

Tooele City Council Business Meeting Minutes

Date: August 20, 2025

Time: 7:00 p.m. (*Immediately following the Board of Canvassers Meeting*)

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

Council Members Present

Justin Brady
Dave McCall
Ed Hansen (*via telephone*)
Maresa Manzione
Melodi Gochis

Staff Present

Mayor Debbie Winn
Matt Johnson, City Attorney
Nathan Farrer, Assistant Public Works Director
Darwin Cook, Public Works Director
John Perez, Economic Development Director
Chris Sloan, Planning Commissioner
Adrian Day, Chief of Police
Paul Hansen, City Engineer
Andrew Aagard, Community Development Director
Loretta Herron, Deputy Recorder
Shilo Baker, City Recorder

Minutes prepared by Alicia Fairbourne

1. Pledge of Allegiance

Chairman Brady called the meeting to order at 7:08 p.m. and led the Pledge of Allegiance.

2. Roll Call

Dave McCall, Present
Ed Hansen, Present (*via telephone*)
Melodi Gochis, Present
Maresa Manzione, Present
Justin Brady, Present

3. Public Comment Period

Chairman Brady opened the floor for public input at 7:09 p.m.

Rose Gore identified herself as a civil rights advocate and addressed the Council regarding her concerns about constitutional violations in Utah's legal system. She asserted that state laws allowing criminal charges to be filed by information, rather than indictment by a grand jury, were unconstitutional. She claimed this practice violated multiple provisions of the U.S. Constitution,

including Article I, Section 10; the Fifth and Fourteenth Amendments; and federal emoluments clauses. Ms. Gore warned that public officials could face criminal sanctions if they were paid to act in ways she considered unlawful. She submitted a full, written notice of her comments for the record.

Donald Gore also addressed the Council, sharing his family's personal legal dispute with the Utah Division of Child and Family Services and the Tooele City Police Department. He alleged that his children had been removed from their home under what he believed was a defective and unconstitutional warrant. He claimed the process violated their constitutional rights and protections under the Americans with Disabilities Act. Mr. Gore stated that their case had progressed to federal court and urged the City to review police policies and training to ensure constitutional compliance.

There being no further comments, the floor was closed at 7:15 p.m.

4. **Ordinance 2025-26 An Ordinance of Tooele City Reassigning the Land Use Designation from Mixed Use (MU) to Light Industrial (LI) for Approximately 4.9 Acres of Property Located at Approximately 105 East 1000 North**

Presented by Andrew Aagard, Community Development Director

Mr. Aagard explained that the parcel – currently zoned RR-1 and surrounded by a mix of Light Industrial, General Commercial, and Residential zones – had originally been designated for townhomes or mixed-use development. However, the applicant was unable to secure sufficient water rights to proceed and instead proposed a new use: a small-scale contractor staging yard. Mr. Aagard emphasized that the map amendment did not change zoning, but rather aligned the General Plan to allow the applicant to pursue a future zoning application. He noted the Planning Commission had unanimously recommended approval of the amendment at its August 13, 2025 meeting.

Applicant Amy Johnson, representing Tooele Desert Rose, presented further background on the parcel and the intended use. She explained that after failed attempts to attract restaurant and residential developers due to infrastructure and water limitations, the family decided to pursue a contractor yard model that had proven successful in other markets. She described the project as a secure, fenced facility divided into individual rental yards for small contractors to store equipment, rather than a typical self-storage or RV lot. Ms. Johnson stressed that the property would remain dry (no water services), with usage restrictions outlined in lease agreements and monitored for compliance. She also clarified that units would be for rent only and would not accommodate customer parking.

Council Members posed questions regarding access, hours of operation, allowable structures, and enforcement of storage regulations. Ms. Johnson addressed these concerns, stating that the site would include lighting, cameras, and on-site management; access would be timed to discourage 24-hour use; and lease terms would comply with city code and insurance requirements.

Chairman Brady voiced concerns about the proposed use, noting its similarity in appearance and function to a storage yard. He questioned whether it was an appropriate fit for such a prominent location along 1000 North and SR-36, especially given the area's high visibility and potential for other types of development. In response, Ms. Johnson explained that her team had explored a variety of other options – including restaurants, medical offices, and retail uses – but found the site's access limitations and lack of available water rights made those alternatives unworkable. She stated that the contractor yard concept was the only viable option under the current conditions.

Councilwoman Manzione and Chairman Brady both raised concerns about the broad range of potential uses permitted under the Light Industrial designation once the land use change and subsequent zoning were approved. Councilwoman Manzione commented that the City lacked a transitional zoning category that would better reflect the applicant's stated intent without opening the site to incompatible uses. Mr. Aagard acknowledged those concerns and indicated he was working on refining the Industrial Service zoning category to address this gap and reduce unintended

consequences. He reiterated that although the Light Industrial zone allowed a variety of uses, it did not permit the most intensive industrial activities.

