in all Tooele City zoning districts which permit a dwelling; and,

WHEREAS, residential facilities for persons with a disability are one type of dwelling known by some as a “group home”; and,

WHEREAS, as a general rule, the above Acts require that persons with a disability have the same access to housing as persons without a disability; and,

WHEREAS, clinical research into group homes for persons disabled by drug addiction indicates that such persons achieve greater success in navigating life and in overcoming addiction by living in a group setting with up to eight residents per dwelling; and,

WHEREAS, TCC 7-1-5 defines the term “family” as being an individual, or two or more persons related by blood or marriage, or a maximum of four unrelated persons living together in a dwelling; and,

WHEREAS, under TCC, eight unrelated persons living together in a dwelling exceeds the definition of the term “family” and is not lawful; and,

WHEREAS, the above Acts require the government to make reasonable accommodations to persons with a disability in order to make housing available to them in a way available to persons without a disability, and allowing up to eight disabled persons to live in a dwelling is an example of a reasonable accommodation, supported by clinical research; and,

WHEREAS, approving a reasonable accommodation involves an interactive process between the land use applicant and the municipal government that explores measures to remove housing barriers for persons with a disability and to allow them housing on an equal basis with persons without a disability; and,

WHEREAS, some municipalities with the definition of “family” as four unrelated persons require a reasonable accommodation application and hearing for all applications for a residential facility for persons with a disability of between five and eight persons per dwelling, causing significant time delay, staff resources, expert involvement, cost, and frustration, with the outcome of the hearing often, if not always, approving the accommodation for eight persons in a dwelling; and,

WHEREAS, other municipalities recognize that a residential facility for persons with a disability with eight persons in the dwelling is clinically shown to be effective and reasonable, and choose to codify a reasonable accommodation for facilities of up to eight persons, bringing significant efficiencies and cost saving to the process of approving such facilities; and,

WHEREAS, the City Administration recommends that the TCC definition of “family” be amended to include up to eight unrelated disabled persons living in a dwelling, recommends that the definition of “facility for persons with a disability” include an eight-persons per dwelling cap, and recommends that TCC Chapter 7-15 be amended, all as shown in the attached Exhibit A; and,

WHEREAS, the City Council discussed this Ordinance and its Exhibit A during its public work meeting of November 16, 2022 (see meeting minutes attached as Exhibit B); and,

WHEREAS, the Planning Commission convened a duly-noticed public hearing on December 14, 2022, regarding this ordinance and its Exhibit A, accepted public comment, and voted to forward its recommendation to the City Council (see meeting minutes attached as Exhibit C); and,

WHEREAS, the City Council convened a public hearing on January 4, 2023, regarding this ordinance and its Exhibit A:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that TCC Section 7-1-5 and Chapter 7-15 are hereby amended as shown in Exhibit A.

This Ordinance shall take effect immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____
Roger Evans Baker, City Attorney

Exhibit A

Amendments to:
TCC Section 7-1-5
and
TCC Chapter 7-15

Exhibit B

November 16, 2022, City Council
Meeting Minutes

Exhibit C

December 14, 2022, Planning Commission
Meeting Minutes

Tooele City – Draft Ordinance
Residential Facility for Disabled Persons

7-1-5. Definitions.

Family -

- (1) An individual person.
- (2) Two or more persons, related by blood, marriage, or adoption, including foster children, living together in a dwelling; and, up to two other persons, hired for domestic help, residing in the dwelling.
- (3) Up to four unrelated persons living together in a dwelling.
- (4) A group of persons with a disability living in a residential facility for persons with a disability as permitted by Chapter 7-15 of this Title.

Residential Facility for Persons with a Disability - A dwelling in which no more than eight disabled persons reside and which is licensed or certified, as applicable, by:

- (1) the Utah Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; and,
- (2) the Utah Department of Health under Title 26, Chapter 21, of the Utah Code, Health Care Facility Licensing and Inspection Act.

7-15-1. Purpose.

The City intends this Chapter to be interpreted and applied in a manner that is consistent with the Utah Fair Housing Act (UCA Chapter 57-21), the Federal Fair Housing Amendments Act of 1988 (42 USC Section 3601 et seq.), Title II of the Americans With Disabilities Act, and the Rehabilitation Act.

7-15-2. Scope.

If any dwelling meets the definition of a residential facility for disabled persons as defined in Section 7-1-5 of this Title, the requirements of this Chapter shall govern, notwithstanding any conflicting provision of this Title or this Code. Except as provided herein, the requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, this Code, or other laws.

7-15-3. Permitted Uses.

(1) Notwithstanding any contrary provision of this Title, a residential facility for persons with a disability shall be a

permitted use in any zoning district where a dwelling is allowed either as a permitted or conditional use, subject to the same development regulations as applied to dwellings.

(2) A residential facility for persons with a disability may not be allowed by variance, prior accommodation, legal nonconforming building, or legal nonconforming use.

(3) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.

(4) Each facility located in a multi-family zoning district (MR-20, MR-16, MR-12, and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.

(5) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title.

(6) No more than four persons may be housed in a single bedroom.

(7) A minimum of 60 square-feet per resident shall be provided in a multiple-

occupant bedroom. A minimum of 100 square-foot per resident shall be provided in a single-occupant bedroom.

(8) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.

(9) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.

7-15-4. Reasonable Accommodation.

(1) None of the requirements of this Chapter shall be interpreted to limit any reasonable accommodation to afford a disabled person an equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, Title II of the Americans With Disabilities Act, the Utah Fair Housing Act, the Rehabilitation Act, and any other Federal or State law requiring a reasonable accommodation for a disabled person.

(2) Any person or entity wanting a reasonable accommodation shall submit a written application to the Director of the Community Development Department, which shall include at least the following:

- a. The address of the property to which the accommodation will be applied;
- b. The accommodation requested, including the regulations, policies, or procedures from which an accommodation is sought;
- c. An explanation of why the accommodation is reasonable and necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling; and,
- d. All information necessary and sufficient for the findings required in subsection (4) of this Section.

(3) The Director shall evaluate all reasonable accommodation requests based on the criteria required of an applicant by subsection (4) of this Section.

(4) Within 30 days after receipt of a complete application, the Director shall issue

a written decision on the requested reasonable accommodation. The Director may either grant, grant with modifications, or deny a request for reasonable accommodation under the following factors:

a. Whether the dwelling, which is the subject of the request for reasonable accommodation, will be used by a disabled person;

b. Whether the requested accommodation is necessary to afford disabled persons equal opportunity to use and enjoy a dwelling when compared to similarly situated persons or groups without a disability;

c. Whether the requested accommodation would impose an undue financial or administrative burden on the City;

d. Whether the requested accommodation would require a fundamental alteration in the nature of the City's planned land use, zoning, or building programs;

e. Whether the requested accommodation is reasonable under the circumstances;

f. Whether the request for accommodation would cause a dwelling to be made available to an individual whose tenancy is anticipated to cause a direct threat to the health or safety of other individuals or whose tenancy is anticipated to cause substantial physical damage to the property of others; and,

g. Any other relevant considerations under Federal, State, or Tooele City laws.

(5) If the Director denies a reasonable accommodation request, or grants the request with modifications, the decision may be appealed by the accommodation applicant to the Administrative Hearing Officer in the manner provided for appeals of administrative decisions in Chapter 1-28 of this Code. The review of all such appeals, including any appeals from the Administrative Hearing Officer to the

District Court, shall be based upon the record presented to the Director, and shall not be de novo.

(6) A reasonable accommodation shall not be deemed a variance and shall not run with the land.

(7) If the Director does not render a written decision on the request for reasonable accommodation within the 30-day time period allotted by this Section, the request shall be deemed denied based upon the insufficiency of the applicant's information to satisfy the criteria of this Section.

(8) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

(9) It is the applicant's burden to demonstrate that the accommodation is necessary and reasonable under the standards and definitions set forth in Federal and State law, including Federal and State case law.

7-15-5. Accommodation Review.

(1) The purpose of the Director's review is to assure that all reasonable accommodation requests comply with this Title, and that all decisions on reasonable accommodation requests are reviewed and handled in compliance with this Title, the Fair Housing Amendments Act of 1988, Title II of the Americans With Disabilities Act, the Utah Fair Housing Act, the Rehabilitation Act, and any other Federal, State, and Tooele City laws requiring a reasonable accommodation for a disabled person.

