

**Tooele City Council and
Joint Redevelopment Agency
Business Meeting Minutes**

Date: Wednesday, January 6, 2010
Time: 7:30 p.m.
Place: Council Chambers
90 North Main Street, Tooele Utah

City Council Members Present:

Steve Pruden, Chair
Mike Johnson
Scott Wardle
Dave McCall
Shawn Milne

City Employees Present:

Mayor Patrick Dunlavy
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Sharon Dawson, City Recorder
Lisa Carpenter, Deputy Recorder
Paul Hansen, City Engineer
Cary Campbell, Public Works Director
Chief Ron Kirby, Chief of Police
Randy Sant, RDA Consultant

Others Present:

Debbie Winn, Chamber of Commerce

Minutes prepared by Elisa Jenkins

Chairman Pruden called the meeting to order at 7:30 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Boy Scout Troop 3868.

Chairman Pruden welcomed Boy Scout Troops 460, 1464, and 1456 who were working on their Citizenship in the Nation Merit Badges.

2. Open Forum for Public Comment

Chairman Pruden invited anyone who would like to come forward and address the Council to do so.

Debbie Winn with the Chamber of Commerce addressed the Council. Ms. Winn thanked the Council for their service. She also thanked Mayor Dunlavy and the City staff for their hard work. Ms. Winn informed the Council of the new Chamber of Commerce Resource Directory that is now available and gave a copy to each of the Council members.

Chairman Pruden closed the open forum at 7:35 p.m.

3. Resolution 2010-01 A Resolution of the Tooele City Council Re-Appointing Sharon Dawson as City Recorder

Presented by Mayor Dunlavy

Mayor Dunlavy stated that charter requires that the recorder be re-appointed every two years. It is his advice to the City Council to re-appoint Sharon Dawson as City Recorder.

Councilman McCall moved to approve Resolution 2010-01. Councilman Milne seconded the motion. All members present voted “Aye”.

4. Official Swearing in of New City Council Members & Mayor

Presented by Sharon Dawson

Ms. Dawson swore in Scott Wardle and Shawn Milne as Tooele City Council members, and Patrick Dunlavy as Tooele City Mayor. Councilman Wardle, Councilman Milne and Mayor Dunlavy took a few minutes to comment to the public.

5. Election of Council Chair & Board/Committee Assignments

Councilman Pruden moved to elect Councilman Wardle as Chairman of the Tooele City Council. Councilman McCall seconded the motion. All members voted “Aye” except for Councilman Johnson who voted “Nay”.

Councilman Pruden moved to elect Councilman McCall as Vice-Chairman of the Tooele City Council. Chairman Wardle seconded the motion. All members present voted “Aye”.

Chairman Wardle moved to elect Councilman Pruden as Chairman of the Tooele City RDA Board. Councilman Milne seconded the motion. All members present voted “Aye” except for Councilman Johnson and Councilman McCall who voted “Nay”.

Councilman Pruden moved to elect Councilman Milne as Vice-Chairman of the Tooele City RDA Board. Chairman Wardle seconded the motion. All members present voted “Aye”.

Chairman Wardle conducted the rest of the meeting.

6. **Ordinance 2010-01 An Ordinance of the Tooele City Council Establishing the Dates, Time and Place of it Public Meetings**

Presented by Sharon Dawson

Ms. Dawson stated that this Ordinance is done every year, per charter. She indicated that City Council meetings will be kept on the first and third Wednesday each month. The time will remain at 7:30 p.m. in the Council Chambers.

Councilman Milne moved to approve Ordinance 2010-01. Councilman McCall seconded the motion. All members present voted “Aye”.

7. **RDA Façade Grant Application for Sweet Lizzie’s located at 36 North Main Street #1 in Tooele, Utah.**

Councilman Pruden conducted this agenda item as Chairman of the RDA Board.

Presented by Randy Sant

Mr. Sant indicated that the RDA received an application for a façade grant for Sweet Lizzie’s. The total cost for the awning project is \$2,479.99. His recommendation is to approve the grant in the amount of \$1,160.50, which is just less than 50% after the sales tax is removed. The grant would be subject to Sweet Lizzie’s complying with all the terms and conditions of the grant. The applications usually have to be signed by the owner of the building and this one is not, but there a provision in the lease that would allow the sign to be added to the building. Mr. Sant indicated that for the file he will have the owner sign the application. The owner is allowing the applicant to do the awning in lieu of a deposit.

Councilman Pruden asked if the green box on the front of the building will be coming down?

Mr. Sant indicated that he has not seen the drawings as of yet.

Jonathan Stewart, the owner of Sweet Lizzie’s addressed the Council. Mr. Stewart indicated that the green box will be coming down in order to do the awning.

Councilman Pruden asked when Mr. Stewart anticipates opening.

Mr. Stewart indicated by the end of the month.

Councilman Johnson indicated that the lease was a little vague and verified with Mr. Stewart that he has permission to do the awning in lieu of the deposit from the owner.

Mr. Stewart indicated yes, he has permission by the owner.

