

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, August 18, 2021

Time: 7:10 p.m.

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

City Council Members Present:

Melodi Gochis

Ed Hansen

Justin Brady

Maresa Manzione

City Council Members Excused:

Tony Graf

City Employees Present:

Mayor Debbie Winn

Jim Bolser, Community Development Director

Adrian Day, Police Department Chief

Jamie Grandpre, Public Works Director

Roger Baker, City Attorney

Shannon Wimmer, Finance Director

Kaci Cruz, Assistant Finance Director

Darwin Cook, Parks and Recreation Director

Paul Hansen, Tooele Engineer

Michelle Pitt, City Recorder

Minutes prepared by Katherin Yei

Chairwoman Gochis called the meeting to order at 7:07 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Darwin Cook, Parks and Recreation Director.

2. Roll Call

Melodi Gochis, Present

Ed Hansen, Present

Justin Brady, Present

Maresa Manzione, Present

Tony Graf, Excused

3. Public Comment Period

No Public Comments.

4. Public Hearing and Motion on Ordinance 2021-22 An Ordinance of Tooele City Amending Tooele City Code Sections 7-26-1 and 7-26-2 Regarding the Conveyance of Water Rights for New Development

Presented by Roger Baker, City Attorney, and Paul Hansen, City Engineer

Mr. Baker stated they measure water rights is in acre-feet. He stated by doing the three-year water study, they measured how much interior water Tooele City uses per house, which showed 0.25 acre-foot. He stated the state requires the City to do a study to help build a water distribution system for the new developments. He stated they are recommending a change for the interior exaction from 0.45 acre-foot to 0.25 acre-foot per house. He stated the number may need to be adjusted in the future, but it is a number the City can defend and avoid litigation. He stated they are not recommending a change in the outside use because the City's new water master plan shows that number to be correct.

Mr. Hansen stated for clarification that the design consultant reviewed three years of water data, and did not take three years to complete the study. He stated that the interior component is based upon water meter records obtained during the winter months, when there is no outside watering. He also reminded the Council the difference of diversion and depletion. He stated that all water used for interior uses is required to allow for 100% depletion, as required by the State Engineer, and that the study found no appreciable difference in the interior water right demand of a single-family home or multifamily development.

Mr. Baker stated the finance department deals with water meters because they handle the water bills. He stated some of the City properties are still unmeasured, but they are changing that. He introduced Kacie Cruz.

Ms. Cruz stated all the culinary water is accounted for on a yearly water report, and that the water demand for the few remaining parks and open spaces without culinary meters was estimated based upon their acreage and state standard of 4-acre feet per acre of irrigation. She stated they are working to get all unmetered City properties metered by getting all large parks metered first. Eight parks have not been done yet. The first priority will be to meter the Tooele City Cemetery as it is Secondary Water and has to be done by 2030.

Mayor Winn stated Kaci has been promoted to the Assistant Finance Director.

Chairwoman Gochis asked if it is a requirement or just a recommendation deadline

Ms. Cruz stated there is not a requirement for culinary water, they just have to account for all water use.

Chairman Gochis opened the public hearing.

David Lewis stated he represents multiple agencies, but supports the staff in the reduction of the number.

Steve Evans stated he supports the recommendation. He stated developers and builders are already doing their best to conserve water in dishwashers and other appliances.

Mr. Baker stated the ordinance would take effect immediately and apply to any water rights conveyed to the City after May 19 (the date of the new water master plan adoption). Any project that was applied for or approved, it is retroactive to the date the water rights for that project are conveyed.

Council Member Manzione motioned to approve Ordinance 2021-22 to amend Tooele City code sections 7-26-1 and 7-26-2. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

5. Ordinance 2021-29 An Ordinance of Tooele City Amending Tooele City Code Section 4-8-2 Regarding Arc Radii for Intersecting Right-of-Way Boundaries

Presented by Paul Hansen, City Engineer

Mr. Hansen stated the ordinance applies to new developments and subdivisions. He stated that nearly 20 years the City established a graphic design standard which sets the corner radius at the curb and gutter at 40 feet, which correlates to a measured radius at the property line of 29.5 feet. He stated they have discovered a conflict between the written code and that historic graphic design standard. The intent of this Resolution is to correct the city code to establish the standard for all streets, local class and larger to be at to 29 ½. The provision would allow alleys to have a smaller radius.