(2) The Director may consult with and obtain the services of Tooele City personnel and outside professionals or technical experts to help evaluate any and all requests for accommodation.

7-15-6. State Certification or Licensure.

(1) Prior to the City issuing a certificate of occupancy for a facility, and prior to actual

occupancy of a facility, the person or entity licensed or certified by the State of Utah to establish and operate the facility shall:

(a) provide a copy of the required State of Utah licenses and/or certificates for the facility and for any State-regulated programs provided at the facility; and,

(b) certify by affidavit to the City that no person will reside or remain in the facility whose tenancy likely would constitute a direct threat to the health or safety of others or would result in substantial physical damage to the property of others.

(2) For purposes of this Chapter, State of Utah licenses and certificates for facilities and programs are applicant-specific, facility-specific, and program-specific, and shall not be transferrable to any other owner, operator, facility, or program.

7-15-7. Revocation of Occupancy Permit.

The City may revoke the occupancy permit of any facility upon the occurrence of any of the following:

(1) the facility is devoted primarily to a use other than a residential facility for persons with a disability;

(2) any license or certificate required and issued by the State of Utah for the facility or a program provided at the facility terminates for any reason (including expiration, revocation, suspension for five years or more, denial of renewal);

(3) the facility fails to comply with all of the requirements of this Chapter; or,

(4) the facility allows a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others.

7-15-8. Violations.

(1) The following shall constitute a violation of this Chapter:

(a) continued occupation of a facility upon the revocation of the occupancy permit;

(b) continued occupation of a facility upon the termination of the State of Utah license or certificate for the facility;

(c) continued providing of a program upon the termination of the State of Utah license or certificate for that program;

(d) noncompliance with any provision of Title 4 or Title 7 of this Code applicable to the facility;

(e) allowing a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others; and,

(f) allowing the facility to be devoted to a use other than a residential facility for persons with a disability.

(2) Any violation of this Chapter is a class B misdemeanor.

(Draft Date: November 3, 2022)



GARDNER BATT

**423 West Broadway, Suite 230
Salt Lake City, Utah 84101**

October 18, 2022

Water Request Letter for GB Tooele Land Holdings, LLC

Dear Mayor Debbie Winn,

Gardner Batt, as the managing partner in GB Tooele Land Holdings, would like to request 14.22 acre-feet of water from the City of Tooele for an industrial development within city limits. The current site plan, contained in **Exhibit A**, is located on the east side of SR-112, and north of the Bolinder mining operations. The proposed site will consist of a 154,000 square foot industrial concrete tilt-up building, with the tenant currently being unknown. Gardner Batt will be soliciting this building to distribution occupiers. The distribution user will use minimal water, and the water being requested is for drinking and landscaping. Per the water request and calculation, 8.28 acre-feet is being requested for drinking water and 5.94 acre-feet is required for irrigation water. Due to the minimal water along the Wasatch Front, Gardner Batt would like to have conversations with the city to minimize the amount of irrigatable landscaping within the site and bring this water requirement down.

Gardner Batt greatly appreciates the City of Tooele and the opportunity to help grow the community. This initial site is the initial phase of a ~600-acre industrial masterplan that will bring businesses and jobs to the City of Tooele. We are excited to participate in the growth of Tooele and we work together to make this plan a reality. Thank you for your support and we look forward to hearing back from you.

Regards,

Gardner Batt

Michael D. Batt

Jonathan S. Archer

Exhibit A
Site Plan



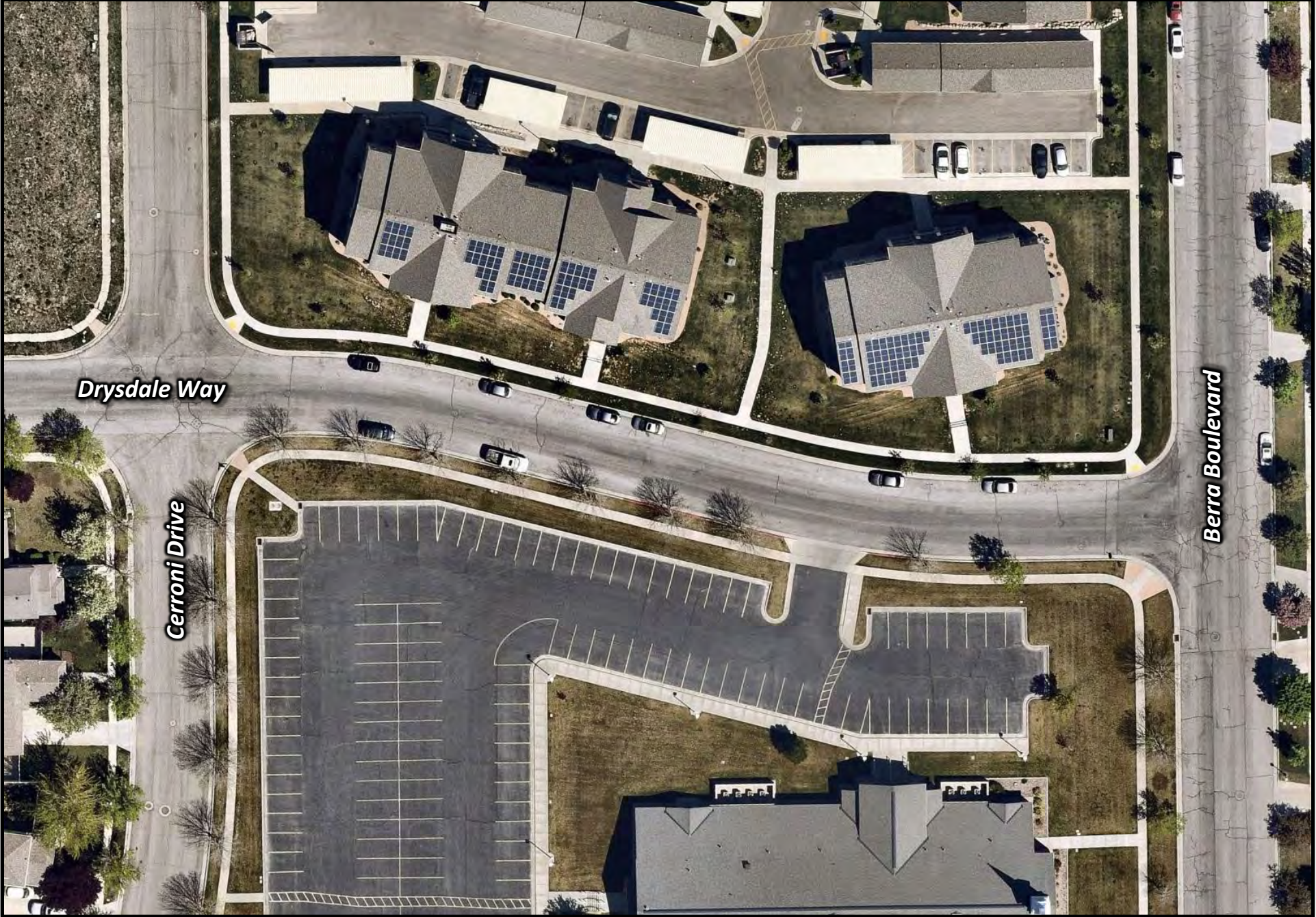
PAC pg 1	current rates	Proposed Change	Proposed Rates	
Daily Admission	2015		Resident	Non Resident add .50
Youth 4-12	\$2.50	Youth 3-17	\$3.00	\$3.50
Students 13 -18	\$3.00	combine w/ youth		
Adult 19-61	\$3.50	Adult 18-60	\$4.00	\$4.50
Senior 62 +	\$3.00	Senior 61+	\$3.00	\$3.50
Military	\$2.50		\$3.00	\$3.50
3 & under	free	2 & under	free	free
Aerobics Adult 19-61	\$4.00	Aerobics 18-60	\$4.50	\$5.00
Aerobics Senior 62 +	\$3.50	Aerobics Sr 61 +	\$4.00	\$4.50
Aerobics Sr Circle	\$3.00	discontinue sr circle		
		Age Group	\$4.00	\$4.50
10 Punch Pass				
Youth 4-12	\$16	discontinue 10 punch		
Students 13 -18	\$22	discontinue 10 punch		
Adult 19-61	\$28	discontinue 10 punch		
Senior 62 +	\$22	discontinue 10 punch		
Military	\$14	discontinue 10 punch		
Age Group	\$25	discontinue 10 punch		
Aerobics Adult 19-61	\$35	discontinue 10 punch		
Aerobics Senior 62 +	\$30	discontinue 10 punch		
Aerobics Sr Circle	\$25	discontinue 10 punch		
20 Punch				\$5.00 increase
Youth 4-12	\$28	Youth 3-17	\$35	\$40
Students 13 -18	\$40	combine w/ youth		
Adult 19-61	\$50	Adult 18-60	\$60	\$65
Senior 62 +	\$40	Senior 61+	\$40	\$45
Military	\$25		\$40	\$45
Age Group	\$40		\$55	\$60
Aerobics Adult 19-61	\$65	Aerobics 18-60	\$70	\$75
Aerobics Senior 62 +	\$55	Aerobics Sr 61+	\$60	\$65
Aerobics Sr Circle	\$50	discontinue sr circle		
Memberships				\$5 to \$10 increase
Youth 4-12	\$105	Youth 3-17	\$100	\$105
Students 13 -18	\$145	combine w/ youth		
Adult 19-61	\$180	Adult 18-60	\$180	\$185
2-Party Adult	\$290		\$290	\$300
Senior 62 +	\$145	Senior 61+	\$145	\$150
		2-Party Senior	\$240	\$250
Family	\$290 & \$430max		\$290 & \$430max	\$300+\$35 kid \$440max
Single Parent	\$180 & \$320max	family memberships	\$180 & \$320max	\$185+\$35 kid \$325max
Military Family	\$180 & \$320max	\$35 per kid	\$220 & \$360 max	\$230+\$35kid \$370 max
Military Single Adult	\$150		\$145	\$150
Age Group	\$265		\$275	\$280
Add to membership	\$185		\$185	\$185

