

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

Date: Wednesday, May 19, 2010
Time: 7:30 p.m.
Place: Tooele City Hall 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
Glenn Caldwell, Finance Director
Roger Baker, City Attorney
Cary Campbell, Public Works Director
Sharon Dawson, City Recorder
Lisa Carpenter, Deputy Recorder
Rachelle Custer, City Planner
Paul Hansen, City Engineer
Jaclynn Sagers, Communities that Care
Chief Ron Kirby, Chief of Police

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. Chairman Wardle welcomed Boy Scout Troop 1701 who were working on their Citizenship in the Community and Communications Merit Badges.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Councilman Pruden.

2. Mayor's Community Recognition Awards

Presented by Mayor Patrick Dunlavy, Councilman McCall and Chief Kirby

Mayor Dunlavy said that he feels this is the most important thing that the administration and the Council can do is recognize the youth in the community for their outstanding efforts. He appreciates the role that these young people play in the community and realizes that they will be the future leaders of the community. This is a great opportunity for these young people to hear how special and how important they are.

Councilman McCall indicated that each recipient will receive a bag full of goodies and a Certificate signed by the Mayor.

Councilman McCall then presented the Mayor's Community Recognition Award to the following students:

Justin Woods, Tooele High School
Lorenzo Schrubbs, Tooele Junior High
Bret Wilkinson, Clarke Johnson Junior High
Leah Jimenez, Clarke Johnson Junior High
Sharod Ellis, Stansbury High School
Rylee Whitehouse, Tooele Junior High

Mayor Dunlavy congratulated the students again who received this award. He acknowledged their families and the important role they play in these young peoples lives.

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

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. Resolution 2010-07 A Resolution of the Tooele City Council Authorizing the Mayor of Tooele City to Sign a Contract with Paul Hansen Associates, L.L.C. for City Engineering Services

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy indicated that this resolution is for the renewal of an existing contract with Paul Hansen for engineering services. He asked the Council for their support in renewing his contract.

Councilman Johnson noted that they are not increasing either the total annual maximum outlay on this contract or the hourly rates. Councilman Johnson recommended that the last sentence of paragraph 3 (a) read "The Contractor may increase the hourly rates

charged under this Contract by up to 5% each year effective January 1 of that year, upon the recommendation of the administration and approval of the Council.

Mr. Baker asked if the Council would like him to amend the contract with the above wording or if it is an understanding between the Council and the Mayor.

Councilman Johnson would like to see the wording added to the contract.

Councilman Pruden asked Mr. Hansen if that change was alright with him.

Mr. Hansen indicated "yes".

Councilman Pruden moved to approve Resolution 2010-07 with the amendment as stated above by Councilman Johnson. Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle "Aye". The motion passed.

5. **Resolution 2010-28 A Resolution of the Tooele City Council Appointing Matt Robinson as a Council-Appointed Alternate Member of the Tooele City Planning Commission**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy indicated that this position is for a Council appointed alternate member of the Tooele City Planning Commission. He recommends Matt Johnson for this position and asked the Council for their support.

Councilman Pruden stated that he appreciates Matt Johnson's willingness to serve on the Planning Commission. Councilman Pruden asked Mr. Baker if this resolution should appoint Mr. Johnson to begin his term of service as of May 19, 2010.

Mr. Baker indicated that he was trying to back date the appointments to the beginning of the calendar year in the resolution. Mr. Baker stated that he will put the date of appointment in the resolution as of May 19, 2010.

Councilman Pruden moved to approve Resolution 2010-28. Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle "Aye". The motion passed.

6. **Resolution 2010-26 A Resolution of the Tooele City Council Consenting to the Appointment of G.M. Rusty Hammond to the Animal Control Appeals Board; Setting his Term of Service; and Awarding him the Powers of the Office**

Presented by Police Chief Ron Kirby

Chief Kirby explained that a few years ago the Council made some changes to the animal control ordinance. One of those changes was a mechanism for the Chief of Police to declare certain animals (i.e. dogs), as dangerous and a threat to the community. Part of that process is an appeals process for those who wish to appeal. The appeals board consists of three citizens'. This vacancy came about when Councilman Milne was elected to the City Council. Chief Kirby has interviewed Mr. Hammond and recommends him to serve on the appeals board.

Councilman Johnson suggested that Mr. Hammond serve his term until December 31, 2013.

Councilman Milne moved to approve Resolution 2010-26. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle "Aye". The motion passed.

