

**Tooele City Council
Work Session Meeting Minutes**

Date: Wednesday, July 1, 2020

Time: 5:30 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
Roger Baker, City Attorney
Michelle Pitt, City Recorder

Minutes prepared by Kelly Odermott

Chairman Wardle called the meeting to order at 5:30 p.m.

1. Open City Council Meeting

Chairman Wardle opened the meeting.

2. Roll Call

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

3. Mayor's Report

Mayor Winn encouraged the Council and the residents to participate in the 4th of July activities, which are listed on the website or on social media. The City just crowned the new Miss Tooele; Ela Rose Leonelli, Co Attendants, Eden Legge and Suni Norman. She stated the summer youth

program will be different due to covid-19. The City created Danny the Digger Passports and they can be picked up at City Hall. They were also handed out almost 2000 passports at the schools during the lunch pick-ups. She thanked the Parks Department and Communities That Care that put the program together.

Mayor Winn stated that the flags were put up by the staff and had breakfast burritos by the Oquirrh Hills Golf Course. There is also a huge banner on the building stating United We Stand. She read a statement about the peaceful protests that occurred in downtown Tooele on Friday June 26, 2020.

I am so appreciative of our residents who disagreed but allowed all to express their feelings in a peaceful manner. I am appreciative of our staff who answered many phone calls from residents and business owners who were frightened of the unknown consequences of the planned event after the violence they have witnessed on television the last month. I am grateful to Chief Ron Kirby and our officers for the plan they put into place and carried out to protect our citizens. Thank you to Grantsville City Mayor Marshall, Tooele County Sheriff Paul Wimmer and the Utah Highway Patrol for sending their officers to our City on Friday evening. Thank you to Stockton Mayor KJ Karjola and other government entities who also offered their services. There were over 50 law enforcement officers on duty that night, working overtime shifts. These men and women were ready to respond to the many threats that were coming mainly through social media. I am aware that Chief Kirby and Sheriff Wimmer had several conversations with the organizers before the event and offered help and suggestions. Mountain West Medical Center was also on alert that evening with the hospital and their ambulance service just in case they were needed. Unfortunately that evening, we had a main water break on Utah Avenue just before the event began. Our crews had to leave the water turned off to many homes for an additional 3-4 hours while our crews left the area so that they could be safe in case things got out of hand.

I have heard from many residents and businesses of their fearfulness that something would happen to their homes or businesses. The reports on the news just fueled the anxiety they were experiencing. One local business was contacted by their corporate office and encouraged them to secure the building with plywood on the windows, just in case.

I would like to read to you part of an email I received on Monday morning from a local business owner.

Quote: *I wanted to express my thoughts on the protest Friday. First, it cost me close to \$2,000.00 to prepare. That was in cameras and IT support from Les Olson Company. In view of the looting and rioting in other areas, we had to plan for back up computers and monitors. We could not risk being without physical computers. All of our data is backed up to the cloud but, the physical equipment was a concern. We spent Thursday night at the office with our employees to help as necessary. We took most of our equipment home but, left the servers. Additionally, staff took home all the pending files in moving boxes and totes. All the*

information we collect in our business has personal and sensitive information. We removed all our decorative items from outside of our building and had the political signs taken down. We had to contact our Underwriter and insurance company to make them aware of potential problems.

Next, on a personal level I was terrified. This is my home. My business. This is my community. We have 2 beautiful statues in Veterans Park, one brand new. Tooele County 411 finally shut down comments to quell the terrible comments.

How different this would have been if they held a summit with church leaders, state, county, and City leaders along with civic groups like Kiwanis, the Chamber, Life's Worth Living, Community Developments, the School District and especially the Police and Sheriff, and many others.

Unquote

I would like to conclude my comments tonight with the following:

I am grateful to our residents who were able to express their beliefs and their passions and do it peacefully. Our City is different from other communities, especially the ones we see each night on the news. We are blessed to live in a community where our law enforcement policies enable our officers to protect and serve all people and do it with kindness and with the least amount of force as possible. I am grateful to our veterans who have served our country and preserved our freedom to assemble and speak.

