

Tooele City Council Business Meeting Minutes

Date: Wednesday, May 4, 2022

Time: 7:10 p.m.

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

City Council Members Present:

Ed Hansen, via phone
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
Jim Bolser, Community Development Director
Paul Hansen, City Engineer
Darwin Cook, Parks and Recreation Director
Holly Potter, Deputy City Recorder
Stacy Smart, Communities That Care Supervisor

Minutes prepared by Holly Potter

Chairman Brady called the meeting to order at 7:07 p.m.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Police Chief Adrian Day

2. **Roll Call**

Maresa Manzione, Present
Tony Graf, Present
Ed Hansen, Present via phone
Dave McCall, Present
Justin Brady, 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:

Sophia Memales
Tanner Stephenson
Riley Pocock

4. Public Comment Period

No one came forward. The public comment period was closed.

5. Public Hearing & Motion on Ordinance 2022-17 An Ordinance of Tooele City Amending Section 7-11a-18 of the Tooele City Code Regarding Multi-Family Residential Design Standards *Presented by Jim Bolser, Community Development Director*

Mr. Bolser explained, in December, 2021, this application went to the Planning Commission, with a request to amend this section of the City Code 7-11a-18, specifically regarding exterior building materials, subsection 1, within the multi-family design standards. Following the proposal in December, the applicant requested some time to revise some language, and come back at a later time. That language was proposed to the Planning Commission, which would result in the amendment shown. It would create the existing language as a subsection "a", and then propose new language as subsection "b", and subsection "c". Through discussions with City staff, and the applicant it was discovered that there was a hole in the existing language. Right now, subsection "a" has a minimum amount of a specific set of building materials to be used on the front elevation of a building. Based on the area of all four sides, it makes a mathematical possibility where the minimum requirement is greater than the area of the front elevation, which means we have one material for the entire elevation, which is potentially the opposite of what we were hoping to address with this application. It became clear that even if the Planning Commission and Council chose to stick with our existing language, we would probably still have an issue to be addressed.

Through our discussion with the applicant, we proposed this alternate language as a third option to the Planning Commission which very cleanly removes the ties to the "all four" elevations being the basis for the minimum requirements of the front elevation and specifically calls out a minimum percentage for the front elevation. It was proposed to the Planning Commission that that minimum percentage be 60%. One of the reasons why that number was purposed as a starting point for discussion was that already there is a minimum requirement of 50% on all four sides. For example, if the side elevations drop below the minimum standards for all four sides, it would mean that another elevation would have to increase in order to maintain that 50% balance. That would then potentially have the emphasis of the aesthetic of the building away from the public facing side. One of the things we discussed in the proposal was if we already have a slightly higher percentage on the front, we keep that emphasis on the aesthetic and building on the front façade and the flexibility for the designers to work with the other elevations. The Planning Commission held a public hearing and forwarded this third alternative for your consideration, with a positive recommendation with a six to one vote.

Mr. Graf expressed his appreciation for the simplification of the text.

Chairman Brady opened the public hearing.

Mr. Charles Akerlow, the applicant, expressed concerns that he felt the change in text would create further confusion and make it more, not less, difficult to comply with the City's requirements.

Mr. Bolser then explained the changes requested again, and Mr. Akerlow said he had misunderstood and now is in favor of the proposed changes.

With no further comments from the public, Chairman Brady closed the public hearing.

Council Member Manzione motioned to approve Ordinance 2022-17. Council Member McCall seconded the motion. The vote was as follows: Council Member Manzione "Aye", Council Member Graf "Aye", Council Member Hansen "Aye", Council Member McCall "Aye", Chairman Brady "Aye". The motion passed.