Chairman Wardle thanked Mr. Stewart for re-investing in the downtown area.

Councilman McCall moved to approve the Façade Grant Application for Sweet Lizzie's located at 36 North Main Street #1 in Tooele, Utah. Councilman Milne seconded the motion. All members present voted "Aye".

8. Ordinance 2010-02 An Ordinance of the Tooele City Council Amending the City Curfew

Presented by Roger Baker

Mr. Baker explained that in discussions with the Mayor and staff on how to best deal with graffiti and other types of delinquency around the City, their attention has been drawn to the City Curfew Ordinance. This ordinance can be confusing to those who are subject to it and those who are attempting to enforce it. He explained that the curfew hour changes depending on daylight savings or standard daylight time. The curfew also changes depending on the age of the child which is subject to the curfew, which raises identification challenges for law enforcement officers.

Councilman Johnson asked if the officers ask the children how old they are?

Mr. Baker stated that children do not always tell the truth. It is the administrations suggestion that they simplify the curfew by making it a single curfew that applies to all children at all times of the year from midnight to 5:00 a.m.

Councilman Johnson recalls when this original ordinance was drafted there was some wisdom behind the segregation of the ages, and there was some wisdom in the daylight savings issue. He used as an example if there was someone working at the Erda drive in and the movie does not get out until early in the morning they would be in violation of the ordinance. He also felt like a seventeen year old should be handled differently than a twelve year old.

Mr. Baker stated that whenever new legislation is drafted the question is always how wide or narrow to make the scope and this recommendation is very broad. He indicated that when they attempted to craft exceptions for circumstances that came up, he and Chief Kirby felt it was best to trust the officers to use their discretion. If a child is coming home from work they should not be cited for curfew violation, but if they are hanging out in the parking lot they might be cited.

Chairman Wardle noted that in the previous ordinance a 17 year old still had to be home by midnight, which will not change in the new ordinance.

Mr. Baker indicated that the new ordinance includes all children up to seventeen years old, unless they are with a guardian.

Councilman McCall asked how many kids are picked up in a month for violating curfew?

Chief Kirby did not have that exact information, but he believes just a few a month get cited. He stated that there are probably more children which are contacted but not cited. He indicated that the officers have made the request to him to change the ordinance; he feels that enforcement will go up if this is passed.

Councilman Johnson asked Chief Kirby what problems the officers were having with the existing ordinance?

Chief Kirby indicated that the existing ordinance is complicated. It is much easier for everyone including parents to simplify the ordinance.

Councilman Johnson asked what happens to a child if they are working at the Erda Drive-In and they get off work early in the morning and are driving home, technically they are in violation of the ordinance.

Chief Kirby indicated that problem exists in the existing ordinance as well. The officers should use their discretion in that situation.

Councilman Milne indicated that he shares the same concern as Councilman Johnson. He was also concerned about school dances they usually run late. He trusts the discretion of the officers, but does not feel that the ordinance allows for that discretion.

Chief Kirby appreciates the concern of Councilman Milne, but noted that same concern also exists under the existing ordinance.

Councilman Johnson asked what time the majority of the problems are taking place?

Chief Kirby feels that because there is a curfew and the officers have the ability to clear the streets at night it will have a positive effect. He indicated that he has not done a study to see what time problems were occurring.

Councilman McCall moved to approve Ordinance 2010-02. Councilman Pruden seconded the motion. All members present voted “Aye”, except for Councilman Johnson who voted “Nay”.

9. Resolution 2010-02 A Resolution of the Tooele City Council Re-Appointing Jed Winder, Erick Brondum, Michael Maloy, and Steve Dale to the Administrative Control Board for the North Tooele City Special Service District

Presented by Roger Baker

Mr. Baker stated that the terms of several board members expired at the end of 2009. The intent of the Resolution is to re-appoint those same board members for another term.

It is his understanding that Steve Dale intends to resign upon the board finding a suitable replacement for him. Mr. Baker indicated that he and Councilman Johnson are recommending these individuals.

Councilman Milne moved to approve Resolution 2010-02. Councilman Pruden seconded the motion. All members present voted “Aye”.

10. Minutes: December 2, 2009; Closed Meeting and Business Meeting

Councilman Milne noted that he was in attendance at the Closed Meeting.

Councilman Pruden moved to approve the minutes as presented with the one change as noted. Councilman McCall seconded the motion. All members present voted “Aye”. Councilman Johnson abstained from the vote on the Business meeting minutes because he was not in attendance.

11. Invoices

Presented by Sharon Dawson

Sharon Dawson presented the following invoice for payment:

- Holme Roberts & Owen for professional services rendered through 11/30/09 in the amount of \$22,065.00.

Councilman Pruden moved to approve the invoice as presented by Ms. Dawson. Councilman McCall seconded the motion. All members present voted “Aye”.

12. Adjourn

Councilman Pruden moved to adjourn the meeting and reconvene in a Discussion meeting. Councilman Milne seconded the motion. All members present voted “Aye”. The meeting adjourned at 8:01 p.m.

Approved this 20th day of January 2010

Chairman Wardle