

## Tooele City Council Business Meeting Minutes

**Date:** Wednesday, April 6, 2022

**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

Adrian Day, Police Department Chief

Roger Baker, City Attorney

Shannon Wimmer, Finance Director

Michelle Pitt, City Recorder

Jared Stewart, Economic Development Coordinator

Jamie Grandpre, Public Works Director

Kami Perkins, HR Director

Jim Bolser, Community Development Director

Paul Hansen, City Engineer

Darwin Cook, Parks and Recreation Director

Holly Potter, Deputy City Recorder

Minutes prepared by Katherin Yei

Chairman Brady called the meeting to order at 7:02 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. Mayor's Youth Recognition Awards**

*Presented by Debbie Winn, Mayor & Stacy Smart, Communities That Care Supervisor*

Mayor Winn, Stacy Smart, and Chief Day presented the Mayor's Youth Recognition Awards to the following students:

Jaidelyn Woodruff  
Valerie Maldanodo Perez  
Siale Peacock  
Maya Frank

#### **4. Second Step 6th Grade Drug and Alcohol Prevention Unit Project Winner**

*Presented by Sandy Medina, School Prevention Programs Coordinator*

Ms. Medina presented the Second Step 6th Grade Drug and Alcohol Prevention Unit Project Winner to the following student:

Malin Clegg

Ms. Clegg shared her winning poem.

#### **5. Tooele Technical College Student of the Year**

*Presented by President Paul Hacking*

Mr. Hacking gave an update on the CDL, nursing, and the new police program, national accreditation, and the grant for expansion. The Tooele Technical College Student of the Year was presented to Amy Rasmussen.

Ms. Rasmussen addressed the City Council regarding her journey to becoming a medical assistant.

#### **6. Public Comment Period**

Nikki Mathis shared her disappointment for the entire road of Deer Hollow not being completed when the entrance of that area is being done. She asked for a timeline.

Mayor Winn addressed Ms. Mathis concerns. The budget presentation is for HR only tonight, with the tentative budget being presented in May. The roads are being funded from the Road C funds. There are many needs within the City and they are not able to fund everything at once.

#### **7. Resolution 2022-25 A Resolution of the Tooele City Council Consenting to Mayor Winn's Appointment of Berna Sloan and Kristalle Ford and the Reappointment of Sarah Lawrence-Brunsvik to the Library**

*Board of Directors Presented by Jami Carter, Library Director*

Ms. Carter presented the reappointment of Sarah Lawrence-Brunsvik and the appointment of Berna Sloan and Kristalle Ford to the Library Board of Directors. The Library board is an

advisory body with varying perspectives and reflects the broad diversity they see. A single term is three years.

The City Council shared their excitement to see the board being filled.

**Council Member Graf motioned to approve Resolution 2022-25, Resolution of the Tooele City Council Consenting to Mayor Winn's Appointment of Berna Sloan and Kristalle Ford and the Reappointment of Sarah Lawrence-Brunsvik to the Library of Directors.** Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

**8. Public Hearing & Motion on Ordinance 2022-10 An Ordinance of Tooele City Amending Tooele City Code Chapter 7-24 Regarding Annexation**

*Presented by Roger Baker, City Attorney*

Mr. Baker presented an ordinance of Tooele City Amending the City Code Chapter 7-24 regarding annexation. This amendment provides clarification on the process and procedures. Currently the City Code requires a super majority, but some of the Council showed interest in changing that to a simple majority. The Planning Commission had a discussion and it was included in the Council packet.

The City Council shared their questions and concerns. In paragraph D, the wording at the end of the requested studies, says "among others." Are there other studies that need to be listed? Are there other issues that require a super majority? Do they have to vote on the Planning Commission's recommendation?

Mr. Baker addressed the Council. The studies listed are the standard studies, but there may be a particular annexation that may trigger something that is not a standard study. There are not many things that require a super majority. The Council can choose to make a motion on what they want and can include the Planning Commission's recommendations.

Council Member Graf and Council Member McCall are not in favor of changing the vote to simple majority because it is a major process that needs to benefit the community and City.

Council Member Manzione and Council Member Brady are in favor of changing the vote to simple majority because the application goes through thorough vetting and requires a lot of information.

Chairman Brady opened the public hearing.

Kim Barka encouraged the Council to stay a super-majority.

Chairman Brady closed the public hearing.

