

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, April 1, 2020

Time: 7:00 p.m.

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

City Council Members Present:

Justin Brady
Tony Graf
Ed Hansen
Scott Wardle
Melodi Gochis

City Employees Present:

Mayor Debbie Winn
Jim Bolser, Community Development Director
Chief Ron Kirby, Police Department
Roger Baker, City Attorney
Steve Evans, Public Works Director
Darwin Cook, Parks Department Director
Paul Hansen, City Engineer
Shannon Wimmer, Assistant Finance Director
Michelle Pitt, City Recorder

Minutes prepared by Kelly Odermott

Chairman Wardle called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Graf.

2. Roll Call

Justin Brady, Present
Tony Graf, Present
Ed Hansen, Present
Scott Wardle, Present
Melodi Gochis, Present

Chairman Wardle stated that the Council finished the work session and had an agenda item as a closed meeting. The Council did not meet in the closed meeting and it is noticed for the Business Meeting and will be in the business meeting.

The Business meeting was recessed shortly from 7:08 to 7:11pm for audio visual equipment.

3. Public Comment Period

Chairman Wardle opened the meeting for public comment. There were no comments sent to the Council through email.

Chairman Wardle closed the public comment period.

4. Public Hearing

- a. Ordinance 2020-03 An Ordinance of Tooele City Council Approving the Annexation Petition of Robert D. Smart, Trustee of the Jack Braton Tomlin Trust, Annexing Approximately 4.96 Acres of Land into the Tooele City Corporation Limit, and Assigning the Industrial (I) Zoning District to the Annexed Property
Presented by Jim Bolser

Mr. Bolser stated that this is an item that has been discussed at several meetings. This has been through the Planning Commission and is now back to the Council for formal consideration. The subject parcel is a portion of a larger parcel that is already in the City. The property owner has expressed the desire to have the annexation, so that the entirety of the property is within a single jurisdiction. The ordinance in the packet references the Industrial Zone and was written prior to the Planning Commission hearing. The Planning Commission made the recommendation to assign it to the LI Light Industrial Zoning District to match the remainder of the same property. The Planning Commission forwarded a unanimous positive recommendation.

Chairman Wardle opened the public hearing, there were no comments. Chairman Wardle closed the public hearing.

- b. Ordinance 2019-04 An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Acceptance of Public Improvements.
Presented by Roger Baker

Mr. Baker stated the purpose of the ordinance is to change the City code to make the process of accepting public improvements or public infrastructure, to transition it from a legislative process to an administrative process, or from a City Council approval to a staff approval. The Planning Commission proceeding resulted in a negative recommendation to the City Council four to three in the way the ordinance was drafted, but they did not explain their vote. Mr. Baker asked the Commission to explain their vote for further understanding, while not required, so that their recommendation would be useful to the City Council. The basic comment was that if the ordinance is transitioning the approval from a legislative to an administrative process, it should be done all the way and not have a residual Council involvement. Mr. Baker suggested to the

Planning Commission, that they could make whatever recommendation to the City Council they wished, and were not required to vote for or against the ordinance exactly as it was present to them; and they could add in their comment, so that the Council could have a positive recommendation. The Planning Commission voted again and had a unanimous recommendation for the ordinance to remove the Council signature from the approval process.

The packet included the ordinance with the prior signature lines, due to the timing of the packet submission.

Chairman Wardle asked if there were any comments or questions by Council.

Council Member Brady stated that he was in the Planning Commission meeting and asked what the legislative process would be in the case that the Chairman of the City Council refused to sign off on the improvements. Mr. Baker stated if the Chairman refused to sign then that would be seen as a veto of the acceptance. The City administration would have to do some work with the developer to satisfy the Chairman, but it would not come back to the body of the Council. Mr. Baker further explained that it would, in his opinion, be an exercise of executive power by the Council Chairman. This would be an instance where there would be a slight overlap of executive and administrative powers.