7. Ordinance 2010-06 An Ordinance of the Tooele City Council Amending Tooele City Code Chapter 7-25 Regarding Signs

Presented by Roger Baker

Mr. Baker explained that this ordinance makes very few changes to the actual sign code in terms of sign specifications. This ordinance focuses on bringing the ordinance up to date with Supreme Court case law regarding signs and language that makes it more defensible against constitutional attacks. The administration has expanded the intent section to emphasize public safety and community character. They have added language that allows business owners to put personal speech on their signs; the constitution protects personal speech more than commercial speech. A severability clause has been added so if any one provision in the ordinance is found to be unconstitutional the rest of it will remain in force instead of throwing the whole ordinance out. They clarified duties of certain staff members in the Community Development department and they added a provision prohibiting the placement of private signs in public-right-of ways. Mr. Baker also noted that they changed the provision about the temporary nature of political signs. He indicated that elections are event focused and occur on a certain date. The reason that they do not allow political signs to be up all year is to reduce visual clutter, this is so the ordinance does not discriminate against political speech and favor other types of personal speech. The purpose of this ordinance is the first amendment protecting the rights of citizens to speak on a sign.

Councilman Johnson suggested a change to 7-25-12 (7). Currently it reads "off-site directional signs, not to exceed nine square feet in area as allowed by the Department". He has a concern with "allowed by the Department" and suggested that wording be removed from the ordinance.

Mr. Baker had no problem with that suggestion.

Councilman Johnson noted that in the article attached to the ordinance it states that there needs to be good procedures in place if someone received an unfair decision from the City. He indicated that the ordinance states that someone can appeal to the Board of Adjustments if they do not like the decision of the City. Councilman Johnson understands if the person does not like the decision from the Board of Adjustment they could appeal to State Court. He commented that the ordinance doesn't specify that and wondered if it should.

Mr. Baker indicated that as a matter of state law, administrative decisions can be challenged in court. He stated that they usually do not add that provision throughout the City ordinances because it is a redundant statement of existing state law.

Councilman Johnson asked if that is the process to appeal to the Board of Adjustment and then to State Court.

Mr. Baker stated that at the end of administrative appeals, including the Board of Adjustment, appeals would go to State Court.

Councilman Johnson asked if the ordinance should say how quickly the Board of Adjustment should render a decision?

Mr. Baker indicated that by common law it has to be a reasonable amount of time. He could put a 30 day time frame in the ordinance.

Councilman Johnson suggested that wording be placed in the ordinance that the Board of Adjustment shall promptly hold a hearing and shall render a decision within 30 days.

Councilman Johnson moved to approve Ordinance 2010-06 with the two amendments by Councilman Johnson as noted above. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle "Aye". The motion passed

8. Resolution 2010-27 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Superior Excavating for Construction of the 2010 Culinary Waterline Replacement Project

Presented by Paul Hansen

Mr. Hansen thanked the administration and the Council for the opportunity to continue working with them. Mr. Hansen explained that this resolution is for the replacement of aging water lines within the City. It is their plan to replace approximately 2.4 linear miles of water lines. The project was put out and publicly bid and Superior Excavating was the low bidder. Superior Excavating has been the low bidder for the past three years

on the City's waterline replacement projects. Mr. Hansen recommends awarding Superior Excavating with this contract. Mr. Hansen indicated that he appreciates Superior Excavating, because this past year they saved the City over \$200,000 on the work through cost savings measures and other elements which enabled the City to do two additional streets of water line. Mr. Hansen also requested a 5% contingency in the resolution which may be used for unknown conditions which may be encountered during construction.

Councilman Pruden appreciates that Superior saved the City money. He also likes the fact that there is continuity on these projects because the same company has been used for the last three years.

Councilman Johnson asked Mr. Hansen if he has a map that shows which water lines are being replaced for the public to look at.

Mr. Hansen indicated that there is a collective map that is available to the public which shows water line and road improvement projects for this year.

Councilman McCall suggested to Mr. Gillie with Tooele Transcript, that a copy of the map with water line and road improvement projects for the year be put in the paper.

Councilman Milne noted that this contractor saved the City money and the City was able to do more because of the savings.

Councilman Pruden moved to approve Resolution 2010-27. Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle "Aye". The motion passed.

9. Resolution 2010-25 A Resolution of the Tooele City Council Accepting the Completed Public Improvement Associated with Copper Canyon Subdivision Phases 2A and 2B

Presented by Paul Hansen

Mr. Hansen recommended that this item be tabled until the next City Council meeting. He usually goes out the day of the City Council meeting to look at the public improvements one more time to make sure everything is in place. He stated that there have been some activities that have resulted in debris on site, areas where the backfill is against the sidewalk and curb and gutter has settled, and a few areas where debris such as concrete has been placed within the park strip. He would feel more comfortable if the contractor would complete those areas before he makes his recommendation to the Council. He also indicated that this property involves two parks which will become the property of the City. Normally parks are not considered part of the public improvements, but because the City is taking them over there are a couple of items that the developer is working with the Parks Department to get finished.

