

**Tooele City Council  
Business Meeting Minutes**

**Date:** Wednesday, November 4, 2020

**Time:** 7:00 p.m.

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

**City Council Members Present:**

Tony Graf  
Scott Wardle present through telephone  
Melodi Gochis  
Ed Hansen  
Justin Brady

**City Employees Present:**

Mayor Debbie Winn  
Jim Bolser, Community Development Director  
Chief Ron Kirby, Police Department  
Steve Evans, Public Works Director  
Paul Hansen, City Engineer  
Roger Baker, City Attorney  
Darwin Cook, Parks and Recreation Director  
Shannon Wimmer, Finance Director  
Michelle Pitt, City Recorder  
Cylee Pressley, Deputy City Recorder

Minutes prepared by Kelly Odermott

Chairman Hansen called the meeting to order at 7:09 p.m.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Roger Baker, City Attorney.

**2. Roll Call**

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

**3. Public Comment Period**

Chairman Hansen opened the public hearing.

Ms. Stephanie Bothell stated she is representing the Tooele County Association of Realtors. She stated she pleads for some flexibility with the proposed RSD Residential Service District. The City is in the middle of an unprecedented housing crisis and there is nowhere for young people to live. There are police man, teachers, warehouse workers that are fighting for very few homes. She gave some statistics of salaries of the intro buyers and the number of homes available in the City. There are only 33 homes available in Tooele City. She stated the loan for a \$300,000 home the payment is \$1,600 a month. It is a struggle to find homes for buyers and there needs to be flexibility. We need to find a way to get people homes and there need to be different options. She stated her plea tonight, is to consider and keep an open mind as to what the community needs.

Chairman Hansen stated there is work on housing projects. Chairman Hansen closed the public comment period.

#### **4. Public Hearing**

##### **a. Public Hearing and Motion on Ordinance 2020-45 An Ordinance of the Tooele City Council Amending Sections 7-4-8, 7-11a-10, 7011a,25, & Table 3 of Chapter 7-14 of the Tooele City Code regarding Residential Developmental Standards**

Presented by Jim Bolser, Community Development Director

Mr. Bolser stated this is an amendment to the City Code and it will cover a couple of things. The Council may recall, there was a section created in the City Code earlier this year for setbacks for driveways on corner lots to the intersection. This is an item where there was an error. The original file was reviewed and the City Code provisions and state law for the measurements were correct, but the selection of the marking in the file for the dimensions was incorrect. The proposal is to fix that dimension. Going back through the building permits it appears none were affected that wouldn't also be affected after this change.

Mr. Bolser stated that the second item builds off the same idea in reviewing of the subdivision plats and having the setback of the intersection and how this affects house alignment on the lots. There are three types of developers in Tooele, developers who entitle the project, construct the improvements and build the homes, developers who entitle the project and build the infrastructure and sell the lots to other builders, and finally the builders who get the plats entitled and then sell the development to a third party who develops the project and then builds the homes or sells to an individual builders to build homes. During these processes there are scenarios where the corner lots function well and other corner lots where the placement of the home does not meet the corner setbacks. The code proposal is to add a line in the table for corner lots for lot width requirements, unless the developer provides notation on a plat requiring a home to face a certain way then the standard lot width requirement would be applied as with all other lots.

Mr. Bolser stated the third items deal with the multi-family design standards. In April of 2019 a third multi-family zone was adopted by the City. In doing that the multi-family design guidelines were also reviewed. One of the provisions created was intended as an encouragement for rear facing garages for multi-family developments. Instead the additional setback requirement created an unaffordability scenario where builders and developers were adding onto the front of the home to setback the garages. It increased the cost to the homeowners without really providing useable space in return. This provision didn't work the way it was intended and the staff is asking to remove it from the code.