Council Member Graf asked if there a way to have the signature on the form as a way to agree with the form in content, rather than signing as with the power of the Council as the legislative body, and with power to stop it from moving forward.

Chairman Wardle explained that the reason for the signature of the Chairman on the form is a check and balance that arose out of the Overlake lawsuit. If the Mayor or staff member decided not to approve a public improvement, there would be a check and balance on the matter. Chairman Wardle went on to say that this went to the heart of some of the matters in the Overlake lawsuit. He felt that the Council should have legislative oversight. Council Member Graf said that he felt that the Charter did not allow the power to do this. He felt that even though there should be a check and balance, either the Charter needed to be changed to allow it, or it shouldn't be done. Chairman Wardle disagreed, referring to 2.202 of the Charter, saying that it allows for this.

Mr. Baker said that it would be more administrative in nature to have the Chairman approve a form. Under the Charter, it is the Council's prerogative to tell the Mayor what the rules are, and then the Mayor implements those rules, or that process. A way to accomplish that, as opposed to have a legislative signature of approval, would be to say in order to approve the public improvements, you have to go through this process to make sure the improvements are constructed correctly. Right now, the rules are in the Code which states the way the public improvements are built, when they're built, who inspects them, and that they have to pass inspection before they can be accepted. In the past the City has had inspectors that didn't do that

the way they should, and that was one of the elements that the City fought over and lost in the lawsuit. Ultimately, it isn't the Council's job to make sure that the inspectors do their job. That is the Mayor's job. Chairman Wardle clarified that the jury found that employees had not done their job; the City didn't agree with their finding.

Chairman Wardle asked if it wasn't the Council's fiduciary responsibility to make sure that the City doesn't ever walk that road again; to make sure that there aren't inspectors not doing their jobs and causing the City to walk down this road again. Mr. Baker said that there are some experiences in life that color what everything you do going forward, however the trauma of the lawsuit doesn't change the legal analysis of what is legislative and what is executive. Chairman Wardle then said it may not be wise to change the ordinance. He added that currently it is codified the way that it is because it becomes a legislative process. Mr. Baker disagreed, saying that the way it is, it takes an administrative process and gives it to the legislative branch, and that is what is not working here.

Council Member Brady said that he had an issue with one person of the legislative branch having control over the decision, rather than the Council, the legislative body, deciding that. Mr. Baker suggested that this ordinance, even without the Chairman's signature, already builds in safeguards that don't exist today because it would include the Mayor's signature, signatures of two department heads, and the supervisory inspector over that project. This adds three more signatures than the City had before the era of the Overlake development.

Council Member Graf said that in 2.10 of the Charter it says the heads of all departments shall be discharged by the Mayor only after the Mayor receives affirmative consent of the majority of the Council. This is a power that has been given to the legislative branch in a typical administrative role. He feels that the rule is saying that the Council has to be included and signs off, and goes to Section 2.10. He stated that he agreed with the Chairman that because of the history of the City, and the financial burden now upon the City because of the lawsuit, the Council needs to take the fiduciary responsibility and be included. He added that he wants the check and balance to be done in a way that honors the Charter. He agreed with the Chairman, saying that the Council needs to make sure this never happens again, as a check and balance. Mr. Baker disagreed that it was the Council's fiduciary responsibility to make sure the Mayor does her job correctly. Chairman Wardle said that he felt that the Council was there as a check and balance so that if a Mayor signed off and a Council Chairperson didn't sign it, the Mayor could appeal it to the Council body. Mr. Baker said that it veers astray for the Council to fulfill judicial functions.

Chairman Wardle asked how the Council becomes a check and balance, and the Mayor becomes a check and balance for the Council in duties in this matter to make sure that this never happens again. Council Member Brady asked if they weren't doing it already, as it currently is. Chairman Wardle agreed. Council Member Brady said that it was the Planning Commission's

intent that it be all or nothing. Council Member Brady agreed with the Planning Commission that this process should be either 100% administrative, or include all of the Council, as it is now.