Motion: Chairman Brady moved to deny ordinance 2025-26. Councilwoman Gochis seconded the motion. The vote was as follows: Councilman McCall, "Nay"; Councilman Hansen, "Aye"; Councilwoman Gochis, "Aye"; Councilwoman Manzione, "Nay"; Councilman Brady, "Aye". The motion carried 3-2.

5. **Resolution 2025-71 A Resolution of the Tooele City Council Authorizing Payment of a Fee in Lieu of Water Rights Conveyance for Advanced Spine and Pain Located Near 2400 North 400 East**

Presented by John Perez, Economic Development Director

Mr. Perez presented the item and stated the applicant, Physicians Accounting and Management Systems, requested 1.2 acre-feet of water. He reiterated that the proposal involved a capital investment of approximately \$8 million and would create eight full-time jobs. Mr. Perez also noted that, as discussed during the earlier work meeting, a two-year expiration period for vertical construction would be included. A member of the audience spoke out and asked who Mr. Perez was, and Chairman Brady reminded those present that this was not a public hearing and clarified that Mr. Perez was the City's Economic Development Director. There were no questions or comments from the Council.

Motion: Councilman McCall moved to approve Resolution 2025-71, a Resolution of the Tooele City Council authorizing payment of a fee in lieu of water rights conveyance for Advanced Spine and Pain located near 2400 North 400 East. Councilwoman Manzione seconded the motion. The vote was as follows: Councilman McCall, "Aye"; Councilman Hansen, "Aye"; Councilwoman Gochis, "Aye"; Councilwoman Manzione, "Aye"; Councilman Brady, "Aye". The motion carried 5-0.

6. **Resolution 2025-73 A Resolution of the Tooele City Council Authorizing Payment of a Fee in Lieu of Water Rights Conveyance for Grow Development LLC Located at 249 East 1000 North.**

Presented by John Perez, Economic Development Director

Mr. Perez presented the request and explained that the proposed light industrial complex was expected to create approximately 130 full-time jobs at buildout, with average annual wages of \$55,000 and a capital investment of about \$30 million. He confirmed that the request for seven acre-feet of water had been verified by the City Engineer and noted that the project would include xeriscaping with no turf. As discussed in the preceding work meeting, a two-year expiration period for vertical construction would also be included. There were no questions or comments from the Council.

Motion: Councilwoman Manzione moved to approve Resolution 2025-73, a Resolution of the Tooele City Council authorizing payment of a fee in lieu of water rights conveyance for Grow Development LLC, located at 249 East 1000 North. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye"; Councilman Hansen, "Aye"; Councilwoman Gochis, "Aye"; Councilwoman Manzione, "Aye"; Councilman Brady, "Aye". The motion carried 5-0.

7. **Resolution 2025-74 A Resolution of the Tooele City Council Approving an Agreement with Judge Netting Mountain West for the Installation of Three Baffle Netting Systems at Oquirrh Hills Golf Course**

Presented by Darwin Cook, Parks & Recreation Director

Mr. Cook presented the item and explained that golf balls from hole 17 at the Oquirrh Hills Golf Course had occasionally struck nearby residences along Droubay Road despite previous mitigation efforts, including netting, reconfiguring the hole, and tree removal. He noted that the recent widening of Droubay Road created more opportunities for balls to bounce into fences or yards.

Mr. Cook described the proposed baffle nets, which would be strategically placed on the back three holes and angled to intercept errant shots. He stated that this option was more effective and less costly than alternatives such as a 70-foot continuous net or a 400-foot net behind homes, which were less favored by residents. The estimated cost was \$64,500, which would be covered by the current year's capital budget. He added that Judge Netting had previously installed netting at the course and was recommended for the work.

Council members asked questions about the effectiveness and placement of the nets. Mr. Cook explained that they were designed to prevent slices while remaining unobtrusive to views. Councilman McCall provided additional context on how course changes had altered play and contributed to the problem. Chairman Brady emphasized the importance of ensuring residents could enjoy their backyards and stated support for the proposal. There were no further objections from the Council.

Motion: Councilman McCall moved to approve Resolution 2025-74, a Resolution of the Tooele City Council approving an agreement with Judge Netting Mountain West for the installation of three baffle netting systems at Oquirrh Hills Golf Course. Councilwoman Manzione seconded the motion. The vote was as follows: Councilman McCall, "Aye"; Councilman Hansen, "Aye"; Councilwoman Gochis, "Aye"; Councilwoman Manzione, "Aye"; Councilman Brady, "Aye". The motion carried 5-0.

8. **Invoices & Purchase Orders**

Presented by Shilo Baker, City Recorder

Ms. Baker presented six invoices for approval. The first was to Phaze2 Software for \$57,468 for the annual renewal of Adlumin network monitoring software. The second was to Aim Development for \$38,849 to upsize a section of water main from eight inches to twelve inches near Berra Boulevard and Franks Drive. The remaining invoices were for vehicle purchases from Ken Garff West Valley Ford: a 2025 Ford Super Duty F-350 for the Water Department in the amount of \$76,732.43, a Ford F-150 Crew Cab for the Waste Water Department for \$50,348, a 2020 Ford Ranger for \$35,850 for a new Utility Technician, and a 2025 Ford F-150 for the Water Department in the amount of \$47,700.