Mr. Bolser stated that for the last component of this proposal the City has created design standards for developments and specific guidelines for design. This proposal allows a builder or developer to propose an alteration to the design standards through a process with the Planning Commission, that the alteration of the design still meets the intent of the design standards or increases the return on the provisions. It is called a deviation from strict compliance, but it is not a free pass. The applicant would still have to demonstrate to the satisfaction of the Planning Commission the compliance with City Code intent. The Planning Commission has held a public hearing and forwarded a unanimous positive recommendation.

Chairman Hansen asked if there were questions from the Council

Council Member Wardle asked why the City Council was not approving the change from an ordinance standard rather than the Planning Commission, since the City Council is the legislative body? If there is going to be an exception and why the legislative body is not making the change. Mr. Bolser stated that typically development and land use issues are delegated to the Planning Commission, if the Council chooses to take on that role that is an option. This would be a review under a substantial evidence test, rather than a legislative rule, there would have to be specific findings and standards that would have to be met. It would be typically left to a land use body.

Council Member Wardle stated that he is in favor amending that section, while the Planning Commission is a recommending body, they do not have the authority to amend a law and he is not comfortable with that change. Chairman Hansen asked if the provision is used by with the Planning Commission, would the item still come to the City Council? Mr. Bolser stated it would not. A deviation from strict compliance, where there is an evidentiary compliance, it is not uncommon to be left with the land use authority. It is typically part of a design review and that is specific to the Planning Commission

Chairman Hansen opened the public hearing, there were no comments

Chairman Hansen closed the public hearing.

Council Member Brady asked what other cities do when there is a standard like this? Mr. Bolser stated a lot of the format was borrowed from other communities and each of those, it was in Planning Commission review. Council Member Brady stated that he is kind of torn

and it should come back to the Council and the Planning Commission is also a body that could handle this. Chairman Hansen stated it could be tabled for another meeting for a decision. Council Member Graf stated he appreciated that; he is torn. He has served on the Planning Commission and it is typically an advisory board. He would like a little more time to review the item.

**Council Member Graf motioned to Table Resolution 2020-45.** Council Member Graf seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

**b. Public Hearing and Motion on Ordinance 2020-46 An Ordinance of the Tooele City Council Amending Sections 7-1-5, 7-2-20, & Table 1 of Chapter 7-16 of the Tooele City Code regarding Amusement Facilities**

Presented by Jim Bolser Community Development Director

Mr. Bolser stated this is an item intended to help the staff provide some clarity in our defined land uses to make it easier to identify in the City Code how a proposal should be classified and determine if the proposed use is permitted, conditional or not permitted. This is an item where there have been various discussions where an application has come forward and there is not a specific land use for the item. The staff has identified to address the existing definitions of recreational facilities indoor and outdoor. The proposal is to look at the two definitions and clarify them. The proposal will make a clarification of separate ideas based on the idea of physical activity versus a more entertainment purpose. The new definition for proposal is for amusement facilities. These triggers other requirements in the City Code and those also have to be addressed and adds the amusement facility Land Use category to the zones which the activity is allowed in. The Planning Commission has held a public hearing and forwarded a unanimous positive recommendation.

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

**Council Member Wardle motioned to approve Ordinance 2020-46.** Council Member Gochis seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

**5. First Reading Items**

**a. Resolution 2020-83 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Sunset Estates Phase 8 Subdivision**

Presented by Paul Hansen, Tooele City Engineer

Mr. Hansen stated Tooele City code requires that once public improvement associated with the development are complete, that staff brings it to the City Council for acceptance. Resolution 2020-83 is for sunset Estates phase 8 Subdivision. It is located at the southeast corner of 400 West 2400 North and is a 24-lot subdivision. A certificate and pictures are in the packet.

**Council Member Brady motioned to approve Resolution 2020-83.** Council Member Graf seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

**b. Resolution 2020-84 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Lambert residence**  
Presented by Paul Hansen, Tooele City Engineer

Mr. Hansen stated this is a similar action to the prior item. This is for a residential home that has been or being constructed at the northwest corner of 50 West, 400 South. The only improvements required that were public were the water sewer laterals and the sidewalk along 400 South. There are photos and a certificate in the packet.

