

**Tooele City Council
Business Meeting Minutes (Emergency Meeting)**

Date: Wednesday, March 18, 2020

Time: 10:42 a.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
Roger Baker, City Attorney
Dave Gillette Building Official
Paul Hansen, City Engineer
Andrew Aagard, City Planner
Kami Perkins, Human Resource Director
Darwin Cook, Parks Department Director
Michelle Pitt, City Recorder

Minutes prepared by Kelly Odermott

Chairman Wardle called an emergency City Council meeting of the Tooele City Council to discuss the coronavirus covid -19 and discussion of the earthquake that happened in Salt Lake City at 7:09 a.m. March 18, 2020.

1. Roll Call

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

2. Ordinance 2020-16 An Ordinance of Tooele City Enacting Tooele City Code Section 1-5-6.5 Regarding City Council Meetings.

Presented by Roger Baker

Mr. Baker stated that the City Charter allows for electronic meetings. The purpose of the ordinance to establish the particularities of how to notice the meetings, convene them, roll calls, and so forth. State law does have some provisions that are required to be in the electronic meeting ordinance. Those are included in the proposed section 6.5. Not all the provisions are required by state law and there can be amendments later, but it is prudent to get the ordinance in place.

Chairman Wardle asked if the Council had any questions or comments, there were none.

Council Member Graf motioned to approve the Ordinance 2020-16. 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.

7.(First Reading Items) b. **Ordinance 2020-15 An Ordinance of Tooele City Amending the Tooele City Policies and Procedures Manual.**

Presented by Kami Perkins

Ms. Perkins stated that there was preparation to discuss this ordinance in the regularly scheduled meeting. This would provide the Mayor with the City Council authorization, to make temporary modifications to the personnel policy and procedures as it relates to compensation and paid leave benefits. This was being discussed to help prepare for the impact with covid-19. She has reviewed the policy and procedures manual for areas that might be barriers for the workforce. The City does not anticipate that everything will be implemented at once, but the staff is attempting to be proactive so that as the with national, state, and local officials making changes the City can move quickly. Ms. Perkins asked that this item was originally set as a first read and she was asking for a vote at the meeting.

Chairman Wardle asked the Council if there were any questions.

Council Member Gochis asked for Ms. Perkins to go over some of the provisions that had been discussed. Ms. Perkins stated that one question that had come up was emergency paid leave for everyone. There is a provision in the current policy that disallows staff from taking paid sick leave for lack of daycare, but school closures are affecting the workforce. The second one is asking for approval for suspending the requirement that employees must use all of their paid leave before going on a leave without pay status. The current policy states that an employee who has paid leave and paid sick leave, the employee must exhaust that before moving them to an unpaid status. That overlaps with benefit eligibility and contracts with insurance providers and retirement. Those agencies are also putting out temporary policy modifications. This gives the City the ability to suspend that rule if needed, so that employees can make some decisions on a temporary basis while dealing with covid-19. There is also an order of use for comp time in the

current city policy. The policy on the books is that comp time has to be used prior to annual leave and sick leave. Staff is asking for that this be one of the options that administration could also consider to allow employees to use that in any order that employees would like too. This is important because the city is approaching the use or lose status and it would give the employees some flexibility.

Council Member Gochis asked what is the date of the end of fiscal year for the use or lose policy. Ms. Perkins stated that the annual leave has a maximum carryover of 280 hours or they use or lose by the end of the pay period that includes June 30. The last item is the consideration of advanced leave of 14 days for workforce with related covid-19 circumstances. Right now, the only advance allowed is sick leave. The sick leave advance is for leave up to the end of the year. Ms. Perkins stated that there is some risk in doing this, but it is an option that puts the balance back for the employer caring about employees. The city is currently a direct reimbursable for unemployment, so the city will pay it either as a unemployment or paid leave. Most of these are budgeted in already because they are straight labor costs. The last one is, if there relates to the school crossing guards. If there is a lack of school day, it is not a paid leave eligible day for them. Considering that if there is not alternative work for them, then declaring that there was a work day to take sick leave, that is different than say a school vacation.