	Deseret Peak Pool	Current Rates	Layton City Surf & Swim	Current Rates
	Daily Admission		Daily Admission	
	Youth	\$4	Youth/student 3-17	\$3 winter/\$4.50 summer
	Student	\$4		
	Adult	\$4	Adult 18-61	\$3 winter/\$4.50 summer
	Senior	\$4	Senior	\$3 winter/\$4.50 summer
	Military	\$4	Military	n/a
	3 & under	\$4	3 & under	free
	Water Aerobics Adult	n/a	Water Aerobics Adult	\$3
	Water Aerobics Senior	n/a	Water Aerobics Senior	\$3
	10 Punch Pass		10 Punch Pass	
	Youth	\$30	n/a	
	Student	\$30		
	Adult	\$30		
	Senior	\$30		
	Military	\$30		
	20 Punch		20 punch	
	Youth	\$60	Youth/student 3-17	\$60 winter/\$80 summer
	Student	\$60		
	Adult	\$60	Adult 18-61	\$60 winter/\$80 summer
	Senior	\$60	Senior	\$50
	Military	\$60	Military	n/a
	Water Aerobics Adult	n/a	Water Aerobics Adult	\$50
	Senior 62 +	n/a	Senior 62 +	\$50
	Annual Memberships		Annual Memberships	
	no annual memberships		Youth/student 3-17	\$225
			Adult 18-61	\$225
			Senior	\$225
			Family	\$375 up to 5 then \$30
				additional fam member
			Military	n/a
	Rentals		Rentals	
	Facility 2 hrs Sun-Thurs	\$300	Facility 3 hrs	\$500
	Facility 2 hrs Fri & Sat	\$400		

Fairmont Pool SL County	Current Rates	Lehi City Aquatic Center	Current Rates
Daily Admission		Daily Admission	
Youth/student 3-17	\$2	Child 4-11	\$4
		Youth 12-17	\$5
Adult 18-61	\$4	Adult 18-64	\$6
Senior 62-80	\$3	Senior 65+	\$4
Military	n/a	Military	n/a
2 & under	free	3 & under	free
Water Aerobics Adult	\$4	Water Aerobics Adult	
Water Aerobics Senior	\$4	Water Aerobics Senior	
10 Punch Pass		10 Punch Pass	
	n/a	10 punch not available	
20 punch		20 punch	
Youth/student 3-17	\$20		n/a
Adult 18-61	\$60		
Senior 62-79	\$40		
Military	n/a		
Annual Memberships		Annual Memberships	
			pool pass summer
Youth/student 3-17	76	Youth/student 3-17	
Adult 18-61	145	Adult 18-61	
Senior 62-79	125	Senior 62-79	
Senior family of 2	195	Senior family of 2	
Family	\$225 first 2	Family	\$193 up to 6
	\$20 add members		
Military	n/a	Military	n/a
		Age Group	
Rentals		Rentals	
Facility 2 pools/1 pool	\$300/\$200	Facility	\$375
Birthday party rm	\$60 1 hr		

Payson City Pool	Current Rates	Private Lesson rates other facilities	
Daily Admission		Lindon City Pool	
Child 4-11	\$5	1 student	\$25 for a 30 min lesson
Youth 12-17	\$5		\$100 for four 30 min lessons
Adult 18-54	\$5	semi private lesson	
Senior 55 +	\$2.5	2 students	\$35 for a 30 min lesson
Military	n/a		\$140 for four 30 min lessons
3 & under	\$1	3 students	\$52.5 for a 30 min lesson
Water Aerobics Adult			\$210 for four 30 min lessons
Water Aerobics Senior			
10 Punch Pass			
Child 4-11	\$40	Clearfield city pool	
Youth 12-17	\$40	1 student	\$20 for a 30 min lesson
Adult 18-54	\$40		\$80 for four 30 min lessons
Senior 55 +	\$40	2 students	\$25 for a 30 min lesson
Military	n/a		\$100 for four 30 min lessons
		3 students	\$30 for a 30 min lesson
			\$120 for four 30 min lessons
25 punch		Provo city pool	
Child 4-11	\$40	1 student	\$20 for a 30 min lesson
Youth 12-17	\$40		\$80 for four 30 min lessons
Adult 18-54	\$40		
Senior 55 +	\$40		
Military	n/a		
Annual Memberships			
memberships not avail			
Rentals			
facility/shared facility	\$750/\$375		
Birthday party rm	\$30 2 hours		

Drysdale Way



Aerial Map

Drysdale Way



1910 North

1860 North

1810 North

Berra Boulevard

Cerroni Drive

Drysdale Way

Aerial Map

TOOELE CITY CORPORATION

ORDINANCE 2020-26

AN ORDINANCE OF TOOELE CITY AMENDING SECTION 4-8-2.1 OF THE TOOELE CITY CODE RELATING TO IN-FILL AREA STREET REQUIREMENTS.

WHEREAS, Utah Code §10-8-84 and §10-9a-102 authorize cities to enact ordinances, resolutions, and rules and to enter other forms of land use controls they consider necessary or appropriate for the use and development of land within the municipality to provide for the health, safety, welfare, prosperity, peace, and good order, comfort, convenience, and aesthetics of the municipality; and,

WHEREAS, Tooele City Code Chapter 7-14 contains provisions addressing the residential zoning districts and the uses of land within those districts; and,

WHEREAS, Tooele City Code Chapter 7-14 contains provisions establishing the In-Fill Overlay special purpose zoning district applicable in addition to the underlying base zoning district; and,

WHEREAS, Tooele City Code Chapter 7-14, specifically Table 5, contains provisions establishing development related provisions applicable to properties within the boundaries of the In-Fill Overlay zoning district; and,

WHEREAS, the provisions of the Tooele City Code regarding the In-Fill Overlay zoning district were first enacted by City Council Ordinance 2015-25 on December 16, 2015; and,

WHEREAS, the establishment of the In-Fill Overlay zoning district was intended to encourage development of vacant and underutilized parcels of residential land that have resisted development or redevelopment due to various considerations including geography, cost, and market disadvantages; and,

WHEREAS, the purpose of the In-Fill Overlay zoning district was to encourage development and redevelopment of underutilized residential properties, more efficient utilization of existing public infrastructure (e.g. water, sewer, and roads), and more efficient utilization of public services (e.g. fire and police services); and,

WHEREAS, the provisions of the In-Fill Overlay zoning district enacted under Ordinance 2015-25 included provisions governing setbacks, lot coverage, and water rights conveyance requirements; and,

WHEREAS, the provisions of the In-Fill Overlay zoning district were amended by City Council Ordinance 2017-27 on November 1, 2017 to include provisions regarding street improvements; and,

WHEREAS, Ordinance 2017-27 established a new Section 4-8-2.1, reduced the width requirements for certain In-Fill Area streets, and eliminated the requirement for construction of certain improvements with new land use applications; and,

WHEREAS, the provisions of the In-Fill Overlay zoning district were amended by City Council Ordinance 2019-24 on October 2, 2019 to include provisions regarding property frontage width requirements; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TOOELE CITY that Tooele City Code Section 4-8-2.1 is hereby amended as shown in Exhibit A.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this 14 day of June, 2020

TOOELE CITY COUNCIL
(For)

(Against)

[Signature]
[Signature]
[Signature]
[Signature]
Melodi M. Archer

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]
 Michelle Pitt, City Recorder



Approved as to Form:

[Signature] FOR
 Roger Baker, City Attorney

EXHIBIT A

COMPLETE PROPOSED TEXT AMENDMENT

4-8-2.1. In-Fill Overlay District Street Design.