**Council Member Manzione motioned to approve Ordinance 2022-10, An Ordinance of Tooele City Amending Tooele City Code Chapter 7-24 Regarding Annexation with a simple majority, rather than a super-majority.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Naye," Council Member McCall, "Naye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

**9. Public Hearing & Motion on Ordinance 2022-12 An Ordinance of the Tooele City Council Adopting a Culinary Water Facilities "Impact Fee Facilities Plan" and "Impact Fee Analysis", Amending Tooele City Code Chapter 4-15, and Enacting an Amended Culinary Water Impact Fee**

*Presented by Jamie Grandpre, Public Works Director*

Mr. Grandpre presented an update to City Code Chapter 4-15, Culinary Water Facilities, "Impact Fee Facilities Plan," based on the 2021 culinary water plan. In the updated plan, they focused on adding new culinary tanks. The Impact fee puts the cost on the new growth, with the proposed amount for a single-family unit being \$7,805. The current fee was \$4,609.

The Council shared their support for the updated fee and asked how often updates should be happening.

Mr. Grandpre addressed the Council. There is a general rule of thumb, it is updated every five years.

Mr. Baker recommended reexamining costs every year. The standard practice is to review the facility plan every 5 years. Have a two-step approach by reviewing the costs and adjusting accordingly. State law requires they don't exceed what was calculated.

Council Member McCall made a recommendation to look at it every December and have numbers for the initial budget discussion in January.

Chairman Brady opened the public hearing. No one came forward. The public hearing was closed.

**Council Member Hansen motioned to approve on Ordinance 2022-12 An Ordinance of the Tooele City Council Adopting a Culinary Water Facilities "Impact Fee Facilities Plan" and "Impact Fee Analysis", Amending Tooele City Code Chapter 4-15, and Enacting an Amended Culinary Water Impact Fee and raise it to the maximum fee.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

Mr. Baker addressed the public. This ordinance will not take effect until July 5 because there is a 90-day waiting period before enacting a new fee.

**10. Public Hearing & Motion on Ordinance 2022-13 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the R1-7 Residential Zoning District and Removing the Sensitive Area Overlay for Approximately 38 Acres of Property Located at Approximately 900 South Main Street**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser presented the reassigning the zoning classification for the property located near 900 South Main Street. The property is currently zoned RR-1 Residential, requiring one-acre lots, and bares the Medium Density Residential land use designation. The applicant is asking for a rezone to the R1-7 zone the Sensitive Area Overlay to be removed from the development area of the property. A concept plan had been presented and shows it is possible to develop between 90 and 130 residential lots. The Planning Commission tabled the review and requested studies of the site, including potential hazards, traffic, geotechnical, and rock fall studies. All studies have been provided by the applicant, including a letter from Rocky Mountain Power regarding the power lines. The Planning Commission forwarded a positive recommendation with additional conditions that the recommendations listed in the various studies and the walking path be required.

Chairman Brady opened the public hearing. No one came forward. The public hearing was closed.

Mr. Johnson addressed the Council. They are seeking a rezone. The rezone needs to be done because UDOT will not allow access on the road to individual lots.

The City Council shared their concerns regarding the development with available water, who maintains the trail, traffic, speed limit, and a light on SR-36. As well as a fence between the highway and homes to provide as safety and a sound barrier.

Mr. Johnson spoke to the Council's questions. This particular property worked with Tooele City to build the well and gave a specific water credits with access credits. The developer would like to work with the City to maintain the trail area. There is a potential light identified at Settlement Canyon Road. They will add a fence between the houses and the highway and would be happy to abide by what the Council wants. They would like to divert walking traffic to the interior roads, but will work with UDOT to meet the proper requirements.

Mr. Bolser addressed the Council. Whatever is required to be improved is a UDOT standard for the SR-36 right-of-way.

Mr. Baker reminded the Council rezoning is a legislative decision. A fair amount of discretion in imposing requirements should be used. This is the Council's opportunity to make the recommendations in the studies provided be included.

The City Council spoke about the conditions that should be included in the vote. They found, the studies are only good if they adopt all of the recommendations. Trail and a masonry fence should also be included.

**Council Member Manzione motioned to approve Ordinance 2022-13, An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the R1-7 Residential Zoning District and Removing the Sensitive Area Overlay for Approximately 38 Acres of Property Located at Approximately 900 South Main Street, including the recommendations of the Planning Commission and studies in the packet. As well as implementing trail and a buffering fence between the highway and residential area with a masonry fence with sound and safety.** Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

**11. Public Hearing & Motion on Ordinance 2022-14 An Ordinance of Tooele City Amending Table 2 of Chapter 7-16 Regarding Setback Requirements in Nonresidential Zoning Districts**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser presented an amendment request to the Tooele City Code Chapter 7-16, Table 2, amending the nonresidential zoning district setbacks. The City addressed a zoning text amendment regarding the Industrial zone setbacks from 30 feet to 15 feet, enabling the existing buildings in the Industrial Depot to be subdivided without violating setbacks. The setbacks for the Light Industrial, Industrial Service, and Research and Development zones were increased to the same 15 feet for side yards and 20 feet for rear yards to be uniform. They have received applications that have found the setbacks to be cumbersome or prohibiting. The proposed text amendment, reduces the side yard to five feet and rear yards to ten feet for maintenance and water drainage. Previous to the amendment, the setbacks are allowed to be as little as zero feet. The notes below the tables will also be clarified. The Planning Commission has heard this item and forwarded a unanimous positive recommendation.

