

Tooele City Council and TCWSSD Work Meeting Minutes

Date: Wednesday, March 2, 2022

Time: 5:30 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
David McCall

Planning Commission Members Present:

Chris Sloan
Melanie Hammer

City Employees Present:

Mayor Debbie Winn
Jim Bolser, Community Development Director
Adrian Day, Police Department Chief
Darwin Cook, Parks and Recreation Director
Roger Baker, City Attorney
Shannon Wimmer, Finance Director
Michelle Pitt, City Recorder
Jared Stewart, Economic Development Coordinator

Minutes prepared by Katherin Yei

1. Open City Council Meeting

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

2. Roll Call

Tony Graf, Present
Ed Hansen, Present
Justin Brady, Present
Maresa Manzione, Present
David McCall, Present

3. _____

Mayor Winn presented information on the following:

Monday with the Mayor will be a new program that allows the City to keep the residents informed and speak up with their concerns. Mayor Winn will invite one or two of the Council Members to join her for this new program.

The Broadway Hotel is being cleaned up.

The Council Members reported on the events they attended during the week.

5. Discussion Items

A. Tooele City Water Special Service District Resolution 2022-01 A Resolution of the Tooele City Water Special Service District Board Approving a Temporary Water Right Lease Agreement with GeoFortis Utah Minerals LLC

Presented by Roger Baker, City Attorney

Mr. Baker presented information on the Tooele City Water Special Service District. The City has an approved agreement with GeoFortis to lease a small amount of water rights that Tooele City owns near Mercur. The State division of water rights declined a change application from GeoFortis to move the point of diversion for the water rights to their operation further south. Until they get approval, they are asking to reduce their rent. They have been paying the full amount without using the water. By approving the resolution, it would reset the term of 5 years.

B. Resolution 2022-16 A Resolution of the Tooele City Council Approving an Agreement with Broken Arrow Inc., for the Dow James PRV and Meter Vault Project

Presented by Darwin Cook, Parks & Recreation Director

Mr. Cook presented information on the irrigation system for Dow James and the meter vault project. The City has 711 shares of irrigation water with the facility being at the end of the line. There have been issues with the water hammer causing damage to the sprinkler system. The original part of the resolution was to meter the 3 sites with an air valve and a PRV. It is a PAR tax project with the approved budget numbers. Broken Arrow had the lowest bid of \$49,352. The location has both secondary and culinary water.

C. Public Infrastructure District Policy

Presented by Jared Stewart, Economic Development Director

Mr. Stewart presented information on the Public Infrastructure District policy which empowers private property owners to form a district and levy a tax. The policy outlines criteria and guidelines of options, policies, and what could be approved under the district. There is not a residential use. The criteria evaluates and determines if it is valuable and beneficial.

The Council's concern was the risk it may have on property tax for residents.

Mr. Stewart addressed the tax concern. There is a potential it could, but Tooele City does not support it. The text states the City has the discretion to decide if it meets the requirements.

D. Proposal to Update and Amend the City Code Chapter on Annexation

Presented by Roger Baker, City Attorney

Mr. Baker presented information on updating the City Code chapter on Annexation. The language of the annexation process in the chapter needed to be modernized. The practice of requiring certain detailed studies for infrastructure items has been written into the chapter. City Code is different from State law. The Super majority vote will be four-fifths of the Council.

The Council discussed the following:

Clarification on the four-fifths vote, is it four-fifths of those in attendance or four out of the five Council; How it would affect the current annexation application; The requirements for annexation compared to a normal subdivision; The companies the City excepts studies from; Any other code within the City that requires a super majority.

Mr. Baker addressed the City Council's concerns. The super majority would be a total of four members. The super majority has been a part of the Chapter for a long time, though stated as two-thirds. The change would not affect the current application, and the number of votes required for approval is four. Annexation is a new entry to the City and requires a lengthier policy discussion. Studies can be a competitive field with many advisors and consultants. The City Council can decide what is sufficient information. The City does recommend a water and sewer engineering company because they already have the models developed for the City, and using the existing models would be much less expensive than developing new models. The process of approval of the amendments and deciding on a simple majority or super-majority can be done in one single vote.

Council Member Hansen, Council Member Manzione, and Chairman Brady favor the voting be majority, instead of super majority.

Council Member McCall and Council Member Graf supports the super majority because annexation is a longer impact and cannot be undone.

E. Prop -Fault Utilities Program from a Claim Program to an Assistance Program

Presented by Roger Baker, City Attorney

Mr. Baker presented information on an updated no-fault assistance program. The amendment does not change the program that is offered, but offers clarification to those that are affected by sewer and water damage on how to apply for assistance. The assistance used to be capped at \$2,500, but the City Council raised the cap to \$10,000 a number of years ago. A no-fault claim and fault claim are two separate processes. A fault-based claim has to prove the City was negligent and follows a state procedure. The assistance program allows residents to not file a fault-based claim and be eligible for assistance if they meet the requirements. It was also identified that a dwelling can have no more than two claims if they have tenants.

F. Meeting Minutes Format

Presented by Justin Brady, Council Chair

Chairman Brady opened a discussion on how the City Council would like the minutes to be formatted. The Council shared their concerns regarding the minutes being too long or too short without enough detail. The recording is available and the best representation of the minutes.

Mr. Baker addressed the requirements for minutes. The State requires the minutes to reflect the substance of the discussion and business of the meeting. A recording is available for reference. Mr. Baker shared an example of what could be stated in the minutes.

The Council shared their preferences and concerns. They are listed as the following:

Council Member Manzione would prefer more information for long discussions, specific questions, and comments that need to be noted.

Council Member Brady's concerns are finding a balance between quoting what was said during the meeting and a summary of what was discussed.

Council Member Graf would like more information for ease of use and transparency.

Council Member Hansen would prefer more information.

Ms. Pitt shared information from a recent Minutes training. The recorder's office is not required to keep the audio longer than three years, unless that is the official permanent record. The minutes should emphasize what is done and not what is said.

Commissioner Sloan spoke to the Council regarding the Planning Commission's Concerns and preferences. The Planning Commission likes the way the minutes were done previously because it gave enough detail to understand what happened during the meeting without having to listen to the recording of the entire meeting.

Mr. Baker gave feedback to the Council's points discussed. It is critical to have a record of what happened during the meeting, e.g., votes. For court purposes, reasons and facts need to be listed. There is value in the motions and the reasoning behind the motions.

The Council's discussion led to the following:

The minutes should have more detail on the longer discussions, concerns and questions that multiple parties have, and the reasoning behind their decisions. The section for the presenter may be limited to a few detailed sentences.

6. Closed Meeting - Litigation, Property Acquisition, and/or Personnel

The Council Motioned to recess at 6:52pm.

Council Member Graf motioned to move to a closed meeting. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council

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

The meeting moved to closed session.

The closed meeting began at 8:27 p.m. Those in attendance were: Mayor Winn, all council members, Roger Baker, Michelle Pitt, and Jim Bolser.

No minutes were taken.

7. Adjourn

Chairman Brady adjourned the meeting at 9:02 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 16th day of March, 2022

Justin Brady, City Council Chair