

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

Date: Wednesday, October 20, 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  
Glen Caldwell, Finance Director  
Matt Johnson, Assistant City Attorney  
Paul Hansen, City Engineer  
Sharon Dawson, City Recorder  
Lisa Carpenter, Deputy Recorder  
Rachelle Custer, City Planner  
Michelle Pitt, Mayor's Assistant  
Chief Ron Kirby, Chief of Police  
Cary Campbell, Public Works Director  
Randy Sant, RDA Consultant

**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 Troops 438, 1109 and 1302 who were working on their Citizenship in the Community Merit Badge.

Chairman Wardle recognized Pfc. Jordan Byrd of Grantsville who was killed in Afghanistan last week. He said that the thoughts and prayers of the Council, staff and community are with his family. He is appreciative of the freedoms servicemen give our Country and thanked all those who serve.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by former Councilman Steve Bevan.

**2. Presentation to Council on Spice & Hookah**

Presented by the Tooele County Health Department

Tooele County Health Director Myron Bateman gave a presentation on spice to the Council. A copy of his presentation is included with the minutes as Exhibit A. Spice is a blend of herbs and chemicals that produces a marijuana-like high. The health department wants to make the local jurisdictions aware of what spice is. There are five stores in Tooele County that sell it and there is no age limit of who can purchase it. Utah legislators are working on legislation to prohibit spice. The Tooele County Health Department is working on an ordinance that will prohibit spice. When the county passes an ordinance it would cover all of Tooele County. Some cities are choosing to pass a City ordinance against spice. He said that the Bear River Health Department has passed an ordinance and Ogden City has passed a City ordinance thus far.

Chairman Wardle asked when the health department might act on this.

Mr. Bateman stated that there is a special meeting scheduled on October 28, 2010 with the Board of Health to discuss the issue. If they decide to regulate it they must hold a public hearing and then they will have a meeting on November 30, 2010, which is the soonest the Tooele County Health Department could pass an ordinance.

Councilman Pruden asked if Mr. Bateman is asking the City to pass an ordinance before the health department does?

Mr. Bateman indicated that he is asking if the Council would support an ordinance from the Board of Health. He would present the Council's thoughts at the findings and facts meeting on November 30, 2010. If the Council chooses to adopt their own ordinance they could.

Councilman Pruden asked for Chief Kirby's thoughts on this issue.

Chief Kirby stated that he would support legislation to prohibit spice. He indicated that current laws allow them to enforce driving under the influence; and spice would fall somewhere under the category of an inhalant. He is confident that the state will pass legislation to ban spice.

Chairman Wardle noted that it would still be six to seven months before legislation would be passed by the state. It is his understanding that the Tooele County Health Department could pass an ordinance to prohibit spice by the end of November, and it could be off the shelves by the first of December.

Councilman Johnson felt that declaring something an illegal substance should take place at the state level. He would feel more comfortable with the county health department passing a county wide ordinance until the state can pass legislation. If the City passes an ordinance and it is not illegal in the county that is not fair. How would it be enforced?

Mr. Batemans stated that is where their direction is going. They feel they need some kind of law in place until the state can pass legislation. They want to get it off the shelves because there is no age limit and they want to start educating kids that this is harmful.

Councilman Johnson asked if the State Board of Health has jurisdiction to declare something unlawful statewide? He understands that the state legislation can't be passed until June, but wondered if they could do it sooner.

Mr. Bateman said that when the county passes a law it is a class C misdemeanor and if it goes through the state it creates more strength.

Chairman Wardle indicated that while they are waiting to see if the state passes legislation banning spice an ordinance from the health department would stop the sell of it in the county.

Mr. Bateman said that was correct. Once the state passes legislation the county ordinance would revert to state legislation.

Chairman Wardle also noted that there is a lot of money spent rehabilitating drug offenders through the drug court process who can go purchase spice because it is legal.

Mr. Bateman said that is exactly what happened in Wendover. Spice is legal to anyone at any age.

Chairman Wardle would like the county to act on this as soon as possible.

Mayor Dunlavy stated that he will get a letter written for the Council to sign.

Mr. Bateman informed the Council that Hookah bars are being regulated through the Utah Indoor Clean Air Act.

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

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

Mayor Dunlavy informed the Council that there is a program going forth around the world that is being funded by the Bill and Melinda Gates foundation and taken up by the Rotary Club International to eradicate Polio around the world. He stated that he is a Polio survivor. The Polio vaccine is eradicated for the most part in America but not totally. This program is geared mostly for the underdeveloped nations. He asked the

Council for their support in “Purple Pinky Day”, which is sponsored by the local rotary club international. They are asking for a \$1 donation and when you donate you would get the tip of you little finger painted purple. The money will go to eradicating Polio. A \$1 donation can pay for two children to be vaccinated. He asked the Council to declare October 28, 2010, “Purple Pinky Day” in Tooele City.

Councilman Pruden asked who will collect the money.

Mayor Dunlavy stated that the rotary club will collect the money on a local level and get information out to the community.

**Councilman Pruden moved to declare October 28, 2010, “Purple Pinky Day” in support of Rotary International’s action to eradicate Polio.** 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”.

Chairman Wardle closed the open forum at 7:59 p.m.

#### **4. Community Development Block Grant (CDBG) Application Sponsorship**

Presented by Michelle Pitt

Ms. Pitt explained that this public hearing is being called to consider potential projects for which funding may applied under the 2011 Community Development Block Grant Program (CDBG). The money from this grant must be spent on projects benefiting primarily low and moderate income people. The Wasatch Front Regional Council which Tooele City is a member is expecting to receive approximately \$2 million dollars. There are a lot of activities that qualify under this program and they are listed in the CDBG Application Guide. The CDBG Application Guide is at City Hall and anyone can view it at any time. Last year Tooele City received two grants one was through the Tooele Housing Authority for \$100,000 for a down payment assistance program. The other grant was to purchase equipment for the new reflections house which was for \$150,000. Tooele City has a Capital Investment plan as part of the regional Consolidated Plan. She asked if anyone had any questions.