Chairman Brady opened the public hearing. No one came forward. The public hearing was closed.

**Council Member Hansen motioned to approve Ordinance 2022-14.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

**12. Public Hearing & Motion on Ordinance 2022-15 An Ordinance of the Tooele City Council Vacating a Dedicated Public Utility Easement on Lot 4 of the Tooele Estates Subdivision, phase 1**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser presented information on vacating a portion of utility easements on property located in the Tooele Estates Subdivision. There are established easements at line properties for certain utilities. The request is to remove two utility easements at the rear and North side. A site plan drawing was provided. The home owners want to construct an accessory garage that would interfere with the easements. Notices have been sent and property owner have been notified.

Chairman Brady opened the public hearing.

Donald Torrey, home owner, addressed the Council regarding the addition to his property.

**Council Member Manzione motioned to approve Ordinance 2022-15 An Ordinance of the Tooele City Council Vacating a Dedicated Public Utility Easement on Lot 4 of the Tooele Estates Subdivision, phase 1.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

### **13. Human Resource Benefit Package and Budget Update**

*Presented by Kami Perkins, Human Resources Director*

Ms. Perkins presented an update on labor costs. Health insurance continues to escalate; insurance renewal was anticipating at 7.5% but came in at 12.5%. With the tentative change to the Salary Schedule, general increase, and slight adjustments on police salary administration has stayed in the \$1.4 million range the Council asked them to stay in with adjustments to salaries and benefits. The Utah Retirement System is a large expensive that has stayed stable. The employee contribution for Tier 2 Public Safety has changed and will be brought back as a resolution to increase the "Pick-up Election."

There is a 12.5% renewal rate, discontinue guardian coverage but grandfather in those currently covered on our plan, and PEHP is making changing to IVF and gender dysphoria. Dental is at a 1% renewal. Utah HB 23, First Responder Mental Health Services requires that we provide mental health services access to mental health services for our firefighters and this is included in the labor cost projections at this point. The recent legislative session also required that we include in our bereavement leave policy, eligibility for miscarriage or still born child. Utah also added Juneteenth as a State holiday.

### **14. Public Works Project Update**

*Presented by Paul Hansen, City Engineer*

Mr. Hansen presented updates on the following Public Work Projects:

Seventh Street, adjacent to England Acres, is waiting for a covert box.

Currently out for bid on the roads projects is Sunset, Oaks Hill, and Deer Hollow. They require water replacement. Bids were received and need to be reviewed.

They are developing water source near the Barra property with the consideration of a well house and water reservoir. The Red Del Papa project will be extended another week.

There has been a cost escalation in supplies and parts. The well houses will need deep motors and booster pumps. It is \$194,927 for the pump motor and installation. That price has a 14 day hold period and then will go up another 5%.

The Barra project is not as deep. It will cost \$147,000 for that motor. It is in the best interest of the City to require those now.

The pavement management projects will be put out for bid. Public Works is working on that list for improvements.

No formal action is being asked, other than to purchase pumps and bring back for ratifications.

The City Council shared their approval to move forward.

**15. Resolution 2022-21 A Resolution of the Tooele City Council Approving an Amendment to the 2019 Cell Tower Lease Agreement with Eco-Site II, LLC**

*Presented by Roger Baker, City Attorney*

Mr. Baker presented Resolution 2022-21 to renew the cell tower lease agreement. The agreement has expired and they are asking for another year. If they build, there is a potential of \$1250 per month fee the City will receive.

**Council Member Graf motioned to approve Ordinance 2022-21.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

**16. Resolution 2022-22 A Resolution of the Tooele City Council Approving a Modification to the Third-Party Public Improvement Inspection Requirement for Overlake 2A Phase 2**

*Presented by Roger Baker, City Attorney*

Mr. Baker presented a modification to the settlement agreement with Overlake developers. They have predicted it would take longer and be more expensive through a third party. The amendment will allow the City to inspect public improvements with a 4% inspection fee.

**Council Member Manzione motioned to approve Ordinance 2022-22 Approving a Modification to the Third-Party Public Improvement Inspection Requirement for Overlake 2A Phase 2.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

**17. Resolution 2022-23 A Resolution of the Tooele City Council Authorizing the Tooele City Purchasing Agent to Dispose of Surplus Personal Property**

*Presented by Michelle Pitt, City Recorder*

Ms. Pitt presented three vehicles as surplus items. Two police vehicles and one Parks vehicle are no longer needed for the City. They ask these vehicles be declared surplus and dispose of them through live auction.