Council Member Hansen asked that the Mayor is allowed to have administrative leave as necessary. Ms. Perkins stated she is. That falls under administrative leave pay and that falls under unusual or extenuating circumstances and emergency circumstances.

Chairman Wardle thanked the staff.

Council Member Gochis motioned to approve the Ordinance 2020-15. 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.

Chairman Wardle motioned to approve table all second reading items on the agenda, 6 a., b., c., d., e., and all public hearings 5 a., b. 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.

Chairman Wardle motioned to table first reading items 7a., and e. 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.

7. First Reading items

c. **Resolution 2020-18** A Resolution of the Tooele City Council Declaring Surplus of the Old Police Station.

Council Member Graf motioned to approve the Resolution 2020-18. 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.

d. **Resolution 2020-19** A resolution of Tooele City Council Approving a Listing Agreement with New West Realty Group for the Old Police Station.

Council Member Graf stated that there were several possible companies or brokers for the sale that submitted bids. He would like to see companies or brokers used on a rotation basis.

Council Member Gochis motioned to approve the Ordinance 2020-19. 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. **Subdivision Final Plat request by Garlington Development LLC** for England Ridge Subdivision to be Located at Approximately 810 North 520 East for 87 Single-Family Lots in R1-7 Residential Zone.

Chairman Wardle stated that this would have been moved had there been a public hearing at 7:00 p.m. and passed. Subdivision final plats will not be coming to the City Council. This plat has met all of its requirements in material respects.

Mr. Hansen stated that this property abuts a FEMA channel and as a staff great care has been taken to make sure home owners are protected. The plat has a note that identifies each lot that abuts the FEMA channel with a requirement that they are required to acquire a flood element permit from Tooele City. That is normal policy for any property that abuts a FEMA flooding. Staff recommends and approves this.

Council Member Hansen motioned to approve the Subdivision Final Plat request by Garlington Development LLC. 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 2020-21** A Resolution of the Tooele City Council Approving an Agreement with Jensen Family landscape for the 400 West Landscape Improvement Project.

Mr. Cook stated that this is a continuation of a project. A bid was sent out last October with one bid received back. Adjustments were made to the bid content to pull out two culinary connections and a communication line due to the need for certification for that part of the project. During the recent request for bids, the city received four bids, with Jensen Family Landscaping being the lowest bidder at \$177,425.

Council Member Graf asked what the previous bid amount was in October. Mr. Cook stated that the previous bid amount was \$366,000.

Council Member Hansen asked if the City has worked with Jensen Family Landscaping before? Mr. Cook stated that they have completed several bids for the City and are contracted with the North Tooele City Service District.

g. **Resolution 2020-22** A Resolution of Tooele City Council Approving an Agreement with Broken Arrow, Inc to Install Water Service and Meters Associated with the 400 West Landscape Improvement Project.

Chairman Wardle asked Mr. Cook to explain item g, installation of water services. Mr. Cook stated that the item g is the part that was pulled from item h bid, the culinary connections and the communication line. A contract has been established with Broken Arrow for the project. They are already mobilized on similar work in the city with three other backflow preventors and meters. The contract amount is \$36,645.98.

Council Member Graf motioned to approve the Resolution 2020-21. 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.

Council Member Hansen motioned to approve the Resolution 2020-22. 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.

Motion Graf, second Hansen

h. **Resolution 2020-23** A Resolution of the Tooele City Council Approving an Agreement with Mountain States Fence to Install a Perimeter Fence at the Tooele City Cemetery.

Mr. Cook this is the project for installing a fence at the cemetery. In the budget last year, the council approved a budget to put in part of a fence on Skyline Drive. The bid came in for \$37,000 for Skyline. There have been discussions to replace the entire fence, and there were two bids. The cemetery supervisor recommended a particular brand and it is a high quality fence that is coated on both sides. The bids were United Fence \$241, 377, Mountain State \$144,162.