6. Public Hearing & Motion on Ordinance 2022-18 An Ordinance of the Tooele City Council Creating a Planned Unit Development Zoning Overlay on 33.82 Acres of Property Located at Approximately 1200 North Franks Drive
Presented by Jim Bolser, Community Development Director

Mr. Bolser explained, typically as we see PUDs, or Planned Unit Developments, often they are prior to development planning. The purpose of a PUD is to look at configuration, a PUD designation does not change allowable uses, and does not change allowable densities. So over the scope of a project you're not allowed a single additional unit by a PUD designation, you have to go through other means to do that. All it does is change allowances in configuration. A common phrase for this is clustering. Increasing in one area but reducing in another. In most cases, a PUD request is for when a particular area cannot be developed due to things like a stream bed or other sensitive area, so they cluster the buildings in another area that is part of the same project.

This request is different in that we have a planned development, but the same principle is still applied. This request is only for the multi-family portion of the Lexington Greens Development. This project still conforms to the Land Use Map and Zoning Map as is. The zone would remain the same, but we would add the PUD designation to it. This PUD designation is proposing to apply to the existing eight lot subdivision, which has been approved by the City Council and is recorded with the County Recorder's office. These master lots do not contain any development entitlements, and each lot would have to come back for their individual approvals of multi-family projects. Of these eight lots, six of them either have already received approval for construction and are underway, or are in our office for review. The only two that are not are the two lots on the far west. Within these eight lots, the two lower center lots, lots 103 and 108, have been sold to another individual and is under construction currently. Those two lots have been combined into a single lot. The PUD designation proposal, is only in the multi-family portion. It does not change any of the existing uses or density of this portion of the development. What it intends to do very specifically, is assign a number of dwelling units to each of those eight lots. Lots 102a & 102b which are currently a single lot, would increase the allowable dwelling units on those, while decreasing amongst the other seven lots. There are four lots that have been sold to two other entities. The applicant has offered to the City, as a part of those sales, they had written into the private agreements how many dwelling units they would have allowed on those lots. What they have represented does match what the PUD designation is proposing. Those lots that have development plans submitted to the City also match the number of dwelling units proposed in the PUD.

The Planning Commission has heard this proposal and held their own public hearing and are recommending approval of this proposal with a six to one vote.

Chairman Brady said he'd watched the public hearing and saw that there were several concerns from the public and confirmed that the concerns were addressed and clarified that this area was always going to be apartments, and all this is doing is redistributing multi-family dwellings. Council Member Manzione confirmed that the higher density would be moved closer to the park. There was concern from one neighbor concerning lot 101. Mr. Bolser said that is one lot that is under application currently, shown for 72 apartment units. The buildings for that application have all the

buildings to be out against Frank's Drive. The only building that would be back towards the development to the east is a club house building in the lower right hand, or south east corner.

Chairman Brady opened the public hearing.

Charles Akerlow, the applicant, described some of the amenities that are planned for the development as well as mentioned that the City only has an easement on Frank's Drive and that his company has gladly improved Franks Drive and given it to the City. Mr. Akerlow expressed his appreciation of working with the City.

With no further comment from the public, Chairman Brady closed the public hearing.

Council Member Manzione motioned to approve Ordinance 2022-18. Council Member McCall seconded the motion. The vote was as follows: Council Member Manzione "Aye", Council Member Graf "Aye", Council Member Hansen "Aye", Council Member McCall "Aye", Chairman Brady "Aye". The motion passed.

7. Preliminary Plan Request for the Bryant Subdivision by Clint Bryant to Create a New 1.00 Acre Platted Lot at Approximately 426 North Coleman Street in the RR-1 Residential Zoning District
Presented by Jim Bolser, Community Development Director

Mr. Bolser presented the Preliminary Plan Request explaining that the property is a 1 acre section of a much larger parcel. The applicant desires to carve out a 1 acre lot for a new home off of the larger property. The three existing buildings on the property will need to be relocated or removed, which the applicant is purposing to do. The Planning Commission has heard the request and has forwarded a unanimous positive recommendation.

Council Member McCall motioned to approve the Bryant Subdivision Preliminary Plan Request. Council Member Graff seconded the motion. The vote was as follows: Council Member Manzione "Aye", Council Member Graf "Aye", Council Member Hansen "Aye", Council Member McCall "Aye", Chairman Brady "Aye". The motion passed.