Councilman Johnson indicated that when the City takes over a park it should be part of the formal inspection to make sure things are working in the park.

Mr. Hansen indicated that the Parks Department does make an inspection of the park. There is bonded public improvements which includes roads, curb and gutter, sidewalks, sewer, water, and storm drain which is separate and apart from park property. There is the release of the bond for completion of public improvements, which is the element that he usually deals with. The elements that the Parks Department deals with is a separate issue. He received an e-mail from the parks director that said there were still a few outstanding items, and she was also not recommending that the park be accepted tonight.

Councilman Milne thanked Mr. Hansen for his due diligence on this item.

Mayor Dunlavy stated that when a park is turned over to the City, the parks director meets with the developer. They turn on all the systems and show them where all the valves are. They check the condition of the turf as well. They also do a detailed inspection of playground equipment. They make sure everything is in compliance before the Park becomes the City's responsibility.

Councilman Milne moved to table this item to the June 2, 2010 City Council meeting. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle "Aye". The motion passed

Chairman Wardle turned agenda items 10, 11, 12, and 13 over to Councilman Pruden who is chairman of the RDA Board.

10. Review of RDA Budget for Fiscal Year 2011

Presented by Randy Sant

Mr. Sant reviewed the RDA Budget for Fiscal Year 2010-2011 with the RDA Board. A copy of the budget is included with the minutes as Exhibit A. He indicated that he has added into the 75 account (line item 312) \$100,000 that would come out of the fund balance to assist with any possible litigation. He has also added \$100,000 to line item 311 which is professional and technical.

Councilman Johnson asked if any salaries are being increased?

Mr. Sant said no, they will be the same as in the past.

Chairman Purden asked if the Chamber of Commerce land purchase has been paid off?

Mr. Sant said that the Chamber land purchase has been paid off.

Mr. Sant indicated that the Downtown account sunsets in two years. He suggests that the Board discuss what they want to do with this account in the next strategic planning session.

Councilman Wardle noted that the tax increment in the downtown area has decreased over the last three years, which has made it more difficult to help with funding in that area.

Chairman Pruden indicated that the RDA has been able to help with some façade grants that have helped improve the Downtown area.

Mr. Sant noted that Sostanza has been very successful.

Mr. Sant indicated that there will be a public hearing on the RDA Budget the same night as the regular City Budget for the Council to adopt.

11. Discussion on Sale of Lots in the Tooele Commercial Park

Presented by Randy Sant

Mr. Sant indicated that there have been a couple interested buyers for some property in the Commercial Park. Mr. Sant distributed a site plan to the Board from Mr. Slock who wants to purchase a lot in the Commercial Park. (A copy of the site plan is included with the minutes as Exhibit B). Mr. Slock would like to purchase lot 301 which is in the 3rd phase of the Commercial Park. He would like to have a boat repair facility, which would have about 100 units of storage. Mr. Sant indicated that this property backs up to the portion of the park that they would like to upgrade and develop. It is his recommendation if the RDA sells this lot to Mr. Slock that there be no outside storage.

Councilman McCall asked if the development would work better at the Utah Industrial Depot (UID)?

Mr. Sant indicated that Mr. Slock has looked at UID, but there are some problems for him in building at that location.

Chairman Pruden stated that this property is very close to where Utah State University will be building. He doesn't feel that this type of development would work at this location. He would like to see something that would compliment the university.

Councilman Wardle does not feel that this type of project would fit well with a university campus. If Mr. Slock would come back with a different type of development they could look at that. He is not in favor of this site plan.

Councilman Milne echoed the concerns of Chairman Pruden and Councilman Wardle. Councilman Milne noted that the City has worked very hard with the School District and other parties in this area to try and make this into a more professional commercial area.

Councilman Johnson noted that there are other developments in this area that have open storage, which were part of decisions that were made in the past. He would like the problems in this area to not get worse.

Councilman McCall wants this business to feel welcome into the Community, but he does not feel that this location is a proper fit for this type of business.

Mr. Sant will convey the Board's feelings to Mr. Slock. He concurs with the feelings of the RDA Board.

Mayor Dunlavy indicated that there have been some discussions in the past about retaining this lot for a possible expansion of one of the City's departments.

Mr. Sant stated that he has been approached by Greg Haer who owns some property on 1000 N. There is a piece of property that the City owns just to the west of his development and adjacent to the railroad. Mr. Sant would like to see what he wants to do with the development of that property before they sell it. He feels that this is a very critical piece of commercial property to the City.

Chairman Pruden asked if this piece of property is only accessible through Mr. Haer's property?

Mr. Sant was not sure he would have to check on that.

Chairman Pruden agrees that the RDA Board needs to know what Mr. Haer plans to do with the property before the City agrees to sell it.