- (1) Intermediate Local Class Streets within the In-Fill Overlay District, as identified in Section 7-14- 1.2, shall be required to maintain a minimum asphalt width of 30 feet with curb and gutter on each side. Parkstrips and sidewalks shall not be required.
- (2) Secondary Local Class Streets within the In-Fill Overlay District, as identified in Section 7-14-1.2, shall be required to ~~maintain~~ provide a minimum ~~asphalt~~ right-of-way width of 26 feet. ~~Asphalt,~~ ~~€~~curb and gutter, parkstrips, and sidewalks improvements shall not be required.
- (3) Except as provided in this Section, street improvement standards for Local Class Streets, as outlined in Section 4-8-4, shall be applicable to all Intermediate Local Class Streets and Secondary Local Class Streets within the In-Fill Overlay District. Required minimum asphalt widths for Intermediate Local Class Streets and Secondary Local Class Streets within the In-Fill Overlay District shall be provided within a dedicated public right-of-way.

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

- 7-14-1. Residential Zoning Districts.
- 7-14-1.1 In-Fill Overlay District.
- 7-14-1.2. In-Fill Overlay District Streets.
- 7-14-2. Residential Zoning Districts Purpose.
- 7-14-3. Uses Allowed within the Residential Zoning Districts.
- 7-14-4. Table of Allowed Density and Table of Site Planning and Development Standards.
- 7-14-5. Table of Minimum Dwelling Unit Size.
- 7-14-6. Accessory Structure Requirements.
- 7-14-7. Porches.
- 7-14-8. Requirements.
- 7-14-9. Keeping of Animals and Household Pets.
- 7-14-10. Apiaries

7-14-1. Residential Zoning Districts.

In accordance with the requirement of the Utah Code that zoning within municipalities be by districts, Tooele City has established and identified on the Tooele City Zoning District Map the following residential zoning districts which govern the use, intensity, area and other requirements for the use of residential land as required by this Ordinance. The map accompanying this Ordinance, and incorporated herein by reference, identifies the location and extent of each residential zoning district within the City. All development, use, activity, and authorized permits and licenses shall adhere to all the provisions, standards, and requirements of the applicable zoning district.

To meet the purposes of this Ordinance, Tooele City is divided into the following residential and special purpose zoning districts:

- Multi-Family Residential (MR-25)
- Multi-Family Residential (MR-16)
- Multi-Family Residential (MR-8)
- Medium Density Residential (R1-7)
- Medium Density Residential (R1-8)
- Medium Density Residential (R1-10)
- Low Density Residential (R1-12)
- Low Density Residential (R1-14)
- Low Density Residential (R1-30)
- Low Density Residential (RR-1)
- Low Density Residential (RR-5)
- Low Density Residential (RR-20)
- Multiple Use (MU-160)
- In-Fill Overlay (IFO)
- Residential Special District (RSD)

(Ord. 2021-27, 07-21-2021) (Ord. 2019-08, 03-20-2019)
(Ord. 2015-25, 12-16-2015) (Ord. 1997-21, 06-04-1997)

7-14-1.1. In-Fill Overlay District.

The In-Fill Overlay special purpose zoning district is formulated to appropriately encourage residential development and redevelopment on lots and parcels of record that may be nonconforming or surrounded by developed land in order to more efficiently utilize

residential land, existing public infrastructure, and public services. Table 5 to this Chapter establishes development standards designed to fulfill the purpose of the In-Fill Overlay district.

(Ord. 2015-25, 12-16-2015)

7-14-1.2. In-Fill Overlay District Streets.

(1) Intermediate Local Class Streets within the In-Fill Overlay District shall be identified as Garden Street north of 100 South.

(2) Secondary Local Class Streets within the In-Fill Overlay District shall be identified as 50 West and 150 West and Garden Street south of 100 South.

(Ord. 2017-27, 11-01-2017)

7-14-2. Residential Zoning Districts Purpose.

The residential zoning districts of Tooele City, and as presented in Table 1 and Table 2 are formulated and provided and achieve the following purposes:

(1) The purpose of the **MR-25** Multi-Family Residential district is to provide an environment and opportunities for high-density residential uses, primarily, apartments, condominiums and townhouses. The purpose of the **MR-16** Multi-Family Residential district is to provide an environment and opportunities for high density residential uses, including primarily attached residential units, apartments, condominiums and townhouses with limited attached single-family dwellings. The purpose of the **MR-8** Multi-Family Residential district is to provide an environment and opportunities for high-density residential uses, including attached single-family residential units, apartments, condominiums and townhouses. This zoning district is intended to serve as a transitional district between principally single-family residential zoning districts and higher density multi-family zoning districts..

(2) The Medium Density Residential Districts (**R1-7, R1-8, and R1-10**) are designed to provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City's residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single-family dwellings and two-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.

(3) The Low Density Residential Districts (**R1-12, R1-14, R1-30, RR-1, RR-5, RR-20**) provide for single family residential areas and single family dwelling units on larger individual lots. Additionally these districts are intended to allow and make available Rural Residential opportunities and agricultural uses protected from the encroachment of incompatible uses.

(4) The purpose of the Multiple Use District (**MU-160**) is to provide areas in mountain, hillside, canyon, valley, desert and other open and generally undeveloped

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, June 17, 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

Darwin Cook, Parks Department Director

Steve Evans, Public Works

Paul Hansen, City Engineer

Shannon Wimmer, Finance Director

Matt Johnson, Assistant Attorney

Michelle Pitt, City Recorder

Cylee Pressley, Deputy Recorder

Minutes prepared by Kelly Odermott

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

Chairman Wardle stated Tooele City has implemented Governor Herbert's low risk (yellow) phase guidelines regarding public gatherings. We strongly encourage you to join the City Council meeting electronically by logging on to the Tooele City Facebook page, at <https://www.facebook.com/tooelecity>. If you would like to submit a comment for the public comment period or for a public hearing item please email cpubliccomment@tooelecity.org anytime up until the start of the meeting. Emails will only be read at the designated points in the meeting.

However, if you choose to attend, we ask that you maintain social distancing and encourage you to wear a face covering. In compliance with public health guidelines Tooele City can accommodate limited capacity at City Hall. Due to limited space and social distancing requirements, we ask that you limit the number of people that attend with you.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Police Chief Ron Kirby.

2. **Roll Call**

Justin Brady, Present
Tony Graf, Present
Ed Hansen, Present
Scott Wardle, Present
Melodi Gochis, Present

3. **Public Comment Period.**

Chairman Wardle opened the public comment period, there were no comments in person, or by email. Chairman Wardle closed the public comment period.

4. **Public Hearing.**

a. **Ordinance 2020-24 An Ordinance of the Tooele City Council Vacating a Dedicated Public Utility & Drainage Easement on Lot 115 of the Crestview Estates Subdivision.**

Presented by Jim Bolser

Mr. Bolser stated that this is a request to vacate certain utility easements around lot 115 of the Crestview Estates, located at 808 East 240 South. The west boundary of the property is the subject easement request for vacation. The request does not vacate any of the other easements. The homeowner and property owner have received letters from each of the various utility companies with interest in the easement, including the Tooele City Public Works Department, all of which support the vacation of these easements. A public hearing is required for the item to proceed.

