

## Tooele City Council Business Meeting Minutes

**Date:** Wednesday, July 20, 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

Roger Baker, City Attorney

Shannon Wimmer, Finance Director

Darwin Cook, Parks and Recreation Director

Jami Grandpre, Public Works Director

Andrew Aagard, City Planner

Jami Carter, Library Director

Lonnie Collings, Police Captain

Michelle Pitt, City Recorder

Holly Potter, Deputy City Recorder

Minutes prepared by Katherin Yei

Chairman Brady called the meeting to order at 7:00 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

Dave McCall, Present

Maresa Manzione, Present via phone

### **3. Public Comment Period**

The public hearing was opened. No one came forward. The public hearing was closed.

**4. Public Hearing & Motion on Ordinance 2022-25 an Ordinance of Tooele City Reassigning the Zoning from MR-8 Multi-Family Residential to MR-20 Multi-Family Residential for .28 Acres of Property Located at 738 West McKellar Street**

*Presented by Andrew Aagard, City Planner*

Mr. Aagard presented information on a zoning map amendment application involving the existing Multi-Family structure near McKellar Street. The property is non-conformity and is zoned MR-8, Multi-Family residential. The Zoning Map request is unique in that the request is to make a Multi-Family structure legal and will not add existing units or additional traffic. The application is asking for the MR-20 Zoning District. The Planning Commission forwarded a positive recommendation with the conditions that allow the property line to increase to include the 6 units and additional parking and then the property line be zoned to MR-20 after the lot line is moved.

The Council shared the following concerns:

If the zoning is approved, someone can tear down what's there and rebuild something else. The area should stay MR-8, because they do not want MR-20 in the area.

What are the consequences for something that is non-conforming and against code? If they need to square up the property to meet requirements, where would the property come from?

Mr. Aagard addressed the Council's questions and concerns. The properties are not insured and financing is difficult. If it was not acted on, they would go continue to go on as is. If the property were to be rezoned, it would still be limited to the same number of units because of property size. The applicant could add additional property into the MR-8 and be about three-quarters of an acre. It is the understanding; the applicant has access to the larger property to the North.

Mr. Baker addressed the Council. This property was originally built as a single-family home and was lawful at that time. It was transformed illegally into apartments. This was a self-imposed hardship. The Council can discuss a course of action for the future. If something like this happens and they discover it in a timely manner, building inspectors can issue stop work orders or double building permit fees. They can sue the property owner in court at the property owners' cost, but proof becomes harder with time. The Council can condition that th property has to be brought to building code, or they could leave it alone and make it as safe as possible.

The Council discussed what conditions could be added to the request. There is an option to make it a condition to increase the property size and approve it as long as it is brought to conformity. The other option is to do nothing and there becomes a legal issue.

Mr. Aagard addressed the Council regarding the decision of increasing the lot size. The applicant has been asked about this and is not in favor of it.

Mr. Baker addressed the Council. The Planning Commission did recommend expanding the property. The Council can have the applicant complete items before they approve anything. It is unsure if they property can even be brought up to code. There is legal non-conformity, where the City changes the rules which creates a non-conformity. There are illegal non-conformities; this

density does not support what is there. It is appropriate to table until the property has made into code.

The Council had a further discussion on the action to take. They would like the applicant to be proactive and bring the application back to the staff when they have brought the property to code.

The public hearing was opened. No one came forward. The public hearing was closed.

**Council Member Manzione motioned to table until the property has a lot size bigger to meet MR-20 zone, and the property is inspected and brought up to code.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

**5. Resolution 2022-69 a Resolution of the Tooele City Council Consenting to Mayor Winn's Appointment of Susan Callihan to the Library Board of Directors**

*Presented by Jami Carter, Library Director*

Ms. Carter presented the appointment of Susan Callihan to the Library Board of Directors.

**Council Member McCall motioned to approve Resolution 2022-69 a Resolution of the Tooele City Council Consenting to Mayor Winn's Appointment of Susan Callihan to the Library Board of Directors.** Chairman Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

**6. Subdivision Preliminary Plan for the Proposed 400 East Commercial Subdivision by Steve Evans Representing MEH Real Estate, LLC, to Subdivide Approximately 19.40 Acres into 9 Lots Located at Approximately 2100 North 400 East in the IS Industrial Service Zone**

*Presented by Andrew Aagard, City Planner*

Mr. Aagard presented a subdivision preliminary plan involving the 19-acre parcel located east of Main Street by the North Point Medical Center. The property is zoned IS, Industrial Service. The application is to subdivide the property into nine lots for commercial use. Each lot within the development meet or exceeds the requirements. It will have ample right of way and improve frontage of the property. The Planning Commission forwards a positive recommendation of approval with the conditions listed in the staff report.