8. Ordinance 2022-10 An Ordinance of Tooele City Reconsidering Amending Tooele City Code 7-24 Regarding Annexation
Presented by Roger Baker, City Attorney

Chairman Brady explained this is the ordinance that was discussed in the previous City Council meeting. It went to the Mayor and was vetoed, so is back to the Council to vote on the original motion, and that it has to pass with four or five votes to be approved.

Chairman Brady made the motion to approve Ordinance 2022-10. Council Member Manzione seconded the motion. The vote was as follows: Council Member McCall questioned that this is just for the amount of votes it takes to approve. Chairman Brady confirmed. Council Member McCall voted "Nay". Council Member Hansen "Aye", Council Member Graf "Nay", Council Member Manzione "Aye", Chairman Brady "Aye". Without the four votes, the ordinance did not pass.

Mr. Baker explained that the original motion now does not carry, and that the Council has the opportunity to make another motion. The motion that would be the most expected would be a motion on the ordinance as originally presented, and if that did not pass, then it would be status quo with the way the code is written.

Chairman Brady asked that besides the super majority vote, does the ordinance change other things in the code.

Mr. Baker said the ordinance that he presented to the Council had significant amendments as to procedure, and things that would be required from a developer. The four-fifths vote in the amendment was included because two-thirds fraction of a five member body doesn't work very well. The motion Mr. Baker would suggest, would be on the motion as originally presented, with the four-fifths vote.

Council Member Graff questioned, if he wanted to make a motion, keeping the original language of the ordinance, but adopting, as it relates to the majority, the 2/3, but adopting the remaining changes, that aren't dealing with going from 2/3 to 4/5, how would he best state that.

Mr. Baker clarified that if Mr. Graf wanted to make a motion based on how it was originally presented, with all of the red lines, including the 4/5 change?

Mr. Graf explained that he doesn't want to make a motion that would fail solely because of the 4/5 change. He wanted to make a motion that would pass with all of the other changes, and that he feels the rest of the Council Members are in agreement on. So if he wished to purpose a motion, with 2/3, even though it's a mathematical impossibility, but keeping the rest of the changes. Mr. Graf clarified that even with the 2/3 language in the ordinance, the reality would be 4/5. Mr. Baker confirmed.

Council Member Graf made a motion to pass Ordinance 2022-10, keeping the original 2/3 language, and adopting the remainder of the proposed changes. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall "Aye", Council Member Hansen "Nay", Council Member Graf "Aye", Council Member Manzione "Nay", Chairman Brady "Aye". The motion was passed with the edited text.

9. Resolution 2022-30 A Resolution of the Tooele City Council Approving an Interlocal Agreement Between Tooele City and Tooele County for Solid Waste Disposal
Presented by Roger Baker, City Attorney

This is an agreement between Tooele County and Tooele City for the county to accept garbage from the city at the landfill, and establishes a ten year term and the tipping fee of \$40/ton. That fee could be increased annually up to a maximum of an additional \$1.50/ton/year. The Mayor commented that while it is a 10 year contract, at any time we can give 180 days' notice if the city decides to go with another company.

Council Member Manzione motioned to approve Resolution 2022-30. Council Member McCall seconded the motion. The vote was as follows: Council Member Manzione "Aye", Council Member Graf "Aye", Council Member Hansen "Aye", Council Member McCall "Aye", Chairman Brady "Aye". The motion passed.

10. Resolution 2022-31 A Resolution of the Tooele City Council Approving an Agreement with Tooele County for Dispatch Services for Fiscal Year 2022-2023
Presented by Adrian Day, Police Chief

Tooele County will provide public safety dispatch services to the City for fiscal year 2022-2023 for the amount of \$321,459.00. The county uses a formula, by having all public safety users pay their fair share to cover the running cost of dispatch services.

Council Member Graf motioned to approve Resolution 2022-31. Chairman Brady seconded the motion. The vote was as follows: Council Member Manzione "Aye", Council Member Graf "Aye", Council Member Hansen "Aye", Council Member McCall "Aye", Chairman Brady "Aye". The motion passed.