Council Member Hansen motioned to approve ordinance 2021-29 amending Tooele City code section 4-8-2. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

6. Primary Vote Canvass

Presented by Michelle Pitt, City Recorder

Ms. Pitt read the Primary Election results as provided by the Tooele County Clerk's office. The Council was asked to canvass the results which would change them from "unofficial results" to

“official results”. Ms. Pitt read the canvass form which said that Tenille Tingey, Interim Tooele County Clerk, certifies that the results are full, true and correct.

Council Member Hansen motioned to accept primary vote canvass. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Chairwoman Gochis, “Aye.” The motion passed

7. Resolution 2021-82 A Resolution of the Tooele City Council Approving Insurance Coverage for Insurance Period 2021-2022

Presented by Michelle Pitt, City Recorder

Ms. Pitt stated that the City employs a comprehensive risk management strategy, including safety and sensitivity training, repair or removal of damaged equipment, risk inventories, risk management and safety policies, and insurance, the purpose of which is to avoid harm to persons and property and to decrease claims against the general funds of Tooele City. The City has been insured by the Utah Local Governments Trust since August of 2018. The premium for 2021-2022 is \$222,755.92, which is \$134,461 for liability coverage, \$75,344.44 for property coverage, and \$12,950.48 for auto coverage.

Council Member Brady motioned to adopt Resolution 2021-82. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Chairwoman Gochis, “Aye.” The motion passed

8. Resolution 2021-85 A Resolution of the Tooele City Council Authorizing the Tooele City Purchasing Agent to Dispose of Surplus Personal Property (Shops)

Presented by Michelle Pitt, City Recorder

The City’s purchasing policy states that when good are deemed surplus, outdated, or no longer needed by a department, and are valued at \$100 or more, the purchasing agent will recommend the transfer or disposal of the goods. The Shops Division has two 2006 Impalas which have been loaner cars for many years. They have been costing too much in repairs, have been replaced, and are no longer needed. The City is asking that the Council declare these goods surplus and allow them to be disposed of by sale through outside auction.

Council Member Manzione motioned to approve Resolution 2021-85. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Chairwoman Gochis, “Aye.” The motion passed.

9. Resolution 2021-84 A Resolution of the Tooele City Council Approving an Agreement with Pine Tree Construction for Pavilions at England Acres Park and Wigwam Park

Presented by Darwin Cook, Parks and Recreation Director

Mr. Cook stated resolution 2021-84 is to construct two pavilions, one apart of the second phase of England Acres and one for the Wigwam location. He stated they received four contractor bids back with Pine Tree Construction being the lowest. He stated one contractor would receive both projects with a completion date set as November 30th. He stated the total is \$912,228.

Council Member Brady motioned to approve Resolution 2021-48. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

10. Resolution 2021-83 A Resolution of the Tooele City Council Approving an Agreement with the Center for Public Safety Management LLC to Perform a Comprehensive Analysis of Fire Services in Tooele City

Presented by Mayor Debbie Winn

Mayor Winn stated the resolution is to provide a study for the fire department to see what the department needs. She stated it is beneficial to perform the service at the same time as Tooele county. She stated CPSM will look at all facets of the development and recommend needs to the City regarding many things including buildings, staff, and vehicles. She stated the cost is \$49,900 with a 15% discount. The time frame is 105-135 days with how quickly the City can give data.

Council Member Hansen asked if they are taking funds that were set aside for the building. Mayor Winn stated it is not touching any funds within the department, but under a line item approved in a previous budget meeting.

Council Member Hansen would like to see that money stay, but maybe there isn't another spot to pull funds from.

Mayor Winn stated this is the best place to take the money.

Council Member Brady motioned to approve Resolution 2021-83. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed.