Chairman Wardle opened the public hearing. There were no comments. Chairman Wardle closed the public hearing.

b. **Ordinance 2020-25 An Ordinance of the Tooele City Council Amending the Adopted Tooele City Annexation Policy Plan for the Purpose of Identifying & Including Three New Potential Expansion Areas into the Plan & its Accompanying Expansion Areas Mapping.**

Presented by Jim Bolser

Mr. Bolser stated there are a lot of misconceptions in the difference of an annexation and the Annexation Policy Plan amendment. There is a difference and it is a very important

difference. Mr. Bolser gave an analogy of a doctor's office and there are two parts of the office, the waiting room and the exam room. The waiting room is the Annexation Policy Plan. The check in at the office is the plan preparation. The doctor would be the application or someone coming forward to the city and asking for their property to be annexed into the city. The symptoms of annexation would be the conditions under which the property would join the city. The diagnosis would be the decision on annexation. Once the Annexation Policy Plan is in place, there is waiting for an application to come forward.

Mr. Bolser stated that the city is in the process of checking in, the plan preparation. The application this evening is an amendment to the Annexation Policy Plan. It is an amendment to the current plan which was adopted in October of 2010. This is not a part of the General Plan update that is underway. The current plan establishes potential areas expansion areas A through G. This proposal would identify three new potential areas, H, I, and J. This process does not mean any properties will or won't be annexed. If properties are eventually annexed, it doesn't determine when that will happen. The City Council is under no obligation to annex at all if the Annexation Policy Plan is approved. If the plan is not approved, the possibility of annexation is out the window. This process of amending the Annexation Policy Plan, allows the conversations to happen, whether or not annexation is the right step.

Mr. Bolser stated that the process is very detailed and outlined by the state code 10-2.401.6. The process starts with a presentation to the Planning Commission, which was held on April 27, 2020. Following the public meeting and presentation, the state law requires a 10 day window, so that affected entities can provide written comment. The Planning Commission chose a 22-day window and that ended on May 14, 2020. There was one written comment by North Tooele County Fire District, which is an affected entity. A letter was received from the chief and another from a board member. Following the closing of the public comment window, the Planning Commission held a public hearing, during which one public comment was received from an affected entity, Tooele Valley Mosquito Abatement District. The comments from the affected entities were both provided in the draft plan as required by state law. Following the public hearing, the Planning Commission issued a positive recommendation on the draft proposal. The City Council's public hearing is tonight and following that hearing, the City Council can make a decision.

Mr. Bolser outlined the proposal. Area H, is at the east end of 2400 North and bisected by the Union Pacific Railroad track. The property is currently undeveloped. Area I, is in the northwest corner of town and adjacent to the City's water reclamation facility. The property is currently being used for agricultural purposes. Just to the south is the Overlake Golf Course. Area J, is to the north of town straddling SR36. It is immediately to the north of current City property and expansion area B, which is already in the

Annexation Policy Plan. This is a combination of developed and undeveloped properties, as well as agricultural uses.

Chairman Wardle asked if there are any questions by the Council Members

Council Member Brady stated that the City is currently updating the General Plan and how does this affect the update? Mr. Bolser stated should the Council approve this amendment this evening, this, as adopted would be rolled into the draft that is already underway. The existing draft was used to format this proposal, so that the proposal folds in nicely.

Mr. Bolser added that in area A of the Annexation Policy Plan Map, the City received a letter earlier this week from Mayor Marshall of Grantsville City, letting the Tooele City know that Grantsville has completed an annexation of property out of area A. It was in Grantsville's Annexation Policy Plan. That will need to be taken out of Tooele City's Annexation Policy Plan as it is now in Grantsville's incorporated boundaries. It was discussed to be part of the proposal this evening, but it was recommended that it not be included. The General Plan is already underway and it can be taken out of the draft and it takes a significant chunk out of area A and splits A in two pieces. The change will also cause a fairly significant change to the text of the existing policy, which is not being amended this evening, and is only being added too. It would be a stretch for the noticing requirements by state law to do it as a part of this application, but is fairly easy to add it to the General Plan update.

Council Member Gochis stated that any proposed annexation will be reviewed and this is just a consideration on if a conversation of these things is possible. The capital facilities that are required as part of annexation are listed in the draft as, transportation, water, sewer, storm drain, public parks, and recreation. If the policy plan was accepted and the City chose to annex these properties, would the infrastructure for these, be required to be paid by the developer, how would that happen? Mr. Bolser stated that should an amendment to the Annexation Policy Plan happen, any time an annexation request comes forward to formally bring properties into the city, there is a review between the city and the applicant that those items referenced, need to be studied and provide by the applicant for the city to review. In order to complete an annexation, the state law requires an annexation agreement. The city would have the ability, where annexation provides the Council the greatest discretion of probably any other land use application, to negotiate those terms, whether it be pay your own way or an arrangement that the Council is happy with, to outline in that agreement what has to be provided and what is not. That is a step that will tightly scrutinized through an annexation application and formalized annexation agreement.

Council Member Graf stated that he appreciated the hard work to put this together and he appreciated the waiting room analogy to help understand the proposal. This is an option for the future.

Chairman Wardle stated that this has been a lot of hard work and it has consumed the staff and the Council appreciates the time dedicated to this. Chairman Wardle asked, as we are looking at policy questions, are we addressing the policy question of is Tooele City for annexation or against annexation? Mr. Bolser stated that his opinion is no. That would come through during an annexation application because the Council would say we will annex or we will not. This plan is saying, these are the areas where we will entertain a conversation.

Chairman Wardle asked Mr. Bolser to explain how annexation occurs post plan and what does that look like. Mr. Bolser stated there is a formal and informal process to it. Typically, the way that it works from a day to day aspect, a property owner would come to the city, typically to the administration and say I am interested in annexing into the city, what are your thoughts? A conversation would happen about what the plan is for the property, as to why the property owner would like to be in the city. Often times the administration brings that to the Council as a discussion item to say is there interest in considering this. If the Council is interested in hearing the discussion, the City would provide information back to the applicant to say they are open to the conversation, get some study information together with details and impacts on the community and the community beyond the municipal boundaries. Once that information comes as part of a formal application or petition to annex, it would go through the formal process of scrutiny by the Planning Commission and Council through public hearings, public meetings, to the point where if it bears fruit between the applicant and Council and as a city as a whole, the annexation agreement would be put together for the Council to either adopt with amendments or reject. This agreement formally outlines exactly what the conditions are, by which an annexation is approved. Typically, the conditions are assignments of zoning and then the property owner would be under the terms of the code for development procedures.

Chairman Wardle stated that it is not necessarily that Tooele City is going out for a land grab right now? Mr. Bolser stated certainly not in his eyes. This is the identification of the areas where conversations will be tackled. Chairman Wardle stated that there have been conversations in regards to area A, which is the Grantsville area that they just took in. These were discussions but not acted on for a very long time. Mr. Bolser added that there are discussions that have happened in multiple of these expansion areas and some have born fruit and some have not.

Chairman Wardle asked about cultural protections. In reading through the brief, is agricultural land that has been put into an agricultural area by the county, how does an

annexation plan affect that. Mr. Bolser stated it doesn't at all, in the fact that by state law the city has to provide a map that identifies where the properties are in relation to the potential expansion areas. If properties were annexed, he doesn't believe the agricultural designations are forfeited through annexation, although that could happen through change in the land use.

Council Member Gochis stated there was an example of an applicant who comes to the city and they have a specific land use in mind, does the city or the Planning Commission have the latitude to deny the zoning once that property has been annexed into the city. Mr. Bolser stated that typically with the application, the property owner can suggest the zoning that they would like to have. As a Council through, the annexation agreement one of the terms of that agreement would be what specific zones will be on the property. With the annexation process, the city, particularly the City Council has the broadest discretion of land use, one of those is the assignment of zoning.

Chairman Wardle opened the public hearing.