I believe that if we all sit down and discuss ways that we can improve our relationships with our fellow man, I am confident that we can change the world for the better. I will always make myself available to discuss the concerns of those who live in this beautiful City.

Please take time this week to celebrate our independence with your family, friends and neighbors. May God bless each one of you, our City and these great United States of America.

Chairman Wardle thanked the professional actions taken by City employees in regards to the protests.

4. City Council Members' Report

Council Member Graf stated that on July 2nd, there would be a brief meeting to talk about the sign ordinance. Business members had been invited to discuss the signs.

He stated that he has been working with Jeff Hammer, Chairman to address the North Tooele Service District to implement a process for board appointments. He stated that Mr. Hammer has been creating an overview of the position to advertise. As the application is to open up, as the Council makes a decision, it seemed prudent to include the Chair and Vice Chair to be an advisory board to the Council as they have the experience working on the board. Chairman Wardle asked as the process happens and a decision is made by Council, the Chair and Vice Chair of the North Tooele Service District, will be involved in the decision. Council Member Graf stated they will be involved as advisory roles.

Chairman Wardle opened the discussion on the advisory option. Council Member Gochis was fine with the advisory position. Council Member Brady asked what are they advising on. Council Member Graf stated they would be an advisory for the candidates. He stated that a lot of the Council does not have experience with the Service District and it would be helpful in picking a candidate. Council Member Brady asked in the past, they have picked the candidate and the Council has approved it. Chairman Wardle stated that the district made a recommendation and the Council approved. Council Member Brady asked if the Council is now making the recommendation. Council Member Graf stated the point is to streamline the process and allow more people to apply. In consulting with Mr. Baker, the decision making lies with the Council. In the past, the Service District took more of an active role, but the City Council should make the appointment, the same with the Planning Commission. Council Member Gochis asked if there are things in the bylaws? Council Member Graf stated he hadn't reviewed it, but was willing. Council Member Hansen asked about the people with input, is that just to have input. Council Member Graf stated that the Council would use Applicantpro to get applicants. Once those names are obtained, the City Council can sit down with the advisors and help define the best candidate for the position. Council Member Hansen stated he didn't know the process. Council Member Graf gave an analogy of hiring in a corporation. With the North Tooele Service District, they need input as they see things and they can get along with potential applicants. Council Member Hansen stated that he is for the board having input. Chairman Wardle asked don't they already do that, normally there is a recommendation from the Service District and that is forwarded through the Council. Council Member Graf clarified that there is a traditional application process and then the Council will vet out with the Service District to make a decision.

Chairman Wardle stated that he is fuzzy and hasn't that been done. Mr. Baker stated the process has been fairly informal, the administrative control board has informed the City there is vacancy and given a recommendation on who they would like to fill that position. Sometimes a resume or letter of interest is forwarded to the staff, and the recommendation is put in a resolution for the Council to approve. There has never been direct solicitation by the Council for the position. Council Member Hansen stated that is change of having an application through the City, in the past the board came up with a name and they submitted it. The change is to get more people involved. Council Member Graf stated that is correct. Chairman Wardle stated there is an advising role and advising board and asked if there needs to be an advising board. Mr. Baker stated that the relationship between the City and the administrative control board is governed by and interlocal agreement and the agreement outlines the duties of the board. He stated that he didn't know that they fulfil an advisory role, but the Council has delegated the authority to run the district. If there is an administrative role in the agreement, it has ever been implemented.

Chairman Wardle stated he had a concern of adding layers, if there is a formal application process, get their opinions and make a recommendation. Is the process cumbersome? Giving them an advisory board is not in the bylaws.

Council Member Hansen stated can't we just send them the applications? Is that okay to do? Council Member Graf stated they could do that. The goal is to increase the transparency and

participation of the citizens. We want people on the boards that are qualified and providing more information to make a better decisions. Chairman Wardle stated they have input and are not advisors. He stated that he disagreed with the applications and what has been said, to the North Tooele Service District Board and they have had a hard time getting people involved. If this increases that, that would be great. Two things need to be clear, the district can give a recommendation, but the Council may say no.