Mr. Baker said that the Planning Commission had a bone to pick with the ordinance, but he and the administration are satisfied with it. Chairman Wardle suggested that if the Chairman refused to sign, it could be brought before the Council for a vote and override the Chair.

Mr. Baker summarized that it is the Council's function to tell the Mayor that this is how to accept public improvements by establishing set rules. Council Member Brady said that if that is the case, then the Council Chair should not be required to sign. Mr. Baker reiterated that it is the Council's function to set up rules to give the Council confidence that it will correctly be done by the administration. Council Member Graf felt that the Council could give a rule that gave them an exception to be involved in an administrative function, but it should be done through a Charter amendment. He added that it should be done appropriately.

Chairman Wardle said that there has to be a check and balance. He added that the Council has the choice to either keep the process the way it is, which sets up the rules even if they're differently, or to pull the ordinance.

Mr. Baker added that if the Mayor, department heads, and inspectors signed the form, and the Chairman wasn't comfortable with it, there could be a discussion between them and it would be resolved. That's how it's been done in the past.

The conclusion of the discussion resulted in possibly tabling the item when read under first reading. The current approval process will stay in place.

Chairman Wardle stated that there were no comments through email for the public hearing. Chairman Wardle closed the public hearing.

- c. Ordinance 2020-05 An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Approval of Subdivision Final Plat Applications.
Presented by Jim Bolser

Mr. Bolser stated this is a streamlining of the final plat process for subdivision applications. Currently the method by which a subdivision comes forward for approval is a two-step process. First there is a preliminary plan which is reviewed by both the Planning Commission and City Council. Under Utah law, that approval is the step and method by which the entitlements for that project occur. The vote as a City Council on the preliminary plan entitles the development. Under the current processes, the final plat is reviewed by both the Planning Commission and City Council again. The ordinance is proposing to shorten the process for final plat approval, but the application and information requirements will stay the same. The proposal states that the final plat application would be the same, with the same requirements, but once the plans are found to be compliant with City Code, the mylar would be produced and then signed by

both the Planning Commission Chairperson and the City Council Chairperson only without having to go through formal meeting approvals. Both signatures on the mylar are a state requirement for the plat but signatures of the entire body are not. The Planning Commission reviewed this item and forwarded a unanimous positive recommendation.

Chairman Wardle asked the Council if there were any questions or comments.

Council Member Brady stated that it is a state law that both the Council Chair and the Planning Commission Chair have to sign. Mr. Bolser stated that there is case law in the state of Utah that demonstrates that in order to make a plat recordable there has to be a signature from each of those bodies. Currently the entire Council signs by our ordinance, but the state law allows for only the chair to sign. The proposal is a single signature from each body.

Chairman Wardle opened the public hearing. No comments were received through the email. Chairman Wardle closed the public hearing.

- d. Resolution 2020-19 A Resolution of the Tooele City Council Declaring Surplus the Old Police Station.
Presented by Roger Baker

Mr. Baker stated that the City Council has determined to sell the old police department building, since the police department has moved out and moved into their new building. State law and city code require a public hearing prior to selling City-owned real estate. Uses of property are established through the general planning process and before those policies are altered there should be input from the public. These properties are acquired through tax payer funds and before they can be disposed of they should have tax payer input.

Chairman Wardle asked the Council if there were any comments or questions.

Council Member Gochis stated that it was determined that there as substantial damage to the old police station in the earthquake. Is there a need to determine if the building will qualify for FEMA dollars before it is surplusd? Mr. Baker stated that the recommendation is to declare it surpus and there is no determination of value or salability with the surplus action. There have been structural experts that have given recommendations for repair and that can be factored in later when selling.

Chairman Wardle opened the public hearing, there were no comments through email. Chairman Wardle closed the public hearing.

5. Ordinance 2020-03 An Ordinance of Tooele City Council Approving the Annexation Petition of Robert D. Smart, Trustee of the Jack Braton Tomlin Trust, Annexing

Approximately 4.96 Acres of Land into the Tooele City Corporate Limit, and Assigning the Industrial (I) Zoning District to the Annexed Property.