11. Subdivision Preliminary Plan Request by DR Horton, Inc., for the Western Acres Subdivision, Phase 1 Located at Approximately 1900 North Copper Canyon Drive in the MR-16 PUD Multi-Family Residential Zoning District on 12.5 Acres to Create 130 Townhome Lots

Presented by Jim Bolser, Community Development Director

Mr. Bolser stated this project is phase one of the Western Acres subdivision, located near 1900 North Copper Canyon Drive. He stated the zoning of the property is an MR-16 PUD zone. He stated there is no additional density allowed with a PUD, but allows for a configuration difference. He stated there will be 130 townhome lots in this phase. The staff has reviewed the request and found that it is compliant with the regulations of the PUD and City Code. He stated the Planning Commission has reviewed this and forwarded a unanimous positive recommendation.

Chairwoman Gochis asked when the other amenities would be included.

Mr. Bolser stated the amenities will be built with the construction of the phases in which they lie.

Council Member Manzione asked if there were any amenities in phase one. Mr. Bolser stated it was detention basins and infrastructure rather than amenities in phase one.

Council Member Brady stated the master plan shows a trail on the north end that runs up the drainage ditch.

Mr. Bolser stated the development plan does show the construction of a trail to follow the drainage channel and was adopted along with the PUD.

Mr. Hansen stated they have worked with the developer on the FEMA channel and are waiting for approval from FEMA. The area must be improved in order to allow development. He stated the trail is a part of the channel improvements and grants access for the Public Works team to perform maintenance.

Council Member Brady asked if there is a reason the trail along Pine Canyon Road was not required because the master plan was approved.

Mr. Bolser stated it is the intent to construct the trail along the drainage channel but the PUD for the project was applied for and approved prior to the General Plan approval.

Council Member Hansen motioned to approve subdivision preliminary plan request by DR Horton, Inc. phase one. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Nay," Council Member Manzione, "Nay," Chairwoman Gochis, "Nay." The motion does not pass.

Council Member Brady stated he didn't approve of the application in the beginning and doesn't approve of it now.

Mr. Baker stated if it was a legislative item, they could vote against it for any debatable reason, under the rational basis test, but the Council's role in an administrative item is to see if it complies with the law.

Council Member Brady states if it complies with the law, they don't have an option.

Chairwoman Gochis asked if they need to rescind the motion.

Mr. Baker stated unless they can give a legal reason why it does not meet the City's regulations, they will have to vote again. An administrative item that applies with all the City's regulations must be approved.

Council Member Manzione stated PUD is giving up something to get something, not enough amenities in phase to get something.

Mr. Baker stated they must look at the whole PUD project and what amenities are included. Council Member Manzione asked how they protect themselves from the developers coming in and only doing part of the project.

Mr. Baker stated it is in the PUD ordinance itself, once approved they have lost discretionary. Protections need to be built into the legislative item. Once that is approved, the administrative approvals like subdivision plats are just to determine compliance with the legislative rules.

Chairwoman Gochis stated her reason for voting no was because there would be no amenities built into the first phase and not knowing when the other phases would come.

Mr. Baker stated the larger project shows amenities in later phases. He stated, respectfully, that the reasons for their Nay vote are not defensible reasons to not approve.

Chairman Gochis stated she would accept a motion to reconsider.

Council Member Brady motioned to reconsider. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion does pass.

Council Member Hansen motioned to approve subdivision Preliminary Plan request by DR Horton, Inc. phase one. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passes.

12. Minutes

August 4, 2021 Work & Business Meeting

No changes are to be made to the minutes.

Council Member Manzione motioned to approve the minutes from August 4, 2021. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed.

13. Invoices

Nickerson Company for a spare motor for Well #7 in the amount of \$65,652.00

Broken Arrow for repairs of Broadway at 910 North in the amount of \$32,563.02

Tooele County Sheriff's Office for 3rd quarter 2021 dispatch fees in the amount of \$88,764.

Ken Garff for 2022 F350 Water Truck in the amount of \$41, 310.

Young Chevrolet for 2020 Chevy for Public Works Director in the amount of \$43,825.

Young Chevrolet for 2021 Chevy for Street Department in the amount of \$48,310.

Weidner Fire for Emergency Rescue Equipment in the amount of \$42,831.86.

Council Member Manzione motioned to approve invoices. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

14. Adjourn

Chairman Gochis adjourned the meeting at 8:08 pm.

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 September, 2021

Melodi Gochis, City Council Chairwoman