11. Resolution 2022-32 A Resolution of the Tooele City Council Tentatively Adopting the Budget Officer's Tentative Budget for Tooele City Fiscal Year 2022-2023, and Establishing the Time and Place of a Public Hearing to Consider its Adoption

Presented by Debbie Winn, Mayor

The Mayor explained the two different formats of the tentative budget. The first being the traditional format used, the second being a simplified version that would be easier for the citizens of Tooele City to read and understand. The tentative budget is a balanced budget, as required by state law. The requested public hearing time and place is the 15th of June, 2022 at approximately 7:10 p.m. The budget will also be posted to the Tooele City's website and available for anyone who wants to go over it.

Chairman Brady commented that he would like to have a special budget meeting and would be contacting those required to be there to determine the date and time. The public is encouraged to attend as it will be a public meeting.

Council Member Graf motioned to approve Resolution 2022-32. Council Member McCall seconded the motion. The vote was as follows: Council Member Manzione "Aye", Council Member Graf "Aye", Council Member Hansen "Aye", Council Member McCall "Aye", Chairman Brady "Aye". The motion passed.

12. Resolution 2022-35 A Resolution of the Tooele City Council Ratifying a Contract with VanCon Inc. For Construction of the 2022 Red Del Papa Park Well House and Waterline, Bid Schedule "A" – Well House

Presented by Paul Hansen, City Engineer

Mr. Hansen explained the bidding process and why the well house from this resolution, and the waterline from the following resolution, were awarded to different bidders. Finding it in the City's best interest to award the contracts separately.

Schedule "A", the well house would be funded through culinary water impact fees. The City put the project out for bid in accordance with state law. The City received two bids. VanCon is the apparent lowest responsive, responsible bidder. The city has worked with them in the past. Mr. Hansen recommended the Council ratify the contract as awarded. He explained the need for ratification due to the Council not meeting two weeks ago and the need to award the contract, per council approval at the April 6th meeting to avoid higher associated costs. The contract awarded to VanCon for \$1,330,000.00, with an additional 5% contingency funds, to account for unanticipated conditions that may arise, in the amount of \$51,650.00.

Chairman Brady motioned to approve Resolution 2022-35. Council Member Manzione seconded the motion. The vote was as follows: Council Member Manzione "Aye", Council Member Graf

"Aye", Council Member Hansen "Aye", Council Member McCall "Aye", Chairman Brady "Aye".
The motion passed.

13. Resolution 2022-36 A Resolution of the Tooele City Council Ratifying a Contract with Broken Arrow Inc. for Construction of the 2022 Red Del Papa Park Well House and Waterline, Bid Schedule "B" - Waterline

Presented by Paul Hansen, City Engineer

This is the second component as explained by Mr. Hansen in the previous resolution. The recommendation is to award the waterline contract to Broken Arrow. This will also be funded by impact fees. It was also put out for public bid. There were three bidders. The cost proposal from Broken Arrow is \$1,343,623.68 with a contingency fund of \$67,200.00. The contingency funds would only be used with authorization by the Mayor.

Council Member Manzione motioned to approve Resolution 2022-36. Council Member McCall seconded the motion. The vote was as follows: Council Member Manzione "Aye", Council Member Graf "Aye", Council Member Hansen "Aye", Council Member McCall "Aye", Chairman Brady "Aye". The motion passed.

14. Resolution 2022-37 A Resolution of the Tooele City Council Ratifying a Contract with VanCon Inc. for Construction of the Berra Well 1 Million Gallon Reservoir

Presented by Paul Hansen, City Engineer

This is also a water improvement project, a second well that the City is in the process of developing. There are significant differences in the two projects. One having a well house and this one having a reservoir. This was deemed best due to the location and available yield of the well, to avoid sudden or extreme pressure surges. There will be a future request for the well house and pump station associated with this project. The reservoir is being done first because it takes a considerable amount of land and resources to complete. This was also put out for public bid. This project will be funded by water impact fees. Four bids were submitted, VanCon being the lowest responsive, responsible bidder. Mr. Hansen is recommending the ratification of the resolution and awarding the contract in the amount of \$1,833,000.00 with a contingent fund of \$91,650.00.

