

Tooele City Council Business Meeting Minutes

Date: Wednesday, June 7, 2023

Time: 7:00 p.m.

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

City Council Members Present:

Ed Hansen

Justin Brady

Maresa Manzione

Tony Graf

Dave McCall

City Employees Present:

Mayor Debbie Winn

Andrew Aagard, Community Development Director

Adrian Day, Police Department Chief

Roger Baker, City Attorney

Shannon Wimmer, Finance Director

Michelle Pitt, City Recorder

Holly Potter, Deputy City Recorder

Jamie Grandpre, Public Works Director

Paul Hansen, City Engineer

Jared Stewart, Community Engagement

Minutes prepared by Katherin Yei

Chairman Brady called the meeting to order at 7:19 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Brady.

2. Roll Call

Tony Graf, Present

Ed Hansen, Present

Justin Brady, Present

Maresa Manzione, Present

Dave McCall, Present

3. Public Comment Period

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

4. Resolution 2023-28 A Resolution of the Tooele City Council Consenting to the Mayor's Appointment of Chase Noble Randall as Library Director

Presented by Debbie Winn, Mayor

Mayor Winn presented the appointment of Chase Noble Randall as the Library Director.

Council Member Graf motioned to approve Resolution 2023-28; A Resolution of the Tooele City Council Consenting to the Mayor's Appointment of Chase Noble Randall as Library Director. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

5. Swearing in of Chase Noble Randall as the Library Director

Presented by Michelle Pitt, City Recorder

Ms. Pitt swore in Chase Noble Randall as the Library Director.

6. Public Hearing & Motion on Ordinance 2023-21 An Ordinance of the Tooele City Council Amending Tooele City Code Chapter 4-8 Regarding Local Streets and Substandard Local Streets

Presented by Paul Hansen, City Engineer

Mr. Hansen presented an amendment to City code chapter 4-8 regarding local streets and substandard roads. There are streets located within the City that are considered substandard roads, meaning they are old historic street that fall less than the 60-foot right of way. Due to House Bill 406, municipalities are now prohibited from requiring asphalt widths more than 32 feet for local class residential streets. As well as needing some miscellaneous corrections within the code.

The primary focus are the substandard roads located 150 west, 50 west, and 50 east of Garden Street. The standard used to be long narrow lots. Now, it is common to see those lots split with primary housing be built. Staff has created table 4-8-2.6, a table of substandard local street requirements. It establishes right-of-way sections, right of way widths for each section, unified asphalt width requirements, curb and gutter requirements, and where sidewalks will be required. The 30-foot requirement reflects accessing fire hydrants. It does remove the park strip requirements on the roads, reducing the local street pavement widths from 34 feet to 32 feet. It reduces the associated right of way width from 60 feet to 58 feet.

If the Council moves forward, any new plat can request the option to drop it down to the smaller width. It does apply city wide. As well as appealing the in-fill overlay district street design section of the code, creates a new code section for each function street classification, and editorial changes.

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

Council Member Manzione motioned to adopt an Ordinance 2023-21; An Ordinance of the Tooele City Council Amending Tooele City Code Chapter 4-8 Regarding Local Streets and

Substandard Local Streets. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

7. Public Hearing & Motion on Ordinance 2023-22 An Ordinance of the Tooele City Council Amending Provisions of the Tooele City Code Related to Landscaping and Water Conservation

Presented by Andrew Aagard, Community Develop Director

Mr. Aagard presented provisions to the City code in regards to landscaping and water conservation. The purpose behind the changes to help conserve water, participate ‘flip your strip’, and clarify dry-scape elements. The Planning Commission has heard this item and forwarded a positive recommendation.

The City Council asked the following questions:

What is the average size of a park strip?

Are no drought plants allowed in exhibit A?

How do these are stay maintained?

Does weed barrier help?

Where does side yard start?

Mr. Aagard addressed the Council’s questions. The ordinance says the tree should go behind the sidewalk line on the property if the park strip is not big enough. The amendment does not have enforcement for these items, but nuisance could be considered. Weed barrier is a temporary solution. It works for about a year. A side yard starts at the front plain, going down the side, ending at the back plain.

Mr. Baker addressed the Council. The Code allows for shrubs and water-wise plants.

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

Council Member McCall motioned to approve Ordinance 2023-22. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

8. Public Hearing & Motion on Ordinance 2023-26 An Ordinance of the Tooele City Council Vacating a Dedicated Public Utility and Drainage Easement on Lot 24 of the Gordon Hollows Phase 1 Subdivision

Presented by Andrew Aagard, Community Develop Director

Mr. Aagard presented the vacation of a dedicated public easement. The lot has utility and drainage area. There is a Rocky Mountain line located there. He has submitted the letters needed from the utility companies. Tooele city has provided a letter of approval.