Tooele County Fire Chief Randy Willden stated the Council is in the process of deciding whether to open up the policy plan for additional annexations. Although North Tooele Fire is not opposed to people being allowed to do their business and where they want to be affiliated with, this does have a dramatic impact. North Tooele Fire has been providing fire and EMS care to these areas for the last 33 years. Now it is mostly agricultural property and a small tax revenue for the fire district, but with the potential for growth in those areas and development, the fire district is looking forward to the future growth. There have been discussions about the developments and what would be required by the fire district in regards to expenditures, but also generation of revenue. The areas have a dramatic impact on the fire district as an affected entity. He asked the Council to consider that and understand what service has been provided by the fire district. The fire district was formed for this area when no one else wanted to step up 33 years ago and we have been providing a quality service and hope to be able to continue to do that.

Mr. Scott Droubay a resident of Erda thanked the Council for being able to speak. He stated that most people in Erda don't know they have any standing to come to the meetings. He stated he was here as an Erda resident and speaks for a lot of people in Erda. He doesn't know many that are vocal on social media. He asked the Council not enact a plan that ends up annexing Erda out of existence. He understands this is not a land grab. Property owners apply for annexation because they want to be part of the city instead of the county. Erda could end up being out of existence, not by fault other than the proceedings of annexation. For zoning, it is important and most of the area he lives in is zoned for 5 acre lots. In northern Utah, there are not many places where a family can buy a home, establish a residence, buy some horses, ride those horses on their own

property, or have a few head of cattle or have a large garden or small orchard or their own BMX course. Some of those things are uses that are out by his property. Zoning is important because it does create a cohesive community and property owners need to be able to do what they want with their property. He owns enough property in Erda to own a landfill, but he cannot have a landfill because it would not make a cohesive community. Everytime agricultural comes up against urban style development, agricultural loses.

Mr. Ken Aldridge from the North Tooele County Fire District stated some of the proposed annexation changes give him concern. It will have a tremendous affect on the Fire District to fund a full time professional fire district. The fire department has used this benefit model for years and have little interest in taking this model backwards to a volunteer fire department. He stated the Tooele City fire department has his respect and they provide a great service, but he there is tremendous value to having a fully staffed fire department. The annexation will cause a negative impact to the community of Erda and Stansbury Park, and Lake Point. The loss of revenue will compromise the fire district to keep funding the services north of Erda. He stated that he hoped the factors will be considered and asked that the proposal not be added to the Annexation Plan.

Chairman Wardle closed the public hearings.

Chairman Wardle thanked the fire department for their efforts.

c. Resolution 2020-52 A Resolution of the Tooele City Council Adopting a Final Budget for Tooele City for Fiscal year 2020-2021.

Presented by Shannon Wimmer

Ms. Wimmer stated that the budget has minor changes from the tentative budget presented on May 1st. Briefly, to the general fund, there were changes less than \$6,000 to the library and cemetery on May 20. As discussed, in June there was an increase of \$46,000 with the final tax rate, those funds were allocated out through payroll and other items. The rest of the changes to the budget are carry over of projects that would not be able to complete by June 30. There are no major changes.

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

5. Second Reading Items

a. Ordinance 2020-24 An Ordinance of the Tooele City Council Vacating a Dedicated Public Utility & Drainage Easement on Lot 115 of the Crestview Estates Subdivision

Presented by Jim Bolser

Chairman Wardle stated the discussion was reviewed during public hearings and asked the Council if there were any further questions. Reviewed in the prior agenda item.

Chairman stated that the

Council Member Gochis motioned approve to Ordinance 2020-24. 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 2020-25 An Ordinance of the Tooele City Council Amending the Adopted Tooele City Annexation Policy Plan for the Purpose of Identifying & Including Three New Potential Expansion Areas into the Plan & its Accompanying Expansion Areas Mapping.

Presented by Jim Bolser

Chairman Wardle stated this was reviewed under the public hearings. Chairman Wardle asked if the Council had any questions or comments.

Council Member Gochis thanked the staff for all the work and effort that was done on this project in a very tight timeline. The Council has a thorough understanding due to the staff's efforts.

Council Member Brady stated that when he first saw this, he was hesitant of the annexation, but it is appropriate to have a discussion. They are trying to get to the discussion.

Council Member Graf stated that it is their job to consider all options, if applications come in there will be more hearings and more input from the public. That is taken seriously. He stated that he appreciated the comments that were made today and provided insight that had not been considered.

Council Member Hansen stated that fire district loss of revenue would only happen if there was an annexation.

Chairman Wardle stated that he has been here for a long time. These may move forward, but if these come forward the impact needs to be studied to the fire district. He thanked the staff and the public. He stated that we are all a community and the conversations have been very civilized.

Council Member Graf motioned to approve Ordinance 2020-25. 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.

6. **First Reading Items**

a. **Ordinance 2020-26 An Ordinance of Tooele City Amending Section 4-8-2.1 of the Tooele City Code Relating to Infill area Street Requirements.**

Presented by Chairman Wardle

Chairman Wardle stated this is was a discussion about 150 West and 400 South and the infill street requirements. Current policy requires a 26 area of right-of-way without the asphalt at this particular time. Chairman Wardle thanked the Mayor for the email about the staffs concerns.

Chairman Wardle asked the Council to discuss the item.

Council Member Hansen stated he is concerned that there needs to be some common sense as the Council goes through how people are allowed to do things with their property. He stated that he read through the discussions and he has looked at the streets and they are not 26 feet wide. Behind Tate's Mortuary, he measured the asphalt from curb to curb and it was 21 feet. He stated the other properties that have done stuff on the alley, most are 16 feet. The road is in bad disrepair. He stated there was discussion about the Judd's property being closer to the alley, but as he looked up and down the alley, the fence lines are the same, including Judd's. As he goes around town there are lots of properties that do not have curb, gutter, and sidewalk and between their property and the road is gravel and dirt, and mud. He stated that he didn't see why this is the right thing to do and the Council needs to come up with a plan for the alleys. The alleys are wide enough for the fire trucks. He stated that he thinks the right thing to do is let them build their place and then figure out the policy.

Chairman Wardle stated that in the future the Council needs to address the policy on alleys. Council Member Hansen stated that we do. The curb and gutter that is required doesn't seem to fit onto the alleys with the widths. Something needs to be figured out.

Council Member Gochis stated that she also took the time to go see the area, as she was concerned with what she perceived to already be decided in 2017. She stated that she thought there had been requests for improvements on the asphalt. She stated that she was also concerned that some property owners had encroached on the right-of-way. As long as there is sufficient room for the City to service this area, she thinks that is a good thing. She doesn't want to prevent someone from being able to build. She stated that she has concerned on whether or not to a deferral of the payment of the improvement. Is there more discussion to be had on the deferral portion of homeowner responsibility to pay for

the pavement on an alleyway? Is that going to become a City responsibility? Chairman Wardle asked if the question is, if this will be discussed after tonight?

Council Member Brady stated that if the Council defers then don't the property owners have to know that? He doesn't think it is right to push it down and then 10 years later say we want \$40,000 to pay for this. Chairman Wardle stated that there are two policy questions tonight. The first one is; do we change the requirement for street requirements to allow for the 26 foot right-of-way without pavement this evening? Chairman Wardle stated he agreed that the Council should come back and address how this is done in the future. This is a broader policy question. Chairman Wardle stated there is no deferment. Council Member Brady stated we can't go back and ask for money? We are not deferring anything. Chairman Wardle stated in the future there can be discussions about special improvement districts. That would go to an election and the property owners can request the improvement. If the property owners choose not to do that, the City needs to decide what to do with the items. Tonight, we are asking if these guys can move forward, but the broader discussion is scheduled for the fall.

Council Member Gochis stated that she feels conflicted in the matter because a policy needs to be set that is fair to all. She doesn't feel comfortable changing something that we have required by some and not others. If the policy is changed to say that no pavement is required, yet we know that it is recommended by the staff, we are not following the recommendations.

Council Member Brady stated there are two other developments that are 50 West on the agenda tonight, is that a secondary street? There is one tonight that is a four plex, so the concern is if the change is made tonight, will that affect the other developments on those streets? We are essentially saying they do not have to pave anything. Mr. Bolser stated that he believed it could. The secondary roads that have been mentioned, are 50 West, 150 West, Garden Street south of 200 South, within the infill area. Council Member Brady asked if 350 West 50 South is in the infill area.. Mr. Bolser stated that it is in the infill area. Council Member Brady stated that today we are saying they don't have to pave anything, but then this developer could come and say, I don't have to do anything with the road. Mr. Bolser stated that the development projects are bound to the development requirements which are on the books at the time that they develop. If they are loosened, then they are entitled to the loosening. If the requirements are heightened then they are bound to the ordinance at the time they file an application.