The Council asked the applicant what businesses will be tenting the space.

The applicant addressed the Council. Currently there is interest from U-Haul and having a strip mall. It is open for other business interests.

**Council Member Hansen motioned to approve the Subdivision Preliminary Plan for the Proposed 400 East Commercial Subdivision.** Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

**7. Ordinance 2022-23 an Ordinance of Tooele City Amending Tooele City Code Section 8-6-5 Regarding Shared Sewer Laterals**

*Presented by Jamie Grandpre, Public Works Director*

Mr. Grandpre presented an amendment to the City Code section 8-6-5. It requires separate sewer laterals for structures and allows some exceptions. The wording for the exceptions section has been clarified and amended to make it clear to all parties involved. It will protect the public health and welfare.

**Council Member Graf motioned to approve Ordinance 2022-23, an Ordinance of Tooele City Amending Tooele City Code Section 8-6-5 Regarding Shared Sewer Laterals.**

Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

**8. Resolution 2022-65 a Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Animal Shelter Fees**

*Presented by Darwin Cook, Parks & Recreation Director*

Mr. Cook presented a fee adjustment for a surrender fee for the animal shelter. The \$10 fee is for when pet owner needs to rehome or "surrender" the animal. They would like to put the fee on the fee schedule.

**Council Member Hansen motioned to approve Resolution 2022-65.** Chairman Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

**9. Resolution 2022-66 a Resolution of the Tooele City Council Authorizing the Application for and Acceptance of Edward Byrne Justice Assistant Grant Funding for Police Department Equipment**

*Presented by Lonnie Collings, Police Captain*

Captain Collings presented a request to authorize the application and acceptance of funds from the Edward Byrne Justice Assistant Grant Funding. The county does not qualify, but they have to have an MOU saying they are ok for the City to accept it. The money would be used for a motorcycle for traffic enforcement. They can reapply for the funds every year.

**Council Member McCall motioned to approve Resolution 2022-66.** Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

**10. Resolution 2022-67 a Resolution of the Tooele City Council Approving an Interlocal Agreement Between Tooele City and Tooele County for 2022 Byrne Justice Assistance Grant Funds**

*Presented by Lonnie Collings, Police Captain*

Captain Collings presented an agreement with Tooele County to allow the City to receive the funds from the Byrne Justice Assistance Grant. It will be presented in the County’s meeting in August.

**Council Member Manzione motioned to approve Resolution 2022-67.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed.

**11. Resolution 2022-68 a Resolution of the Tooele City Council Approving an Agreement with Garrett and Company for Installation of New Playground Equipment at Elton Park**

*Presented by Darwin Cook, Parks & Recreation Director*

Mr. Cook presented an agreement for the playground at Elton park. It has been discovered that wear and tear and vandalism has made the playground unsafe. Garret and Company is a state contractor that will provide a playground into the current area. The par tax project will pay for the playground in the amount of \$78,928 to replace the playground.

Chairman Brady asked about covering over the playground.

Mr. Cook included that some designs include a cover for the playground. They tend to have a heavier maintenance.

**Council Member Hansen motioned to approve Resolution 2022-68.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye.” The motion passed

**12. Minutes**

*~Wednesday, June 15, 2022, City Council & RDA Work Meeting Minutes*

*~Wednesday, June 15, 2022, City Council Business Meeting Minutes*

There are no changes to the minutes.

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

### **13. Invoices**

Ms. Pitt presented the following invoices:

Wasatch Electric for Security system at the parks buildings in the amount of \$38,493.

Rocky Mountain Power for electrical service at the England Acres Pavilion in the amount of \$20,560.55.

Electro Power for drive cabinet in the amount of \$41,375.

Electro Power for the well pump and booster pumps in the amount of \$123,525.

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

### **14. Adjourn**

Chairman Brady adjourned the meeting at 7:47pm.

*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 3<sup>rd</sup> day of August, 2022

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Justin Brady, City Council Chair