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

**Council Member Graf motioned to approve Resolution 2020-84.** Council Member Brady seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

**c. Resolution 2020-85 A Resolution of the Tooele City Council Approving a Pay-Per-Use, Service, & Supply Contract with Les Olson Company**  
Presented by Michelle Pitt, Tooele City Recorder

Ms. Pitt stated at the City there are numerous printers and copiers and each department funds its own maintenance, supplies, which uses several vendors and suppliers. The administration is recommending to move all of this under one supplier and vendor. It would help reduce costs of supplies and maintenance, inhouse tech costs, ensure consistency of supply quality and maximize printer quality and longevity. The contract is with Les Olsen company and the contract is for \$11,572 per year, with a three-year contract being \$34,717. It does represent a savings of about 45%.

Chairman Hansen asked council if there were any comments or questions, there were no comments.

Mr. Baker asked Ms. Pitt to clarify one item the cost is the best estimate based on current usage and is not an exact figure. Ms. Pitt stated that is correct. Les Olsen Company looked at past usage and have given an estimate.

**Council Member Gochis motioned to approve Resolution 2020-85.** Council Member Graf seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

**d. Resolution 2020-86 A Resolution of the Tooele City Council Approving an Agreement with Widdison Turbine Services, LLC, Regarding City Well 9A**  
Presented by Steve Evans, Public Works Director

Mr. Evans stated the resolution will accomplish two goals. This year the City had the State Sanitary survey from the Division of Drinking Water and on there are listed two wells that are left. This year wells 1,2,3, and 4 were abandoned which were taken off the survey. With the abandonment of 9a there will just be ell 10 left to abandon. There has been a lot of demolition and destruction to clean up the system. Widdison won this bid and have worked with the City before. This well is on property owned by Tooele City, so that will clean up the property and it will not have to be disclosed to a purchaser and allow for a quicker sale.

Council Member Gochis asked for the location of he well. Mr. Evans stated if you travel Tooele Boulevard and hit 700 South, go further south there is a dirt road and is located between 700 South and the Army property. It is capped and vaulted. There is a steal plate that is welded, but the water quality isn't coming through.

**Council Member Brady motioned to approve Resolution 2020-86.** Council Member Gochis seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

**e. Resolution 2020-87 A Resolution of the Tooele City Council Appointing Brian Roth to the Administrative Control Board of the North Tooele City Special Service District**  
Presented by Council Member Tony Graf

Council Member Graf stated the City has the North Tooele City Special Service District that serves the community well by maintaining the Overlake area. They have been two

openings. The first will be filled by Mr. Roth who brings a wealth of experience. He has experience with landscape, sourcing and Tooele and city. North Tooele Special Service District recommended him for an appointment for a four-year term which will begin today.

**Council Member Gochis motioned to approve Resolution 2020-87.** Council Member Brady seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

f. **Resolution 2020-89 A Resolution of the Tooele City Council Appointing Rachel Harris to the Administrative Control Board of the North Tooele City Special Service District**

Presented by Council Member Tony Graf

Council Member Graf stated has been recommended by the North Tooele Special Service District. Ms. Harris will begin January 1, 2021. She will be taking the spot of Travis Brady, who is leaving the area. She has served in previous service in the community.

**Council Member Brady motioned to approve Resolution 2020-89.** Council Member Graf seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

6. **Minutes**

**Minutes include October 21, 2020 Work Session and City Council Business Meetings.**

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

7. **Approval of Invoices**

Presented by Michelle Pitt

An invoice in the amount of \$38,481.99, to Turf Equipment and Irrigation, for the green's mower for the golf course.

An invoice in the amount of \$313,817, to Owen Equipment, for a street sweeper.

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

“Aye,” Council Member Gochis, “Aye,” Council Member Brady, Aye,” Chairman Hansen,  
“Aye.” The motion passed.

**8. Adjourn**

Chairman Hansen adjourned the meeting at 7:52 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 18th day of November, 2020

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Ed Hansen, Tooele City Council Chair