Chairman Wardle stated is there a proposal tonight or should we run a test run? Council Member Graf stated there should be a test run and creation of a process.

Chairman Wardle stated to be clear, the application process will be started online, allow the board to make a recommendation and then the Council can adopt or not. The application would be open for 30 days. Mayor Winn stated that this was recently done with the Planning Commission, but there was an extensive group of applicants, which was better than word of mouth.

Council Member Graf stated he would like the Council to get more information on the rank choice voting. He stated that there is one election and no primary. There would be staff time and processing the ballots. Vineyard and Payson have done it. Tooele County does not have the equipment, but Utah County does and there might be a possibility to using their equipment.

Council Member Gochis stated that she was surprised this was an option because they have always used Tooele County. She has concerns that not many counties or municipalities have used the system. She stated the county felt that what was in place was adequate, but she would be open to looking into it further if it was a significant cost savings.

Council Member Brady stated he had the same concerns as Council Member Gochis. He is in favor of discussing it, but there are reservations, and if there is a cost savings, why is not more popular.

Chairman Wardle stated this was proposed two years ago and he is not in favor of it. He is not in favor of entertaining the discussion. He proposed that the Council Members can research it independently and then maybe discuss it in a work session. He stated he is concerned on two fronts; one the Recorder's Office already has a lot to do and adding an election will be significant. Number two, election integrity is based upon the process and what we use. The City would have to invest in the equipment to ensure the integrity. He stated he did not believe the equipment could be borrowed.

Council Member Hansen asked if it is a government or a private company encouraging this. Council Member Graf stated that 2019 was the first time it was used in Utah, because it wasn't an option before then. He stated he had input from the clerk in Vineyard that he would provide to the Council. He stated the Chairman's concerns are valid, but making change cannot happen unless there are significant benefits and doesn't affect the integrity of the system, there should be a discussion.

Chairman Wardle stated there was a previous discussion for this a few years back and the Council decided not to proceed at that time. He stated he is not opposed to information, but he doesn't know if a work session is the best place to do that.

Council Member Graf stated he would prefer a presentation. Council Member Hansen asked for more information and then there could be a discussion on if the Council wanted the presentation.

Council Member Graf stated the Council could reach out to the community members for more information. Council Member Gochis asked who the provider that would provide the training. Council Member Graf stated a presentation from the people who sent the information and then from one of the clerks who has actually done it. Getting the information ahead of time. Council Member Gochis stated she would be happy to receive the information and then getting presentation. She would prefer a separate meeting.

Chairman Wardle asked the Council how they would feel about a meeting for the public to hear more on the subject. The discussion for rank choice voting was put on a work session in August.

Council Member Graf stated the Council had received an email about becoming a sanctuary City. Council Member Gochis stated the City could invite the email sender to come and give a presentation and then the Council could make a decision on if they would like to proceed with sanctuary City. Council Member Brady stated that he agreed. Council Member Hansen stated he had questions and would like more information. Chairman Wardle stated that he had discussed this with the sender Ms. Peck and he thought each of the Council should have an individual discussion with Ms. Peck. He stated he is willing to schedule a meeting, but asked the Council to reach out and get information and then possibly put it in an agenda.

Council Member Gochis stated that she thinks it should be a separate informational open house because it is not the business meeting. Mr. Baker stated that if there is a meeting with more than two Council Members and there is a discussion of potential policy for the City, it is a public meeting that has to be noticed.

Chairman Wardle stated he would prefer a work session discussion for follow up. Then it could be set for an agenda.

Chairman Wardle stated he went through the library and the new carpet made a huge difference. He stated he didn't think covid is going away. He stated the furniture in the library cannot be cleaned for covid and asked if the CARES Act could fix that. Mayor Winn stated it is being looked into. Chairman Wardle further asked about the seating in the Council Chambers and social distancing. Mayor Winn stated it is also being looked into. Council Member Brady asked is this money that will be used from the CARES act or the City money. Mayor Winn stated the staff is still working with state and federal authorities to determine how the money can be spent.