Council Member Brady stated that he has gone back and forth on the issue. In 2017 when this was discussed was it at this point, that the requirement to pave the road happened? Chairman Wardle stated that he voted on it, but he is confused. In this particular case, he thought that that was the idea, we wouldn't improve the alleyway because we don't know how. The public improvements on this south side were looked at

on this lot under discussion. The policy that was adopted, was not the staff's fault, because there were mixed messages. Now we are clarifying a difficult issue. The difficult issue is what do you do with an alleyway. In those discussions do we make them one way, do we close them and sell them to the property owner, do we have a safety issue, do we continue to fill pot holes. Chairman Wardle stated that he drove the alleyways and there are maybe three lots, that are on a corner that aren't developed. Everyone across the street from this lot is developed that way, so why would we exact that now. What is gotten from exacting it? If the asphalt is put down, but the rest of the alleyway is a mess. What is the cost if a road is built?

Council Member Brady stated that if their lot is developed going north, we are running into the problem that the road will never be fixed, the requirement has been made. We can't kick the can down the road forever. Chairman Wardle stated we are scheduling that discussion for fall.

Council Member Brady stated was this changed in 2017, so that it wasn't required, then it was required, and now we are going back to the not required. Mayor Winn stated that in 2017 the law was lessened. At the time the code required curb, gutter, sidewalk, and park strip on what we call alleyways, but these are really roads. They are part of the road system and receive Road C tax money. At the time the previous owner stated he want to put a house here, but there is not enough room for the requirements, so that is where the discussions started to make it easier for the lot to be buildable. After those discussions, there was discussion about deferrals. At this point, we need 26 feet of roadway to get a fire truck down the road.

Kacey Boslce the previous owner came to speak to the Council. He stated that at the time he was going to build on that lot and the idea to develop the side yard, wasn't feasible. He shared the history of how he understood the right-of-way. He understood it that there would be no improvement on the alleyway, but was committed to the sidewalk on the front and not building a driveway on the alley side. He proceeded to buy the property, but made no improvements. He sold the property and he told them what he understood to be required. Developing the asphalt becomes a flood way for the property below.

Mayor Winn added that there would be a requirement of asphalt in the prior code and that was changed in the code. She stated that she supports the opinions of staff, they are the professionals, but these alleyways are difficult and they are all different. She stated that we should not put an undue burden there. If there is a way for the alley to stay in the condition that it is now and still get a fire truck down, then it is solved temporarily. There are people that have already had to comply with this code. It is a road and it is must be plowed and taken care of it. We have only a certain amount of money to repair roads. She doesn't foresee having funding to make the road a real road. For this home, the driveway is planned to enter 150 West and if the road gets to the condition that it is

not being taken care of and the City can't plow snow a change will need to be made. Mayor Winn stated that she proposes to take every alleyway by section and see what will work best today for each of the sections. This particular case 200 West to 400 West on 150 South, there are fence lines up and down those sections. If there are fence lines that are owned by the City, then we can look at giving the property to the owner as long as there is a wide enough space to get a fire truck up and down. Mayor Winn stated that she believes in the infill and make that happen while still providing safety.

Council Member Graf stated that he echoes the concerns that have been stated. A level of consistency and not doing something tonight that his interpretation happened in 2017. He doesn't want to keep kicking the can down the road and there needs to be more time one this, but the property owners are under the gun too. He is conflicted on this, but doesn't want to have an uncertainty. We have a responsibility to pick a direction and go with it.

Chairman Wardle stated this is the center of town that was built in the 1850 and we are dealing with 160 years of history. To fix 160 years on your lot, speaking to the proerpty owners, is not okay. If we could go back to 2017, we may have gotten to the same spot. It is a balance issue and what is the policy consideration. If there was a run on alleyway development, but there are only two locations. As the discussion continues for policies in the future, us as policy makers need to come with solutions to that. The only policy we have is either maintain the law or say there has to be a 26 foot right-of-way. If it were better than that, we could put this off and we cannot understand the entirety of the situation, until the public works department has completed with the street and road way study scheduled for later this summer. His feeling is we should do this and set further discussion for an agenda in September or October and have several Council members work on this together to craft policy solutions. He moved to waive the second reading on this item, so that there can be a decision for the applicant.

Council Member Hansen motioned to approve Ordinance 2020-26. 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.

Chairman Wardle stated to the staff that he didn't want them to think that their comments and concerns were not addressed, the concerns and comments are critical. Chairman Wardle asked a Council Member to volunteer to come together for a policy solution. Council Member Hansen volunteered. Mayor Winn added that she appreciated the staff and they are professionals and they have professional opinions that are needed to come up with a solution.

b. Resolution 2020-56 A Resolution of the Tooele City Council Approving an Agreement with Russell Welding Corp, for the Repair of Equipment at Sewer Reclamation plant.

Presented by Steve Evans

Mr. Evans stated there have been two rotors that have fallen in the ditch on an emergency basis Russell Welding was hired to lift those rotors out of the ditch and then repair them.

Council Member Hansen state he appreciated Mr. Evans for is work.

Council Member Graf motioned to approve Resolution 2020-56. 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.

c. Resolution 2020-51 – A Resolution of the Tooele City Council Declaring Surplus Certain Technology-Related Equipment, and Authorizing its Disposal

Presented by Michelle Pitt

Ms. Pitt stated from time to time there is a list of IT related equipment that is no longer usable. The staff attempts to use the equipment for parts as long as they can but eventually, they have to be put on the surplus list. The Council is asked to declare them surplus so that the equipment can be recycled or disposed of. There is a policy that is followed in order to surplus and dispose.

Council Member Brady motioned to approve Resolution 2020-51. 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. Proposal to Choose Auditors to the Council

Presented by Shannon Wimmer

Ms. Wimmer stated she was presenting an annual audit proposal as required by the city Code enacted in 2019. The proposal is for WSRP to conduct the annual audit. The proposal is a three year proposal for fiscal years 2020, 2021, and 2022. The amount of the audit for fiscal year 2020 is \$51,500 and the proposal allows for a three percent increase per year. The city is anticipating a single audit to be done this year. A single audit is required if the city refunds in excess of \$750,000. With the CARES Act funding, the city anticipates exceeding that requirement. The contract will come back with the single audit proposal to be adopted in July by resolution.

Council Member Hansen asked if this is the same company, the City has used in the past? Ms. Wimmer stated yes. Chairman Wardle stated that this will not be voted on this evening, and it will be voted on when the resolution comes back.

Council Member Graf asked in regards to the costs, is there a mechanism to check the market rate to ensure this is market rate? Ms. Wimmer stated that there has been the discussion to send it out for an RFP for a bid, but the rate has gone down. Once everything is entered into the system, the auditors can go faster. WSRP have proven to be a very professional organization and take their audit responsibilities very seriously. They do participate in peer audit reviews. The audit has also been audited by the State Auditor's Office and they didn't find anything on that. The City is slated to have the audit reviewed by the State Auditor once again. If there are any recommendations, we would be happy to implement anything that they find. The last time there were no changes. Ms. Wimmer stated that she has spoken off the record with someone and there is a problem in the industry with auditors low bidding to get in the door, so the State Auditor's may be auditing to see if that is being done. At any time, we could go out and get RFP's. Council Member Graf stated maybe we find three like size cities to informally inquire what rate they are paying. Ms. Wimmer stated that she is happy to do that.

e. Resolution 2020-58 A Resolution of the Tooele City Council Adopting the Certified Tax Rate for Fiscal Year 2020-2021

Presented by Shannon Wimmer

Ms. Wimmer stated that this resolution is to adopt the certified tax rate for 2020. The property tax rate is set up to ensure that an entity receives the same amount of revenue from year to year. The revenue is to stay the same with only an addition of new growth for that year. The down side of this system, is it does not account for inflation and doesn't account for increased costs for the new growth that comes to the city. In years where values are increasing the rate has dropped to ensure that the same revenue is given to the city. This year the certified tax rate is .003051 which is a 4.8% decline from 2019. In 2018 when the city did the tax increase, it was the staff recommendation that the Council should not allow the tax rate to fall, to avoid getting in the same situation, that required the drastic tax increase in 2018. Holding the tax rate flat or slight increases from time to time is far better on the residents than a large tax increase that became absolutely necessary in 2018. However, saying that in these unprecedented times where the economy is in its present state, we do not want to impact residents further and used budget cuts and reserves to make up short falls. This is what has been done with the 2020 budget. The budgets have been conservative and the cuts will impact the City, but staff believes the cuts will be manageable until the economy comes back. The staff is recommending the adoption of the certified tax rate as it was established at .003051

Council Member Graf stated that this was one of the things he dreaded the most The professionalism by staff and the Council has been impressive. Finding that balance and taking the cuts. He expressed gratitude on the compromising and minimizing the impact to the tax payers.

