

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, October 6, 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
Doug Bayly, Assistant City Attorney
Cary Campbell, Public Works Director
Sharon Dawson, City Recorder
Lisa Carpenter, Deputy Recorder
Rachelle Custer, City Planner
Jaclynn Sagers, Communities that Cares Director
Kathy Bell, Parks and Recreation 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 Curtis Beckstrom.

2. Mayor's Community Recognition Awards

Presented by Mayor Patrick Dunlavy, Chief Ron Kirby and Jacklyn Sagers

Mayor Dunlavy thanked all those who have come to support these young people. Mayor Dunlavy explained that the City Council, city staff and he feel that it is very important to recognize young people for their accomplishments. It is their honor to pay recognition to these special students. He congratulated those receiving the award and the important role

they play in their family and the community. He then turned the time over to Jacklyn Sagers the Communities that Care Director.

Ms. Sagers then presented the Mayor's Community Recognition Awards to the following students:

Angela Brewerton, Harris Elementary
McKinley Peck, Copper Canyon Elementary
Angela Moore, Northlake Elementary
Sarah Sharp, Middle Canyon Elementary
Emily Shinn, East Elementary
Joshua Walters, Settlement Canyon Elementary
Molly Johnson, Overlake Elementary
Taylor Shubert, West Elementary

Ms. Sagers thanked the families for the support they give these young people. She mentioned that there is a brochure included in the bags the recipients received that explains the Guiding Good Choices program. Guiding Good Choices is a program for all parents, not just for parents with troubled youth. She encouraged anyone interested to notify her.

Mayor Dunlavy stated that Ms. Sagers does a great job with the Communities that Care program. The Communities the Care program is a wonderful program that gives support to students in these tough times. He thanked the parents for the support.

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

3. Presentation to Council on Spice & Hookah

Presented by the Tooele County Health Department

This presentation was postponed until the next City Council meeting on October 20, 2010.

4. 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.

Councilman Wardle acknowledged the passing of Glen Caldwell's wife Diane. The Council's thoughts and prayers are with Glen's family at this time.

Jessica Gunderson, 377 E Angus Cove addressed the Council. Ms. Gunderson thanked the Council for their donation to her camp, Camp Discover, for disabled kids. The Council made it possible for the kids to go to the camp and make crafts, make new

friends and play games. There is nothing in Tooele County of this nature for disabled kids and the parents of these kids would like to see this camp happen every year.

Chairman Wardle thanked Ms. Gunderson for the great thing she has done for these kids.

Councilman Johnson asked how this idea came about and noted that Ms. Gunderson is showing great leadership qualities at a very young age.

Ms. Gunderson said that she has a disabled brother and she has helped out in the Special Olympics. There are camps in Salt Lake for disabled kids and felt that there needed to be something in Tooele.

Councilman Pruden asked where the camp was held?

Ms. Gunderson stated that the camp was held at the Ophir campground. The camp had 16 kids and 30 volunteers.

Shirley Beagley, 486 W 500 S addressed the Council. Ms. Beagley thanked the Council for the new waterline on her street. The contractors did a great job and everything went very well.

Councilman Pruden also has had many comments from citizens regarding the new streets and noted that the crews have been very professional.

Curtis Beckstrom addressed the public. He thanked the Council and the Mayor for their help in getting a crosswalk and signs on 5th North to help the kids get to Harris Elementary.

Mayor Dunlavy stated that the City evaluates the school crosswalks every year. They try to find trouble spots and see what they can do to help.

Chairman Wardle thanked the Mayor and the staff for their efforts in helping students get to and from school safely.

Chairman Wardle closed the open forum at 7:56 p.m.

5. PUBLIC HEARING & MOTION on Ordinance 2010-15 An Ordinance of Tooele City Adopting an Updated Annexation Policy Plan

Presented by Jason Burningham

Mr. Burningham explained that an annexation plan is a required element according to state law in order for the City to look at areas they may be interested in annexing into the municipal boundaries of Tooele City. The primary reason for annexing would be for extending municipal services such as water, sewer, public safety, and roads. The update to the annexation policy plan has been available to the public for some time. The

Planning Commission held a public hearing where there were some public comments through a letter from another municipality and that letter has been included in the ordinance for the Council's reference. Mr. Burningham noted that Tooele City adopted an annexation policy in 2004. This updated annexation plan includes a feasibility study on each of the areas. The feasibility study looks at population growth estimates, and looks at financial resources within the areas to pay for services that would need to be provided. He also mentioned that Option A was already included in the City's annexation plan, and with this update a feasibility study was done. The letter that was sent by Grantsville's Mayor Brent Marshall asks Tooele City to remove Option A from their map.

Chairman Wardle noted that Option A has been part of the City's annexation plan for many years.