5. Discussion

a. **Attainable Housing**

Chairman Wardle stated the attainable housing group met last week. There will be continual meetings to determine the best way to go about the process and not be overbearing for staff.

b. Dyno Nobel Proposed Agreement/Contract

Mayor Winn stated that the City has been approached by Dyno Nobel and they are proposing to locate their business in the Rush Valley area. They have not built a facility yet and they need 10 acre feet of water. They are asking the City to provide that water with the water rights the City has in that area. The City is not using the water and the some 200 acre feet per year are being lease to Metro West. There are two proposals, one is the City sells the water rights. Tooele City does not own this, it is owned by the Tooele City Water Service District. The City cannot sell water, but the Service District can and the Council is the board for the District. The second proposal is a lease agreement for 20 years, with five year renewable options.

Council Member Hansen asked there is a lease of 200 acre feet to Metro West, is there more available water? Mayor Winn stated it was her understanding that there is 800 acre feet in that area. The water rights were originally secured to bring to the City. Mr. Paul Hansen stated the water rights in question are formally associated with the Barrick Mine. They are water rights acquired many years ago and are in an unused status other than the yearly renewable contract with Metro West. The District could sell the water and he stated to be careful with selling water rights, but the funds could be used to buy water rights closer to the City. Council Member Hansen stated there is a concern about selling water. Mr. Paul Hansen stated that state law prohibits municipalities from selling water rights, but districts can. The principal to keep in mind is why are water rights acquired. They are acquired for growth and need to support services with the City boundaries. Council Member Hansen stated that the water is not usable in Tooele City. Mr. Paul Hansen state it is not usable today. It could be useable with wells, pumps and pipelines. The City several years ago acquired the Vernon water rights with the intent to bring the water to the City when needed. Past Council's looked for opportunities to acquire water on the way to Vernon. From a cost perspective, the more water that can be brought makes the cost per acre less. If water rights are sold it would still cost the same to go get it, and 10 acre feet is not a lot of water, but he would be cautious to sell water with the economy the way it is right now. He stated he is also concerned about a 20 year lease because there may be the need to get the water.

Chairman Wardle asked what are they buying the water right at? Mr. Hansen stated whatever the Council sets it at. Mayor Winn stated there has not been a considered cost, until the Council makes a decision on if the idea would be entertained. Council Member Hansen asked if the water is sold, is there water in the valley that could be purchased. Mr. Paul Hansen stated the open market may have some. The state has very strict rules

on where water can be moved within Tooele Valley, but some of it can be used by the City.

Council Member Brady asked if the water is leased, could the payments be used to buy water in Tooele Valley also. Mr. Paul Hansen stated absolutely. Council Member Brady stated he would be more in favor of that. Mr. Hansen stated the staff proposal is \$5,000 a year, because any less than that there would be a yearly renewable process. Council Member Graf stated that 20 years is a long time and there could be a lease or a sale and there would be money to buy water within Tooele City proper. Not to trivialize, \$5,000 seems like a lot of work for a little money. Council Member Gochis stated what benefit is it to the City with the business is located in the County. The City would be friendly, but are there other water sources for them. Mr. Hansen stated he thought that was the reason the City was approached. There are not a lot of water resources in Rush Valley. Council Member Gochis stated is there another user that would purchase it all and then buy those water amounts in Tooele Valley. Mr. Hansen stated it is not something that has been looked at aggressively.

Chairman Wardle asked what the lease was to Metro West? Mr. Hansen stated it is \$20,000 a year for 200 acre feet. Council Member Brady asked what is being done with that \$20,000? Mayor Winn stated she would find out. Mr. Hansen stated he believed that was to be in a water right fund to purchase water.

Chairman Wardle asked what water rights are selling for on the open market? Mr. Hansen stated he didn't know, but there is less available. Chairman Wardle recommended in the first year, the City charges \$10,000 per acre foot the first year and then \$5,000 per acre foot after. That way the City can replace the water now. The rest of the money over the 20 years to go to buy water.