Council Member Graf motioned to approve Resolution 2020-58. 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. Resolution 2020-52 A Resolution of the Tooele City Council Adopting a Final Budget for Tooele City for Fiscal Year 2020-2021

Presented by Shannon Wimmer

Ms. Wimmer stated this is the formal adoption of the final budget.

Chairman Wardle stated that he has been through the process a lot and sometimes it is really easy and sometimes it is hard. There has been a change to have open discussions and transparency for the budget. He appreciated the process during this year.

Council Member Gochis motioned to approve Resolution 2020-52. 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.

g. Resolution 2020-55 A Resolution of the City Council Approving a Contract with TECSERV, Inc. for Computer Network Maintenance Services.

Presented by Michelle Pitt

Ms. Pitt stated TECSERV Inc has provided computer network, tech services, and consultant services to the city for many years. The staff is very happy with the service and wish to renew the contract with them. The contract is for \$59,000 for a one year contract.

Council Member Hansen motioned to approve Resolution 2020-55. 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 2020-53 A Resolution of the Tooele City Council Consenting to the Mayor's Appointment of Steve Pruden to the Tooele City Historic Preservation Commission

Presented by Mayor Winn

Mayor Winn stated in February of 1985, the City Council established the Historical Preservation Commission. The Commission is responsible for survey and inventory the community's historic resources, review proposed nominations to the national registry of historic places, provide advice to city officials, and they enforce the state of Utah historic preservation laws. Having the Commission in place allows the city to apply for grant funds. One of the Commission members has moved away from the city and there has been a vacancy for a year. The Mayor's office reached out to Mr. Pruden and he agreed.

Council Member Graf motioned to approve Resolution 2020-53. 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.

i. Resolution 2020-57 A Resolution of the Tooele City Council Approving a Lease-Purchase Agreement with Century Equipment Company for the Lease & Purchase of a Case 590SN Tractor Loader backhoe.

Presented by Steve Evans

Mr. Evans stated there was a 16 inch main break on 7th South last year. During assisting that with that repair, both backhoes which are shared with streets, water and park departments, it became apparent the condition of the equipment. As machines get older the hydraulics are not what they were. This is a piece of equipment that could be bought out right, but we are leasing it. The equipment can be purchased after three years. This machine will be leased for three years and then we can discuss buying it. At the end of the three years, the lease is applied to the total price and the total price is locked in. The purchase is for \$115,000, minus the \$54,000. The lease is for 226 hours and is sufficient for all the department's needs.

Council Member Brady motioned to approve Resolution 2020-57. 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.

j. Minor Subdivision Request for the Jacobson Subdivision by Flyway Holdings to Subdivide 0.55 Acres Located at 350 North 50 West into Four Multi-Family Residential Lots in the Mr-8 Multi-Family Residential Zone

Presented by Jim Bolser

Mr. Bolser stated is an infill property along 50 West. The current zoning is MR-8, Multi-Family Residential. The intent of the application is to use the entirety of the property for a four townhome project. It would create the four units which will front onto 50 West and the remainder of the property will be held for open space. The Planning Commission forwarded a unanimous consideration. Mr.; Bolser added that staff would ask for the subdivision to go to a second reading as there is a small issue with the plat that needs to be corrected.

Chairman Wardle moved this to a second reading.

k. Subdivision Preliminary Plan Request for the Towns at Mountain View Subdivision by Eagle Point Homes to Subdivide 2.66 Acres Located at 55 South 50 West into Thirty Two Multi-Family residential Lots in the MU-G Mixed Use General Zone.

Presented by Jim Bolser

Mr. Bolser stated this property is currently undeveloped, it is immediately on the west side of the SR36 corridor. To the north of the property is the little mountain car wash, gofers foods and the lube facility and the Mountain of Faith Lutheran church on the south. This portion of 50 West is referred to as Hood Street. The zoning is MU-G Mixed Use General and the allowed uses within the zone do match what is being proposed. It is intended for 32 townhome units, all but three will face either 50 West or a private internal horseshoe shaped street. The other three face north onto a private access. The Planning Commission has forwarded a unanimous recommendation.

Council Member Gochis asked that it is a small street and it will be heavily used and it currently doesn't have curb and gutter, will that be a requirement for the property? Mr. Bolser stated that this is in fact an infill street and does fall under the discussion that was had earlier about infill streets. Council Member Gochis stated there will be a lot of residents. Mr. Bolser stated there is no curb and gutter today. Mr. Bolser stated that if the project were approved, they would be vested into the provisions that are applicable today and the ordinance passed earlier this evening. Council Member Gochis asked if the Planning Commission gave any conditional use. Mr. Bolser stated that they didn't need to, it is a permitted use. The units here are very nice and will be a very attractive project. Council Member Gochis stated that she thought they needed to address the road. Chairman Wardle stated there is a glaring issue that needs to be taken care of in regards to requirements for curb and gutter on these secondary streets.

Chairman Wardle asked if this should be adopted or moved to a second reading.

Council Member Brady stated the policy wouldn't change in two weeks, as that has been clear tonight. That will not be discussed until September. He stated he was fine with approving it tonight.

Council Member Brady motioned to approve the Subdivision Preliminary Plan.

Council Member Gochis called for a question, if we approve it tonight, what does that do to the road? Mr. Bolser stated that with the ordinance approved earlier, it would remain in its existing condition. Council Member Gochis stated that if we approve it tonight then we will be setting a precedent. Mr. Bolser stated the only other option is to hold onto the preliminary plan until the code changes. That would be a difficult stance to take when currently the plan meets City Code.

Council Member Gochis moved to table the motion.

Chairman Wardle stated there was a motion to adopt the preliminary plan by Council Member Brady and a motion based on a question by Council Member Gochis. Is there a second to either motion? Council Member Hansen motioned to second Council Member Brady's motion.

Council Member Graf seconded Council Member Gochis's motion. Council Member Gochis stated that it is a temporary consideration of the road. Chairman Wardle asked how long the temporary consideration will be. Council Member Gochis asked Mr. Bolser to advise. Mr. Bolser stated that it would have to do until a resolution of what the city's policy would be. Subdivisions by their nature under the law are an administrative item, which means they fall under the substantial evidence clause which in simplified terms means so long as the application meets the terms of the ordinance, the city is obligated to approve it. That is the situation we are in.

Chairman Wardle asked the Council which motion they would like to vote on first.

Council Member Graf stated that even if we were able to magically have the discussion in a timely manner, because they filed their application is it first in time, whatever was in place when it was filed, even if they we were to change it? Mr. Bolser stated he believed that was correct. They would be held to the standard the time they made the application. If in the interim the Code requirements are relaxed, the City would be required to allow that. If we were to restrict the requirements further, we could not hold them to that based on the date of application. Council Member Gochis expressed concern that the development did not include the installation of curb and gutter along 50 West. Mr. Paul Hansen stated that under both the newly adopted ordinance and the prior ordinance, curb and gutter is not required. The only real distinction between the prior Code and the newly adopted Code is 26 minimum asphalt versus existing conditions. The plans are drawn

An invoice in the amount of \$29,030.86, to Mountainland Supply, for meters and radios.

Council Member Brady motioned to approve invoices. 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.

Mr. Bolser stated that the Planning Commission is nearing the end of the drafting stage of the General Plan. There could be a joint meeting to look at the full draft in August before the public process. Mr. Bolser asked the Council to look at the schedule for the meeting with the Planning Commission.

The date was set for August 12 at 7:00pm.

9. **Adjourn**

Chairman Wardle adjourned the meeting.

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

The meeting adjourned at 8:55 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 3rd day of June, 2020

1 July 2020 



Scott Wardle, Tooele City Council Chair