

**Tooele City Council  
Business Meeting Minutes**

Date: Wednesday, January 20, 2010  
Time: 7:30 p.m.  
Place: Council Chambers  
90 North Main Street, Tooele Utah

**City Council Members Present:**

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

**City Employees Present:**

Mayor Patrick Dunlavy  
Roger Baker, City Attorney  
Sharon Dawson, City Recorder  
Lisa Carpenter, Deputy Recorder  
Chief Ron Kirby, Chief of Police  
Cary Campbell, Public Works Director  
Rachelle Custer, City Planner  
Jaclynn Sagers, Communities that Care  
Shannon Wimmer, Assistant Finance Director

**Others Present:**

Debbie Winn, Chamber of Commerce  
Tim Gillie, Tooele Transcript

Minutes prepared by Elisa Jenkins

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Jacklyn Sagers.

**2. Mayor's Community Recognition Awards**

Presented by Mayor Patrick Dunlavy, Councilman McCall and Chief Kirby

Mayor Dunlavy welcomed all those in attendance. He stated that he appreciates the opportunity to recognize these students for their efforts. He feels that the youth need to be recognized and told that they are doing a great job. These awards came about through the Communities that Care program which is in the schools helping young people. The

Communities that Care program is also a parenting program for parents who want help. Mayor Dunlavy explained that the nominations for this award come from the schools. He indicated that it is his honor to present these awards.

Councilman McCall then presented the awards to the following students:

Nathaniel Putt, Clarke Johnson Junior High  
Megan Topham, Clarke Johnson Junior High  
J.D. Furuta, Tooele Junior High  
Allison Valencia, Settlement Canyon Elementary  
Britanie Smith, Tooele Junior High  
Benjamin Bird, Overlake Elementary  
Elisa Erekson, Harris Elementary  
Marinda Swan, East Elementary

Councilman McCall stated that this is the first day of his new assignment to present these awards. He encouraged anyone interested in the Communities that Care Program to contact Jacklyn Sagers. He stated that this is a great program that the City offers.

Mayor Dunlavy congratulated the recipients of this award. He thanked the parents and family members for their involvement in these young people's lives. He said that it is his honor to present these awards.

A brief recess was taken for a picture with the Mayor.

### **3. Open Forum for Public Comment**

Chairman Wardle invited anyone who would like to come forward and address the Council to do so. No one came forward.

Chairman Wardle closed the open forum at 7:50 p.m.

### **4. Audit Report**

Presented by Mayor Dunlavy

Mayor Dunlavy excused Glen Caldwell from the meeting. Mayor Dunlavy then introduced Randy Jensen to deliver the audit report.

Mr. Randy Jensen of Haynie and Company presented the annual audit report. A copy is included with the minutes as Exhibit A. Mr. Jensen indicated that overall this was a positive report and he commended the City Council, Mayor Dunlavy, Mr. Caldwell and Ms. Wimmer for the operation of the City and for the great job that they do.

Councilman Johnson asked Mr. Jensen if there was a certain area that the Council should focus on? He recalled in a previous audit that there was concern about debt level.

Mr. Jensen indicated that the debt level was fine.

Councilman Johnson also asked Mr. Jensen if there was a concern for large amounts of money being distributed among certain financial institutions. He asked because of the economy, if the money should be more spread out.

Mr. Jensen indicated that as long as the City is complying with the Utah Money Management Act they should be fine.

Chairman Wardle thanked the Accounting Department and Mayor Dunlavy on behalf of the Council for the good job they do.

5. **PUBLIC HEARING & MOTION on Final Plat Approval for UID Minor Subdivision No. 38 a Two Lot Subdivision Consisting of 18.7 Acres Located at B Avenue and Daley Drive**

Presented by Rachelle Custer

Ms. Custer explained that UID is requesting a minor subdivision which consists of two lots. One lot is vacant land the other lot has an existing admin building. This is being subdivided for purchase. In order for the property to be sold a subdivision must be done. This is a minor subdivision because there is not any road dedication and the subdivision consists of less than ten lots. Staff recommends approval of this subdivision. Planning Commission made a favorable recommendation on December 9, 2009.

Chairman Wardle stated that this is a public hearing if anyone would like to come forward and address this issue. No one came forward.

**Councilman Milne moved to close the public hearing.** Councilman Pruden seconded the motion. All members present voted "Aye". The public hearing closed at 8:10 p.m.

**Councilman McCall moved to approve the final plat for UID Minor Subdivision No. 38 a two lot subdivision consisting of 18.698 Acres located at B Avenue and Daley Drive.** Councilman Milne seconded the motion. All members present voted "Aye".

6. **Resolution 2010-09 A Resolution of the Tooele City Council Authorizing an Application for the Eligibility for Federal Surplus Property**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy indicated that this resolution allows the City to participate in this program in the event that surplus property becomes available at the federal level. There has been federal surplus properties become available to the City which they are checking into. The City cannot go any further unless the Council gives the authority for the City to proceed.