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

Council Member Hansen motioned to approve Ordinance 2023-26. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

9. Public Hearing & Motion on Ordinance 2023-27 An Ordinance of the Tooele City Council Amending the Tooele City General Plan Land Use Map for the Tooele City Business Park Zoning District, and Designating the District as a Light Industrial Land Use Category

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented an amendment to the Tooele City General Plan Land Use Map. They are designated as Regional Commercial. This designation prohibits industrial zones and land uses. It will propose a number of industrial uses. The change will be from Regional Commercial to Light Industrial.

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

Council Member Manzione motioned to approve Ordinance 2023-27 An Ordinance of the Tooele City Council Amending the Tooele City General Plan Land Use Map for the Tooele City Business Park Zoning District, and Designating the District as a Light Industrial Land Use Category. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

10. Public Hearing & Motion on Ordinance 2023-28 An Ordinance of the Tooele City Council Enacting Tooele City Code Chapter 7-16B, Amending Section 7-13-1, Creating the Tooele City Business Park Zoning District, and Amending the Tooele City Zoning Map Accordingly

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented the zoning map amendment and creation of a new zoning district, adopting development standards. The current zoning is RD, Research and Development and LI Light Industrial with a rezone to TCBP, Tooele City Business Park. There were many public comments and concerns of having industrial near residential zones. To help mitigate those concerns, there are three sections to the new zone.

Section A, the closest to the residential area, is limited to commercial and office type businesses only. Building height is limited to 35 feet and required additional architecture with pitched roofs and all mechanical being in the building or on the ground. It is designed to be a buffer, minimizing the impact to the surrounding areas. Section B has lighter industrial uses, prohibiting heavy industrial. The building height allows up to 50 feet with flat roof being permitted.

Mechanical is allowed on the roof with decoration hiding it from public view. They will have access to the railroad. Section C is the farthest from residential, would allow heavy industrial. Building height would be permitted up to 70 feet with the same architecture requirements as section b.

The new code will establish architecture standards, fencing standards, signs, prohibits bill boards along the future Mid-valley Highway, and limits wind turbines to section B & C with size limitations. It will include a table of uses for the Tooele City Business Park. Many heavy uses such as hazardous material, recycling places, and auto wrecking yards are not permitted in the new zone. The Planning Commission has heard and forwarded a positive recommendation.

The Council asked the following questions:

Are the different areas based off of property lines?

Could a property owner be a part of two different zones?

Does it limit the amount of wind turbines in the project?

Mr. Aagard addressed the Council's questions. A business could be a part of two zones, but it would have to go through regular approval process. It is self-limiting because the restriction itself depends on property.

Mr. Baker addressed the Council. CRS railroad design has been merged into the zoning map.

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

Council Member Manzione motioned to approve Ordinance 2023-28. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

11. Preliminary Subdivision Plan Request by Kurti Halim for the Proposed Halim Subdivision to Include Three Single-Family Residential Lots on Approximately 3.37 Acres Located at Approximately 400 East 1000 North in the R1-8 Residential Zoning District
Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented a preliminary plan request to include 3 single-family residential lots on the property located near 100 north and 400 east. It is zoned R1-8. The application proposes to create three individual lots. The middle canyon drainage ditch does run near the property and will not be tampered with. There will be a storm water detention basin. The project does meet all standards. Staff is recommending approval with the conditions listed in the staff report.

The Council asked the following questions:

Is there a way to preserve a section for a trail or put asphalt where the sidewalk would cross the trail?

Mr. Aagard addressed the Council. This process was started a couple years ago by the applicant. He has reached out to the applicant about easements and a trail in the future, but has not heard back. There is a park strip and sidewalk on that road, they could put in an asphalt trail.

Council Member Hansen motioned to approve Preliminary Subdivision Plan Request by Kurti Halim for the Proposed Halim Subdivision to Include Three Single-Family Residential Lots on Approximately 3.37 Acres Located at Approximately 400 East 1000 North in the R1-8 Residential Zoning District. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

12. Ordinance 2023-25 An Ordinance of Tooele City Enacting Tooele City Code Section 8-4-7 to Reinstate Civil Penalties for Public Nuisances

Presented by Roger Baker, City Attorney

Mr. Baker presented civil penalties for public nuisances. After discussion with the Mayor and staff, the City would like to reinstate the ability to give a ticket for public nuisances. The first interaction is a warning citation with a two-week time frame. If the nuisance does not get cleaned up within the time frame, the property owner will receive further citations and fines. The first fine is \$50. For continuous violations, it is a more aggressive amount with a one-week time frame for compliance. There are appeal provisions if the public seeks that route. The Code sections amended are Chapter 8, Section 4 regarding nuisance definitions (making graffiti an immediate nuisance instead of needing to wait 15 days, and making junk cars an immediate nuisance instead of needing to wait 3 days), Section 5 regarding the respective authority of police officers and code enforcement officers, and Section 7 regarding civil penalties.