Mr. Cook stated city staff found that Mountain State has state contracts with UDOT for freeway installations. Council Member Gochis asked what fencing as chosen since there had been several options to choose from. Mr. Cook stated that it is the fence that will be identical to the police station fence. The staff did choose to have openings and one gate by the cemetery office.

Council Member Hansen motioned to approve Resolution 2020-23. 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 that after speaking with the mayor and City Attorney, Roger Baker, he would like to amend his motion regarding tabling some of the second reading items.

Chairman Wardle motioned to table second reading items 6 a. and b. 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.

6. Second Reading items

c. **Ordinance 2020-06** An Ordinance of Tooele City Amending Tooele City Code Chapter 4-11 Regarding Sidewalks to Establish Civil Penalties for Violations.

Chairman Wardle asked if there were any additional comments. Mr. Baker stated that it is simply a transition from criminal to civil penalties with an addition of an administrative appeal.

Council Member Gochis motioned to approve Resolution 2020-23. 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.

d. **Resolution 2020-10** A Resolution of Tooele City Council Amending the Tooele City Fee Schedule regarding Civil Infraction for Violations of Tooele City Code Chapter 4-11 Regarding Sidewalks.

Mr. Baker stated that this amends the fee schedule to be in compliance with Ordinance 2020-06 that was just passed. The graduated fee schedule is \$50 for first violation, \$100 for second violation, and \$250 for third and subsequent violations.

Council Member Hansen motioned to approve Resolution 2020-23. 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.

e. **Subdivision Final Plat for Providence at Overlake Phase 4** by HK Schmidt, LLC at Approximately 400 West 1400 North for 30 Lots in the R1-7 Residential Zoning District.

Chairman Wardle stated this was carried over for discussion related to the North Tooele City Service District. Mr. Hansen stated that this was taken care of.

Council Member Gochis stated that she thinks its great they will be joining the North Tooele City Service District and it will be a benefit for them.

Council Member Hansen motioned to approve Subdivision Final Plat for Providence at Overlake Phase 4. 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.

Chairman Wardle stated that on the record, this meeting was held as an emergency meeting. All previously scheduled evening meetings will be canceled and asking the public to stay home. Chairman Wardle stated that they appreciate Mayor Winn and the staff and citizens for their work during this trying time.

Mr. Baker asked about letter j on the first reading agenda, and if it was being tabled.

7. First Reading Item

j. **Subdivision Plat Amendment Request to the Loma Vista Subdivision** by Tyler Kukahiko for Lots Located at 1356 and 1342 East 420 South in the R1-12 residential Zone.

Chairman Wardle stated that this is a simple subdivision request.

Council Member Gochis motioned to approve Resolution 2020-23. 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.

8. Minutes

Chairman Wardle stated these would be tabled.

9. Invoices

1. An invoice in the amount of \$37,764, to Toole Valley Motor Company for a truck for the fire department.

Ms. Pitt stated that the Fire Department did receive three bids for the vehicle and the Tooele Valley Motor Company was the company they chose even though it was slightly higher than the other bids.

Council Member Hansen asked about the original approved amount for the truck was \$32,000 and this is higher. Ms. Pitt stated that there is money in the budget and they will just need to do a line item adjustment.

Council Member Graf asked about the amount of the other bids and how much higher this bid was to the others. Ms. Pitt stated that Tooele Valley Motor Company was \$37,764, Ken Garff West Valley was \$37,456, and the third bid was \$37,362.

Council Member Gochis motioned to approve Resolution 2020-23. 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.

Mr. Cook stated that in the recent approval of Resolution 2020-23, the contractor Mountain State Fence is working with city of having the fence installed by Memorial Day. Part of that is getting the fencing ordered during the coming week. A down payment needs to be made in the next week in the amount of \$65,160. Chairman Wardle stated the amount was approved with the acceptance of the contract.

Chairman Wardle adjourned the meeting at 11:20 a.m.

Chairman Wardle stated that the next meeting will be the April 1st.

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 1st day of April, 2020

Scott Wardle, Tooele City Council Chair