Presented by Jim Bolser

Chairman Wardle stated this was a separate item because it has been reviewed multiple times as a first reading item.

Mr. Bolser stated this was discussed during the public hearing section under agenda item 4.a.

Chairman Wardle asked if there were any questions by the Council, there were none.

Council Member Hansen motioned approve Ordinance 2020-03. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

6. Second Reading Items.

- a. Ordinance 2020-04 An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Acceptance of Public Improvements.

Presented by Roger Baker

Chairman Wardle asked if there was a motion based on the discussion under agenda item 4.b.

Council Member Graf motioned to table Ordinance 2020-04. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- b. Ordinance 2020-05 An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Approval of Subdivision Final plat Applications.

Presented by Jim Bolser

Mr. Bolser stated that this was discussed under agenda item 4.c.

Council Member Graf motioned to approve the Ordinance 2020-05 Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

7. First Reading Items.

- a. Ordinance 2020-10 An Ordinance of Tooele City Amending Tooele City Code Chapter 8-3 Regarding Garbage Collection Penalties & Appeals

Presented by Roger Baker

Mr. Baker stated the purpose of the ordinance is to transition from criminal penalties to civil penalties for violations of this chapter. For example if an individual were to leave a garbage can on the street for longer than the code allows, currently that would be a criminal penalty and there is no need to involve police, prosecutor, or court resources for a garbage can violation. It is suggested that it could be dealt with through courtesy warnings and civil penalties. There is an added administrative appeal provision.

Chairman Wardle asked if there were any City council questions or comments.

Council Member Hansen stated that the new ordinance would be \$25 dollars per day. Mr. Baker stated that there would be some discretion on enforcement. The \$25 fee is an appeal fee. The civil penalty is \$100.

Council Member Gochis stated that the civil penalty is much more reasonable, but whomever is monitoring how could they make the determination of who is leaving the lid open or over filling, because it could be the garbage company. Mr. Baker stated that if the garbage company felt it was a valid concern then the city would review the situation for compliance with city code. Chairman Wardle asked if it has ever happened to have a garbage can reported by the garbage company. Mr. Baker stated he was not aware of an instance.

Chairman Wardle moved the ordinance to a second reading.

- b. Resolution 2020-08 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Civil penalties for Violations of Tooele City Code Chapter Regarding 8-3 Garbage
Presented by Roger Baker**

Mr. Baker stated this would be moved to a second reading along with the ordinance presented above.

Chairman Wardle moved the Resolution to a second reading.

- c. Ordinance 2020-11 An Ordinance of Tooele City Repealing Tooele City Code Chapter 1-20 Regarding the Department of Engineering.
Presented by Roger Baker**

Mr. Baker stated the department of engineering is no longer in practice and can be repealed from the city code. This has no bearing on the importance of engineering or the importance of having a city engineer. That will go on uninterrupted, under the Mayor's administration.

Chairman Wardle asked the Council if there were any comments or questions, there were none.

Chairman Wardle moved this to a second reading.

- d. Ordinance 2020-12 An Ordinance of Tooele City Amending Tooele City Code Chapter 17 Regarding American Public Works Association (APWA) Standards to Establish Civil Penalties for Violations.
Presented by Roger Baker

Mr. Baker stated that agenda items d and e go together. This item was brought to his attention by the Public Works Director Steve Evans. If a contractor installs the wrong meter standard in violation of the APWA standard, they could be subject to a criminal violation under this ordinance. The suggestion is that the compliance to standards should be communicating the standards to the contractors, and when the installations fail to meet the standard, the refusal to accept the work until the work meets the standards. That is the practice that is done currently. This is more appropriately enforced through a civil penalty and will be put into the fee schedule in the resolution directly following this in the agenda. There is also an administrative appeal.

Chairman Wardle move this to a second reading.