Council Member Gochis asked for more advice on a figure. Council Member Graf stated that this is the business of selling or leasing water. Mr. Baker stated the water district does not have that limitation, the City does and the Council is the water district.

Mr. Baker stated that there is about 800 feet in Barrick and there are pumps and wells already there that need to be refurbished and that is a valuable asset. There are 2,000 acre feet in Vernon, there are 300 feet in Hogan Ranch in Stockton and other water rights. The more water rights associated to a waterline to a main trunk, every acre foot taken out of the total acre feet increases the cost the per acre foot of the pipeline.

Chairman Wardle stated he would like to lease it with the option to purchase locally. More water rights each year is building an inventory. He is not in favor of selling, but the contract must be a revenue stream to purchase more water.

Council Member Hansen stated he needs to know more, but we shouldn't sell water without a right to bring it back. He is good with leasing. Council Member Graf is he is concerned with the lease because cancelling it leaves the business without water. He stated this is not the business they are in, but he doesn't want to lease and would be more in favor of selling.

Council Member Brady stated he is more in favorable for a lease, but is hesitant to sell. Council Member Gochis asked if there is an urgency and they should have a water district meeting with more information. Mayor Winn stated she is not aware of a time limit. Chairman Wardle asked the staff to look on the water to see if there is water and the price. He stated that he wanted more definitive terms for the on the lease.

Council Member Gochis asked for a report on the water held by the City. Mr. Hansen stated he would send her a copy of the 40 year plan which includes the water.

c. Luke's PUE Vacation Request for 1237 E 270 S

Mr. Bolser stated a third property owner is requesting a PUE vacation. This is lot 2 of the Loma Vista Subdivision. This is a subdivision where the PUE is placed on every other property line. The east property line is requested for vacation to build an accessory structure. The easement to the rear of the lot is a drainage easement and they are not proposing to impeded on that.

Council Member Gochis asked about the power lines through the neighborhood. Mr. Bolser stated there are easements for the power line corridor. Council Member Gochis asked if the powerlines are overhead? Mr. Bolser stated they are overhead. Council Member Gochis asked if that has any bearing or impact on the structure. Mr. Bolser stated no it wouldn't be allowed to be taller than house structure. If there was a Conditional Use Permit request for increased heightan emphasis would be put on the overhead power lines.

Chairman Wardle asked if the HOA has been notified? Mr. Bolser stated he did not know if they had, but that could happen.

d. Emergency Declaration Extension

Mayor Winn stated in the business meeting there will be a resolution for the Emergency Declaration for the covid -19. One reason for the extension is the suspension of the sign ordinance. The CARES Act funding does not need the declaration for the money. This gives the City authority to respond in an emergency. The City does not believe it will be over soon, but they would like this in place to respond quickly and efficiently.

Council Member Gochis stated does it need to be redefined with the change in the phases. Mayor Winn stated that is all done by the state of Utah and the Governor. The City

cannot make a requirement stronger than the Governor. This declaration is only if something happens in an emergency. Council Member Gochis asked if this has been asked of all the other entities? Mayor Winn stated originally they did, but he has not kept up on the emergency status of the other local entities. The Governor has been extended to August. Mayor Winn is asking for another month.

Chairman Wardle stated under the Emergency Declaration, what have we done in the emergency state that we have not done otherwise besides the sign ordinance. Mayor Winn stated that there was some money moved in line items, for covid -19 response and buying PPE. The Council was notified of the fund expenditures. The only other item is the sign ordinance. If the sign ordinance could change there is the need for the Emergency Declaration. Council Member Hansen asked what if the declaration wasn't extended? Mayor Winn stated that she would be required to enforce the sign ordinance. Chairman Wardle stated that hadn't the City in the past, not enforced provisions that were not enforceable due to circumstances. Mayor Winn stated previous administrations have, but this administration hasn't.

6. **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 6:55 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 22nd day of July, 2020

Scott Wardle, Tooele City Council Chair