Council Member Graf motioned to approve Ordinance 2023-25 An Ordinance of Tooele City Enacting Tooele City Code Section 8-4-7 to Reinstate Civil Penalties for Public Nuisances. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

13. Resolution 2023-24 A Resolution of the Tooele City Council Approving the Form of a Lease Agreement with Hoot Owl Leasing LLC for a Cell Tower Site

Presented by Roger Baker, City Attorney

Mr. Baker presented a lease agreement with Hoot Owl Leasing LLC to build a cell phone tower on the former sewer treatment plant site. They are currently operating a temporary tower under a temporary license contract. They will pay a \$750 a month under both the license and the lease. There are deadlines and extension periods in the contract they can invoke.

Council Member McCall motioned to approve Ordinance 2023-24. Chairman Brady seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council

Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

14. Resolution 2023-44 A Resolution of the Tooele City Council Approving an Agreement with SKM for Water System PLC and SCADA Upgrade

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented an upgrade for the water system's PLC and SCADA. For culinary water, existing radios are obsolete. This project would allow them to update the radios preparing them for fiber communications in the future. The SCADA system will be more secure being brought through the police department tower instead of the public works facility. The cost is \$210,322.80, with the finds coming from the water department budget.

Chairman Brady motioned to approve Resolution 2023-44, A Resolution of the Tooele City Council Approving an Agreement with SKM for Water System PLC and SCADA Upgrade. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

15. Resolution 2023-45 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Bulk Secondary Water Fees

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented bulk-secondary water fees. Currently the fee is \$1.50 per 750 gallons. The bulk water system is now metered allowing a more accurate feed. They are asking to raise the fee to \$4.50 for 1000 gallons.

The Council asked the following questions:
How do other Cities do it?

The Council showed favor to raising the fee to \$5. They would like to revisit the cost once the new Headworks building is complete.

Mr. Grandpre addressed the Council. They will buy a large amount and have a pin that they can use until the water is gone. It is different from other Cities, because Tooele is getting the water to a re-use standard.

Mr. Baker addressed the Council. When a city provides a service, the fees have to be a reasonable proximation of what it costs the city to provide the service. A product is different. Water is similar to a product, allowing them to sell it for more than mere cost. Mr. Grandpre has been conservative in his estimate of the cost of producing treated waste water.

Council Member McCall motioned to approve Ordinance 2023-45, with a \$5 cost. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen,

“Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

16. Resolution 2023-43 A Resolution of the Tooele City Council Approving Insurance Coverage for Insurance Period 2023-2024

Presented by Michelle Pitt, City Recorder

Tooele City employs a comprehensive risk management strategy to avoid harm to persons and property and to decrease claims against the general funds of the City. The City has been insured by the Utah Local Governments Trust since 2018. Since we've been with the Trust, we've had a 33% increase in vehicles, 67% increase in payroll, 40% increase in full time employees, and 167% increase in part time employees. The premium for 2021-2022 was \$268,924. For the 2023-2024 insurance period, the premium will be \$290,862, comprised of \$185,880 for liability coverage, \$86,620 for property coverage, and \$18,362 for auto coverage.

Council Member Manzione motioned to approve Ordinance 2023-43; Tooele City Council Approving Insurance Coverage for Insurance Period 2023-2024. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

17. Invoices & Purchase Orders

Ms. Pitt presented the following invoices and purchase orders:

Tooele City was originally asked to pay 1/3 of the repairs for the culvert pipe, Settlement Canyon was going to pay 1/3, and Tooele County was going to pay 1/3. Tooele County has decided that they are not going to pay their 1/3, and so Tooele City is paying 2/3 of the costs of the repairs. Mayor Winn added that she is working with UDOT to possibly pay the other third of this invoice because they divert storm water in to this pipe. The invoice from Settlement Canyon Irrigation Company is in the amount of \$46,351.00

Ms. Pitt stated that there was an open and unfinished storm drain at 100 East that posed a safety threat. It needed to be repaired immediately. Ms. Pitt had emailed the Council to ask for a vote allowing the City to move ahead with the repairs. She was bringing back the invoice for those repairs to this meeting to ratify that decision. The amount of the invoice from Broken Arrow is in the amount of \$36,947.09.

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

18. Minutes

The following changes need to be made to the work meeting minutes:

Jim Bolser needs to be removed. The closed meeting needs to have a vote added. Include P.M. at the end of the time.

The following changes need to be made to the business meeting minutes:
Correct the spelling of Captain Lonnie Collins

Chairman Brady motioned to approve Minutes with the corrections as stated. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

19. Adjourn

Chairman Brady adjourned the meeting at 8:40pm.

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 21st day of June, 2023

Justin Brady, City Council Chair