- e. Resolution 2020-04 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Civil Penalties for Violations of Tooele City Code Chapter 4-17 Regarding American Public Works Association (APWA) Standard.
Presented by Roger Baker

Chairman Wardle moved this to a second reading.

- f. Ordinance 2020-13 An Ordinance of Tooele City Repealing Tooele City Code Section 4-11-13 Regarding Sidewalks
Presented by Roger Baker

Mr. Baker stated this is an instance in which the City code regulates activities that are already regulated by the state traffic code. The recommendation is that the City provision be repealed in favor of regulation by the State code.

Chairman Wardle asked if there were any comments or questions.

Council Member Hansen asked the state code does not allow a horse to be ridden on the sidewalk? Mr. Baker stated the state code is not identical to the city code provision, but the state

code adequately governs the area of how a public sidewalk can be used. The state code does not refer to livestock.

- g. Ordinance 2020-14 An Ordinance of Tooele City Repealing Tooele City Code Section 8-3-13 Regarding Unsecured Loads
Presented by Roger Baker**

Mr. Baker stated this is a provision in the garbage chapter that criminalizes driving a vehicle with an unsecured load. The recommendation for the repeal is not that it is not important, but the state of Utah has provisions that are more than adequate to penalize offenders. It would not be in the City's best interest to have a civil violation while the state code has a criminal violation structure. By repealing the city code, the enforcement can fall under state code guidelines.

Chairman Wardle moved this to a second reading.

- h. Resolution 2020-15 A Resolution of the Tooele City Council Ending the Wigwam License
Presented by Darwin Cook**

Mr. Cook stated the resolution is in regards to a long-term licensing that the city has had with Tooele District Girls Scouts and Tooele District Boy Scout. Neither are legal entities, but groups of people who entered into the agreement in 1945 to use the property for camping, activities, with the agreement for maintenance of the structure and maintenance of the property grounds, such as weed abatement. In the last couple of years, the agreement has not been maintained. The property is not in usable condition and the City needs to do weed abatement. In review of the licensing that has been in place and it is just a licensing, Tooele City can terminate the licensing at any time. The recommendation is to repeal the licensing.

Council Member Hansen asked if the bathroom has been torn down and is it in usable condition. Mr. Cook stated that the bathroom is still there, but not in usable condition. The public works department did terminate the water to the building.

Chairman Wardle stated he would entertain a motion on this item.

Council Member Brady motioned approve Resolution 2020-15. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- i. Resolution 2020-19 A Resolution of the Tooele. City Council Declaring Surplus the Old Police Station**

Presented by Roger Baker

Chairman Wardle stated since this was presented in the public hearing, there could be a decision on this.

Chairman Wardle asked the Council if there were any further questions or comments.

Chairman Wardle stated he would entertain a motion.

Council Member Graf motioned approve Resolution 2020-19. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- j. Resolution 2020-20 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule for Conditional Use Permit and Zoning Map Amendment Application Fees
Presented by Jim Bolser

Mr. Bolser stated that in March there were two items discussed for the fees for Conditional Use Applications and a staff proposal for fees on Zoning Map Amendments, most specifically for large amendments. During the discussion the Council asked staff to put together a Resolution to amend the fees schedule to address these two items. The Conditional Use Permit fee will change from \$750 to \$600 and a cap on a Zoning Map Amendment application fee will be at 50 acres regardless of how much larger the application is.

Chairman Wardle stated he would entertain a motion.

Council Member Hansen motioned approve Ordinance 2020-20. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- k. Resolution 2020-25 A Resolution of the Tooele City Council Declaring that Tooele City, After July 1, 2020 will Pick Up and Pay a Portion of the Required Employee Contributions for All Tooele City Employees Who are Members of the New Public Safety Tier II Contributory Retirement System, Including Provision Relating to the Employee Pick Up
Presented by kami Perkins

Ms. Perkins stated that the resolution only declares the pick up election and that is subject to change throughout Utah as rates are set in the retirement process. That is currently capped at 2.5%. In addition, that does not pertain to the enhanced retirement benefit and that is a budgeting issue that will be included in labor cost projections.