The City is also adjusting the lot line along this project in conjunction with the property owner that gives both parties better utilization of their property. This is for information only as it will formally come back to the Council at a later date as a platt.

Council Member Manzione motioned to approve Resolution 2022-37. Chairman Brady seconded the motion. The vote was as follows: Council Member Manzione "Aye", Council Member Graf "Aye", Council Member Hansen "Aye", Council Member McCall "Aye", Chairman Brady "Aye". The motion passed.

15. Resolution 2022-38 A Resolution of the Tooele City Council Ratifying a Contract with Broken Arrow Inc. for the 2022 Roadway Improvement Project

Presented by Paul Hansen, City Engineer

This is part 1 of the Roadway Improvement Project; phase 2 will be presented at the next Council meeting. This project involves the reconstruction of three of the roadway sections in town. Namely Sunset, Oak Hill, and the entrance to Deer Hollow. The road projects involve reconstruction of the road base and asphalt and several sections of curb and gutter among other improvements. As a result,

this project will be funded through a combination of road "C" funds, a portion of culinary water revenue funds, and a portion of the storm water funds. This project was put out for public bid with three responses. Broken Arrow was the apparent lowest responsive, responsible bidder. Their contract is in the amount of \$809,541.40 with a 5% contingency of \$41,000 which would only be used with the authorization of the Mayor.

Council Member McCall motioned to approve Resolution 2022-38. Council Member Manzione seconded the motion. The vote was as follows: Council Member Manzione "Aye", Council Member Graf "Aye", Council Member Hansen "Aye", Council Member McCall "Aye", Chairman Brady "Aye". The motion passed.

16. Resolution 2022-39 A Resolution of the Tooele City Council Adopting the Fire Department Analysis Report Prepared by The Center for Public Safety Management LLC
Presented by Debbie Winn, Mayor

On April 6th 2022 The Center for Public Safety Management presented the City Council with their Fire Department Analysis Report. The document gives the City direction on how to proceed with regards to how to best assist the Tooele City Fire Department with the increased number of calls, ageing fleet and equipment, and administrative needs. There will be further budget discussions on how to best go about this process. A copy of this fire study will be made available on the City's website for those in the community interested. One of the recommendations made was the creation of a Career Paid Fire Chief position. The position has been opened internally and not to the public in an effort to give our Volunteer Firefighters an opportunity to apply for the position.

Chairman Brady motioned to approve Resolution 2022-39. Council Member Manzione seconded the motion. The vote was as follows: Council Member Manzione "Aye", Council Member Graf "Aye", Council Member Hansen "Aye", Council Member McCall "Aye", Chairman Brady "Aye". The motion passed.

17. Minutes

~Wednesday, April 6, 2022 City Council Work Meeting
~Wednesday, April 6, 2022 City Council Business Meeting
There are no changes to the minutes.

Council Member Manzione motioned to approve Minutes. 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. Invoices

Ms. Pitt presented the following invoices:

Ken Garff Ford West Valley for a 2020 F150 for Public Works in the amount of \$41,106.00
Wheeler Machinery for a CAT Generator for the Berra Well House in the amount of \$207,508.52
Wheeler Machinery for a CAT Generator for the Red Del Papa Well House in the amount of \$107,479.00
Motorola Solutions for radios for the Fire Department in the amount of \$36,297.96

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

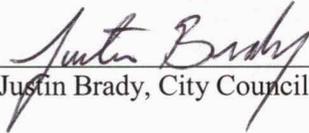
"Aye," Council Member McCall, "Aye," Council Member Manzione, "Aye," Chairman Brady,
"Aye." The motion passed.

19. Adjourn

Chairman Brady adjourned the meeting at 8:26 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 18 day of May, 2022



Justin Brady, City Council Chair