Councilman Johnson asked what type of property is available?

Mayor Dunlavy indicated that it is mostly office equipment.

Councilman McCall asked if this allows the City to purchase items from Hill Air Force Base.

Mayor Dunlavy stated “yes”.

Mr. Baker indicated that he has spoken with Kathy Bell regarding this resolution and although it applies to other installations, the City is interested in looking at personal property that will become available as DCD begins to wind down its operation.

**Councilman Milne moved to approve Resolution 2010-09.** Councilman McCall seconded the motion. All members present voted “Aye”.

**7. Resolution 2010-03 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Oaks at Deer Hollow Subdivision**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy stated that the public improvements have been completed for the Oaks at Deer Hollow Subdivision and the warranty period will begin upon the Council’s approval.

Chairman Wardle asked if pictures have been taken and are on file.

Mayor Dunlavy stated “yes”, that is the normal process that if followed.

**Councilman Milne moved to approve Resolution 2010-03.** Councilman Pruden seconded the motion. All members present voted “Aye”.

**8. Resolution 2010-04 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with FX Construction for the Construction of the England Acres 1 Million Gallon Water Storage Reservoir**

Presented by Patrick Dunlavy

Mayor Dunlavy stated that this is an important water project for Tooele City. This was put out for bid statewide. When a low bidder is identified the administration begins a comprehensive check on the contractor to see if there is cause for any concern. They found no concerns with this contractor. He recommended that FX Construction be awarded the bid. The contract is for \$532,500.00.

Chairman Wardle asked if this is for a low grade reservoir?

Mayor Dunlavy indicated that the reservoir will be underground and will be one million gallons.

Councilman Pruden suggested that the neighbors be made aware that this construction will be taking place.

**Councilman Pruden moved to approve Resolution 2010-04.** Councilman Milne seconded the motion. All members present voted “Aye”.

**9. Resolution 2010 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Associated Brigham Contractor for the Construction for the England Acres Well/Booster House**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy indicated that the same process was taken on this bid as the previous bid. There were numerous bidders. He indicated that this is a very specialized building; the well/booster house pumps the water into the reservoir. The amount of this contract is \$777,465.00. Mayor Dunlavy also stated that there are contingencies built into this contract as well as the previous contract.

Councilman Johnson noted that Associated Brigham Contractors are not local. The next two lowest bids are local contractors. He asked if the City had any flexibility to use local contractors and local employees?

Mr. Baker indicated that State Statute requires the City to accept what is defined as the lowest responsive responsible bidder. Case law states that if there are certain concerns about the lowest bidder the City is entitled to reject all the bids or to pass over the low bidder to select the next lowest responsive responsible bidder. He stated that it has to be a business related concern and where their business office is located is not such a concern, unless it is out of state and communication might be difficult.

Mayor Dunlavy indicated that they spend a lot of time finding out about the lowest bidder and their company.

Chairman Wardle noted that the price between bids was significant.

**Councilman Milne moved to approve Resolution 2010-05.** Councilman McCall seconded the motion. All members present voted “Aye”.

**10. Resolution 2010-06 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Dymock Construction for the Construction of the Reservoir No. 5 Chlorination Facility**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy indicated that this is the chlorination facility located on the south bench which has had problems and needs to be replaced. He indicated that this was put out for bid and the low bid was for \$113,183.00. He also stated that there are contingencies built into the resolution.

**Councilman McCall moved to approve Resolution 2010-06.** Councilman Milne seconded the motion. All members present voted “Aye”.

**11. Resolution 2010-08 A Resolution of the Tooele City Council Approving and Ratifying a Contract with Jason’s Tree Service for Tree Trimming Services**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy indicated that this is something that they have needed for a long time. This will allow the City to take care of liability problems around the City as well as have someone who has the knowledge to trim the trees and encourage healthy tree growth. He indicated that this was also put out for bid. The contract is for \$10,748.00.

**Councilman Milne moved to approve Resolution 2010-08.** Councilman McCall seconded the motion. All members present voted “Aye”.

**12. Minutes: January 6, 2010, Discussion and Business Meeting Minutes**

**Councilman Pruden moved to approve the minutes as presented.** Councilman Milne seconded the motion. All members present voted “Aye”.

**13. Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Holme Roberts & Owen for services in December 2009 in the amount of \$27,075.00.
- Western Excavating to install sewer 60” manhole on 400 North in the amount of \$8,620.00.

**Councilman McCall moved to approve the invoices as presented.** Councilman Milne seconded the motion. All members present voted “Aye”.

Councilman Johnson noted the road on 400 North and 150 West is pretty beat up and asked if it something could be done.

Mayor Dunlavy stated that they are aware of the problems on that road, but it is hard to fix in the winter. He indicated that he will check into it.

**14. Adjourn**

**Councilman Milne moved to adjourn the meeting.** Councilman Pruden seconded the motion. All members present voted “Aye”. The meeting adjourned at 8:25 p.m.

Approved this 3<sup>rd</sup> day of February 2010

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Chairman Wardle