Chairman Wardle stated he would entertain a motion.

Council Member Gochis motioned approve Resolution 2020-25. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- I. Resolution 2020-26 A Resolution of the Tooele City Council Approving a Contract with Hydro Resources Rocky Mountain, Inc. for Drilling of the Berra Boulevard and Red DelPapa Wells
Presented by Paul Hansen

Mr. Hansen stated by Resolution 2019-75, Tooele City retained Hydro Resources to drill test wells at three sites, to help meet current and future water resources needs of the City. Based upon the water drilling results, the City would like to pursue two further development of two of the test wells and bring them into production for use within Tooele City limits. These will be referred to as the Berra Blvd Well, which is located behind Walmart and west of the railroad tracks. The other is adjacent to the Red DelPapa ballfield and the armory. The reason for using Hydro Resources instead of going out to bid is related to several factors. One consideration is that State requirements prohibit separate well drillers from going back into the same hole without closing the first hole up securely, which would result in additional cost. The second factor, is where Hydro Resources did the test wells, and they would be going back down in the same locations, they are the well driller that has the best information on what conditions to encounter, thereby reducing the likelihood of change orders. A third factor is that two years ago Tooele City publicly bid the drilling of the Fire Station well. At that time the City Council selected to go with Hydro Resources based on cost, qualifications, experience, and performance. The total cost per well is still in line with what was bid two years ago. This phase of the work does not include the well house or put the well online. The price to complete drilling and casing of the two wells is \$2,148,260. That cost will be born 100% by impact fees and will not come out of the general fund. While there are not any anticipated increased costs, staff is requesting a 5% contingency for unanticipated conditions. The 5% will only used by the authorization of the Mayor. Mr. Hansen stated that staff and the Administration are asking for approval of the resolution.

Chairman Wardle asked if there are any questions regarding the contract.

Council Member Hansen stated the money comes from the water impact fee and is the money already in the fund? Mr. Hansen stated that it is in the fund per the finance department.

Council Member Graf motioned approve Resolution 2020-26. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- m. Resolution 2020-27 A Resolution of the Tooele City Council Approving an Agreement with S.F.T. Concrete, LLC to Remove and Replace Sidewalk at the Tooele City Cemetery.**
Presented by Darwin Cook

Mr. Cook stated that this resolution came about from Resolution 2020-23 to install a new cemetery fence. The cemetery being over 100 years old, they would use rods to measure the plots. Over time the cemetery headstones have gotten closer and closer to the sidewalk as it moves north. The proposal is to move the sidewalk three feet to the west. This would allow for the new fence to go in and give the headstones room for visitors. Three bids, one for \$16,665, one for \$21,000, and \$23,590. The middle bid was chosen, as the lowest bidder couldn't meet the desired deadline.

Council Member Hansen asked if the S.F.T. is local and have they been used before. Mr. Cook stated his department has not, but the public works department has used them.

Council Member Hansen motioned approve Resolution 2020-27. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- n. Resolution 2020-29 A Resolution of the Tooele City Council Ratifying and Approving a Contract with Tooele Valley Pumping, LLC, for the Removal of Biosolid Digestive Sludge from the Former Sewer Reclamation Plant**
Presented by Steve Evans via phone

Mr. Evans stated this is ratifying a contract for removing the biosolids at the old reclamation plant. The removal for the current year is at \$33,750 and it will probably go to the \$100,000 mark on the clean up process.

Council Member Brady asked if Resolution 2020-29 and Resolution 2020-30 are they both asking \$20,000 to \$100,000 or is the amount combined. Mr. Evans stated that Resolution 2020-29 is maxed at \$100,000 and Resolution 2020-30 is another \$100,000 for the maximum. Mr. Evans stated that the Resolution 2020-29 is old the reclamation plant and Resolution 2020-30 is

the new reclamation plant. Currently the department is in the process of hiring another operator, but since January 1, 2020 either one or both of the sewer dump trucks down at the shop. With the trucks down for repair the reclamation plants have gotten behind in hauling off biosolids and this contract will keep ahead of the plant. Right now, the city is hauling biosolids until another operator is hired. The current contract for the new reclamation plant as it stands today is totaled at \$10,130.04, the contract was pushed up to \$100,000 with the anticipated costs for the year. Currently two of the presses have been repaired which will help. One bay is limping online and there are two other bays that need to be repaired. To help with the maintenance, the operators need to be working and not hauling biosolids away. This is just to haul what is producing at the new plant.