Chairman Wardle asked when the public hearing will be held for the CDBG Grant.

Ms. Pitt said that this is the 1<sup>st</sup> public hearing.

Councilman Johnson asked if the administration has any projects they are thinking about.

Ms. Pitt said that the City itself does not have any projects but they have been approached by Kevin Peterson and his project is the Broadway apartments. Steve Bevan is here to talk about that project. If the Council chooses they could sponsor this project.

Steve Bevan, 45 Benchmark Village addressed the Council. Mr. Bevan is representing Capital Management which is Kevin Peterson's development company. Mr. Peterson has discussed the Broadway apartment project with Mayor Dunlavy and Mr. Sant. Mr. Peterson needs 1) curb and gutter: \$125,000 2) street lights: \$16,000 3) four benches: \$4,000 4) medians for landscaping: \$6,000 and 5) funds for the redevelopment plan: \$15,000 for a total of \$166,000. Mr. Bevan stated that he would not be involved in this project if he didn't feel that it would happen. He asked the Council to consider this project for the CDBG grant.

Councilman Johnson asked when the deadline was for application of a CDBG grant. If there is more than one project the Council has to rank them.

Ms. Pitt stated that it is December 1, 2010.

Chairman Wardle questioned if there is one more public hearing on the night the Council decides which project to sponsor.

Ms. Pitt said "yes". The Council would decide which projects to sponsor and there will be one more public hearing. This meeting will be held November 17, 2010.

Mr. Bevan indicated that Mr. Peterson will be at the meeting on November 17, 2010 with site plans and renderings of the project.

Chairman Wardle asked if there was anyone else who would like to come forward to discuss application for the CDBG grant. No one else came forward.

Mayor Dunlavy asked if Ms. Pitt could explain the change in the demographics of the Wasatch Front Regional Council.

Ms. Pitt stated that last year Davis County was part of the Wasatch Front Regional Council but this year they are not. It is only for cities that are 50,000 people or less which include Tooele County, Ogden County, Morgan County, and Weber County. Because it is smaller this year Tooele City has a better chance in getting their project funded.

Chairman Wardle thanked Ms. Pitt for her work on this grant. He also thanked Mr. Bevan; he feels that the Broadway area is an important area to revitalize.

**Councilman Milne moved to close the CDBG public hearing.** Councilman Pruden 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 public hearing closed at 8:06 p.m.

5. **Resolution 2010-45 A Resolution Authorizing the Issuance and Sale of not more than \$5,000,000 Aggregate Principal Amount of Sewer Revenue Bonds, Series 2010 of Tooele City, Utah**

Presented by Randy Sant

Mr. Sant explained that the purpose of this resolution is a parameter resolution which sets the parameters of what the City would be within for the issuance of this bond. Mr. Sant stated that they have applied for a Community Impact Fund and the Community Impact Board will buy the bond from the City. They want to issue this bond before the end of December because they want to do this under the Build America Bonds which would save the City \$653,000 in interest costs. The interest rate would drop to about 2.89%. The annual payment drops from \$303,000 to an average of \$257,000. They have a very tight time schedule. The first thing that needs to be done is to accept this parameters resolution and then hold a public hearing for the bond which will be held on November 17, 2010. After the public hearing they can move forward to close the bond. He stated he is currently working with the Community Impact Board; they have a set of requirements that will need to be met. He is not sure if they will be able to meet the requirements by the end of the year. He is going to ask the Community Impact Board to issue the bonds and hold the bonds in escrow until they can complete all the requirements. After the requirements have been completed then they could move on the bonds. He will have more information at the public hearing on November 17, 2010.

Councilman Johnson asked Mr. Sant to explain for the benefit of the public what the \$5 million dollars will be used for.

Mr. Sant asked Mr. Hansen to explain what the money will be used for.

Mr. Hansen stated that the principle project will allow the City to handle the solids that are generated out of the water reclamation plant. Currently they are put on land which is very expensive and ties up land. The money would be used to construct a facility that would allow the City to store the solids, dry them on site, and dispose of them in a much more economical and environmentally friendly way. There are also a handful of smaller upgrade projects if pricing allows that they would take care of as well at the plant.

Chairman Wardle noted that this is an ongoing project to the wastewater treatment plant. He asked if this is Phase 2 of the project.

Mr. Hansen stated that this is Phase 3. They have done several upgrades at the plant already.

Councilman Johnson noted that these are revenue bonds that would be payable through sewer fees.

Mr. Hansen stated that it would be a combination of revenue bonds and impact fees.

**Councilman Johnson moved to approve Resolution 2010-45.** 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".

**6. Minutes: October 6, 2010: Business Meeting Minutes**

**Councilman Milne moved to approve the minutes as presented.** 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".

**7. Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Holme Roberts & Owen for professional fees for September 2010 in the amount of \$10,351.25. (City Invoice)
- Carlisle Syntec for 2010 property tax increment refund (four of five payments) in the amount of \$95,883.00. (RDA Invoice)

**Councilman McCall moved to approve the invoices as presented by Ms. Dawson.** Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle, "Aye".

**8. Adjourn**

**Councilman Milne moved to adjourn the meeting.** Councilman Pruden 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 meeting adjourned at 8:12 p.m.

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

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Chairman Wardle