**Council Member Graf motioned to approve Ordinance 2022-23.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

**18. Resolution 2022-24 A Resolution of the Tooele City Council Declaring Surplus Certain Technology-Related Equipment, and Authorizing Disposal**

*Presented by Michelle Pitt, City Recorder*

Ms. Pitt presented surplus IT items. The policy is to keep items for a number of time and have met the time period. They are unable to use any of the parts. They ask the items be declared surplus and be disposed through a recycling facility to minimize waste and environmental effects.

**Council Member McCall motioned to approve Ordinance 2022-24.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

**19. Resolution 2022-26 A Resolution of the Tooele City Council Approving an Agreement with Elite Grounds L.C. for Landscaping Maintenance at City Buildings and Parks**

*Presented by Darwin Cook, Parks & Recreation Director*

Mr. Cook presented an agreement with Elite Grounds L.C. for landscaping at City Buildings and Parks. The contract is in place for three years. They recently sent it out to bid and received 4 bids back. Elite Grounds was \$69,640.22. References were called and they have favorable relationships with previous work. They met with the company and resolved any concerns.

**Council Member Manzione motioned to approve Ordinance 2022-26.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

**20. Resolution 2022-27 A Resolution of the Tooele City Council Approving a First Amendment to the Development Agreement for Copper Canyon PUD Between Tooele City and Phoenix of Copper Canyon, LLC**

*Presented by Roger Baker, City Attorney*

Mr. Baker presented an amendment to a development agreement for Copper Canyon PUD. The agreement has been in place since 2012. The project has moved at a slower pace and is not close to finishing development. The development agreement is about to expire. They are working diligently to negotiate a new development agreement or extension. They are asking for a six-month extension to the agreement.

**Council Member Hansen motioned to approve Resolution 2022-27.** Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady, "Aye." The motion passed.

**21. Ordinance 2022-11 An Ordinance of Tooele City Enacting a Temporary Zoning Ordinance Regarding Garage Parking in Multi-Family Residential Developments**

*Presented by Roger Baker, City Attorney*

Mr. Baker presented a temporary ordinance regarding garage parking in multi-family residential developments. Once a temporary zoning ordinance is put in place, all developments have to follow the it until it ends at six months or a new rule takes effect. If there is an important enough reason, compelling and countervailing, the City Council can impose a temporary zoning ordinance without the Planning Commission's recommendation and public hearings. This is to help prevent a rush of applications to vest in the current regulations while new regulations are being formulated and are going through the regular process for enacting new land use ordinances. The requirement is to create two parking spaces in the driveway without including garage space. Some town homes don't have a driveway and count the garage as off-street parking. The ordinance suggests they cannot safely plow or operate those streets with the cars parked on the street. They plan to bring proposals through regular process as quick as possible.

The Council shared their concerns regarding the following:

This Ordinance is in response to an application and not being a corrective measure.

When a developer adds a garage, it is not counted as parking. Is a carport counted?

It is difficult in trying to solve the problem because developers are looking to develop and not maintain.

Safety concerns for having cars parked on the road creating a one-way road.

Mr. Baker addressed the Council Concerns. The City has learned lessons through experience. Parking that was agreed was not sufficient, which forces residents to park on the street. They put the temporary in place to avoid any harm. The hard part is finding the balance between private property rights and public interest. The garage aspect will encourage developers to get creative. There is a six-month clock when notices get posted. That clock has begun already. They are looking at every dwelling type including two car garages with proper dimensions.

**Council Member Graf motioned to approve Ordinance 2022-11, An Ordinance of Tooele City Enacting a Temporary Zoning Ordinance Regarding Garage Parking in Multi-Family Residential Developments.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member McCall, “Aye,” Council Member Manzione, “Aye,” Chairman Brady, “Aye.” The motion passed.

**22. Minutes**

- ~March 9, 2022 City Council Special Budget Meeting
- ~March 16, 2022 City Council Work Meeting
- ~March 16, 2022 City Council Business Meeting
- ~March 30, 2022 City Council Special Water Meeting

There are no changes to the minutes.

**Council Member McCall motioned to approve Minutes.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member McCall, “Aye,” Council Member Manzione, “Aye,” Chairman Brady, “Aye.” The motion passed.

**23. Invoices**

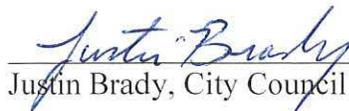
There are no invoices to approve.

**24. Adjourn**

Chairman Brady adjourned the meeting at 9:33pm.

*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 4 day of <sup>May</sup>~~April~~, 2022

  
Justin Brady, City Council Chair