Council Member Graf asked is the issue that there is not enough personnel manpower to accomplish the maintenance and hauling of biosolids? Mr. Evans stated yes. Equipment also. For a week the department rented a truck from the state rental, but it was expensive. The department has reached out to multiple contractors and some the fee was too high and some don't have the permits. The department is hurting on equipment and manpower.

Council Member Graf stated that his second question is looking forward and will this be addressed now, so this won't happen next year? Mr. Evans stated that they are catching up. One of the operators had a deployment that was close to a year. There was a lack of an employee for a year. There is a new dump truck that the past City Council approved and is getting built at this time. It is a slow process. The dump trucks only haul between 10-12 cubic yards of material and a side dump could haul up to 40 cubic yards. Mr. Evans stated he has bids out on a side dump truck. A side dump would allow them to only haul once a day. The department is looking at improving the process and how not to go back to this situation.

Council Member Brady motioned approve Resolution 2020-29. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- o. Resolution 2020-30 A Resolution of the Tooele City Council Ratifying and Approving a Contract with Tooele Valley Pumping, LLC for the Hauling of Biosolid Waster from the Sewer Reclamation Plant
Presented by Steve Evans

Council Member Graf motioned approve Resolution 2020- 30. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

8. Minutes

Chairman Wardle asked if the Council if there were any comments or questions, there were none.

Council Member Hansen motioned to approve minutes from the City Council with the changes by Paul Hansen, City Engineer. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

9. Approval of Invoices

Presented by Michelle Pitt

An invoice in the amount of \$357,384.66, to Midwest Commercial Interiors for furnishings at the new police station.

An invoice in the amount of \$79,081.75, to Tooele County Sheriffs Department for Dispatch fees.

An invoice in the amount of \$39,621, to Rehrig Pacific for garbage cans.

Council Member Brady motioned to approve invoices. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

10. Closed Meeting

Council Member Graf motioned to close at 9:31pm to discuss pending litigation, property acquisition and personnel. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

Attendees in closed session for pending litigation and property acquisition were Chairman Wardle, Council Member Graf, Council Member Brady, Council Member Gochis, Council Member Hansen. Mayor Winn, Michelle Pitt, Roger Baker, Paul Hansen, Darwin Cook, Kami Perkins, and Jim Bolser.

Attendees in closed session for personnel were Chairman Wardle, Council Member Graf, Council Member Brady, Council Member Gochis, Council Member Hansen, and Mayor Winn.

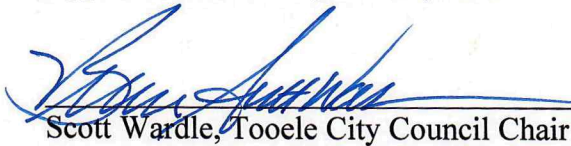
11. Adjourn

Chairman Wardle adjourned the meeting.

The meeting adjourned at 9:50 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 6th day of May, 2020



Scott Wardle, Tooele City Council Chair

Sworn Statement

Pursuant to Section 52-4-206(6) of the Utah Code, I, **Scott Wardle**, Chair of the Tooele City Council, affirm that the purpose of the closed City Council meeting convened on **April 1, 2020**, was exclusively to discuss the character, professional competence, or physical or mental health of an individual. Pursuant to the same Section, no electronic or written record of the meeting was kept.

A handwritten signature in blue ink, appearing to read "Scott Wardle", is written over a horizontal line.

Scott Wardle Chair, Tooele City Council