Mr. Sant reminded the Board that they worked out a deal with Mr. Sundloff where they traded for a piece of property they had in the commercial park for a piece of ground that used to be the Chamber's property. Syracuse Casting has always had an interest in that property. He would like to go through with the sale to Syracuse Casting. It is very critical for Syracuse Casting to secure this property for future expansion.

Councilman Johnson asked what the price would be for the sale?

Mr. Sant indicated that they have worked out a deal for about \$78,000 which is equivalent to what market value is today.

Councilman Wardle stated that it is important for Syracuse Casting to be able to move forward with their business.

12. Economic Development/Legislative Report

Presented by Randy Sant

Mr. Sant distributed a letter to the RDA Board from the Community Impact Board. A copy of the letter is attached to these minutes as Exhibit C. The letter is in regards to the wastewater treatment facility expansion. The Community Impact Fund Board gave the City tentative approval for a revised funding package totaling \$4.6 million as a 25 year loan @ 4.5% interest. However, they also asked the City to put in an application for the use of Private Activity Bonds to see if they qualify through that process. If the Private Activity Bonds are not available, and the Board were to issue a loan at 4.5%, they would likely give the City authorization to use Build America Bonds which would drop the interest rate to about 2.8%. Mr. Sant indicated that the next meeting will be in Vernal on June 10th. It should take about 45 days after this meeting to get the paperwork done and then the funding should be ready.

Mr. Sant stated that he and the Mayor met with the CEO of Project Balloon. They felt that the site at UID would work for them. The CEO has to meet with his board and recommend the site to them. This development would employ 25-50 very high paying jobs.

Mr. Sant indicated that Councilman Milne and Ms. Pitt attended an RDA conference and he would like them to give the RDA Board a report on the conference at the next RDA meeting.

Mr. Sant stated that he has a concept plan for the Commercial Park. He distributed a copy to the RDA Board. He stated that if they get federal funding they should be able to start moving forward with improvements. He suggested that they start doing some land use planning and master planning. He would like to put together a committee to start doing some basic planning. He would like the RDA Board to see the Ogden Business Depot to get a visual on how it looks. He feels it would be beneficial in planning for the Commercial Park. The concept plan also shows what is being proposed for the roads.

Mr. Sant indicated that they have put in two requests for grant funding through the federal government for the Commercial Park. They put in a request for funding for a water tank through the Stagg program and they put a request for money for the Commercial Park through the Economic Development Initiative funds. Representative Bishop is not going to "officially" support anything but did indicate that he will support the project and have his staff help. Mr. Sant stated that Senator Bennett accepted both of the grants and Senator Hatch has also agreed to ask for funding for both of the grants. Both of the requests have been requested through the budget process that they officially be funded. This is the first step. These projects are moving forward through the federal process. He is hoping that both of the projects will be funded.

The interim meetings with the State Legislation have started. There are 229 interim items that will be looked at by various committees. He will get the list of those interim items to

the RDA Board and if there are any specific items of interest from the Board that they would like Mr. Sant to look at he will do that.

Councilman Johnson would like Mr. Sant to look into the districting process.

Mr. Sant will do some research on that process and report back to the Board.

Mr. Sant had an invoice to give to Ms. Dawson from Home Savings Bank for an interest payment in the amount of \$28,125.00 which is due June 1st. He asked the Board for their approval on this invoice.

13. Discussion on Commercial Development

Presented by Randy Sant

Mr. Sant indicated that this item had been discussed in the previous agenda item and that he had no further items for discussion.

Chairman Pruden turned the remainder of the agenda back over to Chairman Wardle.

14. Minutes: May 5, 2010; Discussion Meeting Minutes and Business Meeting Minutes

Councilman McCall moved to approve the minutes as presented. Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Councilman Milne, “Aye”, Councilman Pruden, “Aye”, and Chairman Wardle “Aye”. The motion passed

15. Invoices

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Western Excavating for emergency sewer line repair on White Pine Drive in the amount of \$13,250.00.
- RS Contract Management, LLC for professional services for April and May 2010 in the amount of \$12,040.00.
- RDA Invoice for Home Savings Bank in the amount of \$28,125.00. Councilman Johnson asked Mr. Sant to look at the interest rate on this item.

Councilman Pruden moved to approve the invoices as presented. Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Councilman Milne, “Aye”, Councilman Pruden, “Aye”, and Chairman Wardle “Aye”. The motion passed

16. Adjourn

Councilman Milne moved to adjourn the meeting. Councilman Johnson seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Councilman Milne, “Aye”, Councilman Pruden, “Aye”, and Chairman Wardle “Aye”. The motion passed. The meeting adjourned at 9:00 p.m.

Approved this 2nd day of June 2010

Chairman Wardle