Councilman McCall asked whether the local dealership had been added to the state contract. Ms. Baker confirmed it had not, and Councilman McCall commented that it was unfortunate that the purchases could not be made locally given the amount of tax dollars involved.

Motion: Councilwoman Manzione moved to approve the invoices as presented. Councilwoman Gochis seconded the motion. The vote was as follows: Councilman McCall, "Aye"; Councilman Hansen, "Aye"; Councilwoman Gochis, "Aye"; Councilwoman Manzione, "Aye"; Councilman Brady, "Aye". The motion carried 5-0.

9. **Minutes**

~August 6, 2025 Work Meeting
~August 6, 2025 Business Meeting

There were no corrections to the minutes.

Motion: Councilwoman Gochis moved to approve the August 6, 2025 Work Meeting and August 6, 2025 Business Meeting minutes as presented. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye"; Councilman Hansen, "Aye"; Councilwoman Gochis, "Aye"; Councilwoman Manzione, "Aye"; Councilman Brady, "Aye". The motion carried 5-0.

10. **Adjourn**

There being no further business, Chairman Brady adjourned the meeting at 8:03 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 3rd day of September, 2025



Justin Brady, City Council Chair

Tooele City Open Forum Record Sheet

Date: August 20, 2025

Please PRINT the following information:

[illegible]

Script for County Commissioners and City Council Notice

My name is Rose Gore. I'm a Civil Rights Advocate and I need to provide public notice to Tooele County. This is in accordance with the USCS rules of civil procedures, as well as Rule 17 and Rule 20 of the United States Supreme Court.

The Constitution of the United States has the overarching requirements that every state must follow. States cannot enact their own alternative legislation substituted for the guarantees of the Constitution of the United States. That would mean that the state laws are more powerful than the Constitution. That is unlawful.

Clause 1 of Amendment 5 states, "no person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment by a grand jury". However, the state of Utah has enacted its own alternative legislation that permits prosecuting attorneys and police officers to charge by way of information, as opposed to indictment. That is unconstitutional.

An emolument violation is when you pay a public official to break the law. The Constitution has two areas that enforces this.

- Article I, Section 10 says "no state shall create any law that shall impair the obligation of contracts". Police officers, prosecutors, judges are all under a contract—a contract to perform based on the oath or affirmation that they took to support and defend the Constitution. Contract parameters are defined within the Constitution of the United States and when a state enacts an inferior law that directs their agents to disobey the Constitution of the United States—that is a violation of Article I, Section 10.
- The 14th Amendment is the other place that you'll find the reinforcement of this issue, and that is where it states that "no state shall create or enforce any law that shall abridge the privileges or immunities of United States citizens".

The privileges and immunities of United States citizens are at a minimum, those enumerated within the Bill of Rights, the first 10 amendments. Unfortunately, the state of Utah has enacted a law in its inferior constitution that permits public officials, judges, law enforcement officers— whom you all pay— to violate the Constitution of the United States. As a result, there is an inordinate amount of people currently imprisoned in the state of Utah, illegally and unconstitutionally.

Tanawah Downing is litigating this issue at the United States Supreme Court. I'm here to notify you that if you continue to pay public officials to break the law, criminal sanctions can come from that. Officials must be made aware that paying people to disobey the law is an emolument violation. It is illegal. It is unconstitutional. It is a crime.

I'm asking you honorable individuals to please take a look at Clause 1 of Amendment 5, confirm what I'm saying to be true, and then direct your public officials to act in lawful, constitutional manner consistent with the obligations that are codified in the Constitution of the United States of America. I have a notice that I would like to put on the record. Thank you so much. God bless.

Good evening, members of the Council. My name is Donald Gore, and I'm here to follow up on the points you just heard regarding constitutional compliance. I want to bring this directly home to Tooele County and Tooele City.

Over the past two years, my wife and I have been in an ongoing battle with the Utah Division of Child and Family Services and the Tooele City Police Department. Our children were removed from our home under a warrant we believe was defective and unconstitutional. That removal has been upheld in the state juvenile court without the due process protections guaranteed to us under the Fourteenth Amendment, and in a way that ignores the disability rights protections of the Americans with Disabilities Act.

The Constitution is not a suggestion. When the Fourth Amendment says we are free from unreasonable search and seizure, that applies to our homes and to our children. When the Fourteenth Amendment says no state may deprive us of liberty without due process, that applies to parents in Tooele just as much as it applies anywhere else in the United States.

As taxpayers, we are paying the salaries of the very officials who have broken these constitutional rules — that's the kind of "emolument violation" you just heard about. And when public officials are paid to violate the Constitution, it erodes public trust and invites legal consequences for the city as well as the state.

I am here to put you on notice: our case is now in federal court, and we will continue to pursue every lawful avenue to hold officials accountable. We're asking you, as city leaders, to review the policies and training of your police officers, to ensure that warrants are lawful and that constitutional rights are respected in every interaction. The people of Tooele deserve nothing less. Thank you.