Mr. Burningham stated that Option A was in the 2004 annexation policy plan and could have been there previously to that. There have been municipal services provided by the City within the Option A long before the feasibility element was completed. There are some areas in the annexation policy plan where the City is expanding the footprint. The annexation policy plan does require specifically, the expansion area map. The map does not bind the City to annex anything, it suggests an intent to study and investigate the possibility of annexation. A majority of annexations are driven by petition of the property owner and there is a process that they must go through. Another critical element of the annexation policy plan is specific criteria that must be looked at in order to consider annexation. The criterion is to do some of the feasibility elements as part of plan in order to justify considering an area and he feels that is what this annexation policy plan does. There are other plans that have been adopted by other locations that typically will re-summarize the language in the state code but do not do any analytical analysis, which he feels does not quite meet the full intent of an annexation plan.

Councilman Johnson asked if Grantsville's recently adopted annexation plan suffers from that problem.

Mr. Burningham feels that there is an element missing. The argument would be that the policy plan has to take into consideration the feasibility study before they put the areas they would look at on the map. He feels that Grantsville has looked at in from an ordinance perspective of if annexation was ever considered then they would complete all of the elements.

Councilman Johnson asked when Grantsville's annexation policy was adopted?

Mr. Burningham said it was June of this year.

Councilman Johnson noted that Option A is the area east of Sheep Lane to the City limits, which has been in Tooele City's annexation policy plan since 2004.

Mr. Burningham stated that Option A has been in the annexation policy plan since 2004, but may have been in the plan prior to 2004. The 2004 annexation policy plan was a 10-15 year plan. One of the reasons policy plans are put into place is for municipal services to try and plan. Public Safety is tough because they respond if there is a need and it doesn't matter who is paying taxes. If a municipality can identify where the areas of growth might be and recognize that there might be some liabilities that could come from that, they can decide whether they want to provide those services or not. The City would need to ask if it would be cost effective. Property owners drive annexation through a petition.

Chairman Wardle noted that a municipality can not drive annexation. A property owner has to be in agreement to the annexation.

Mr. Burningham stated that the property owners want services so they have to financially contribute to the system for those services to be provided.

Chairman Wardle stated that it is the need that drives annexation not necessarily the want of a municipality.

Mr. Burningham agreed. It is the most cost effective way to provide the municipal services, in many respects that drives annexation as well.

Chairman Wardle noted that Option F is property owned by the City and is set aside for view shed protection, open space, and water shed preservation. He asked what the next step is to annex that property into the City.

Mr. Burningham said that the property owner (which is the City) petitions the City, and is validated by the County. He noted that since the analysis work is already done it could take between 30-60 days to be completed. There are no municipal services that are required for the area it is solely a benefit to the residents of Tooele for conservation of open space. There is a protest process, but there is no municipality within ½ mile of the property, so the only protests would come from other property owners within Option F if any.

Councilman Pruden asked if the City needs to respond to Grantsville's letter asking the City to remove Option A from the City's annexation policy plan?

Mr. Burningham is not sure that the City can take Option A out of the annexation policy plan.

Councilman Pruden noted that it would be a property owner that will make the decision if and when they want to be annexed into a City.

Mr. Burningham noted that a property owner could have committed financial obligations with the anticipation that the Tooele City would annex their property.

Councilman Johnson noted that Option A has to be in the City's annexation policy plan for a property owner to even consider petitioning the City.

Mr. Burningham indicated that there could be an issue of harm to the property owner if the City were to take Option A out of the annexation policy plan. If there are no municipal services the property cannot develop.

Chairman Wardle noted that there is no one "clamoring" to annex at this time. The annexation policy plan is a plan that property owners can look at for the future so they can make good cost benefit analysis decisions.

Councilman Pruden stated for the benefit of the public that Option A consists of property east of Sheep Lane. Grantsville has decided that they would like to annex this property into their City.

Mr. Burningham indicated that Grantsville's recently adopted annexation plan is 8,000 – 10,000 acres. Tooele City is looking at a couple of thousand acres total, which is still substantial. It is strategic and consistent with the 2004 annexation policy plan.

Councilman Pruden recalled in 2004 that the Council considered Sheep Lane to be a natural dividing line.

Chairman Wardle appreciates that in the ordinance they have included the law and the law states that there are many elements that have to be met before annexation can be considered such as population growth, what it costs tax payers, and how the City will provide services. An annexation plan has to be a studied idea and it gives property owners a way to walk through the process. A municipality can not just "land grab".

Mr. Burningham stated that the law states that a municipality cannot go after annexation for the purposes of financial gain. It has to be strategic in terms of services and make sense for the residents, and for the City. When they look at annexation they look at areas that provide a reasonable tax base to off set the costs of providing services to the area.

Chairman Wardle noted that Option A is a hot debated issue. The City is also looking at areas to the south, southeast, and northeast, where there is a close proximity to services.

Councilman Johnson asked if the City has sewer and water lines at Desert Peak right now?

Mr. Burningham noted that services have already been provided to certain areas.

Councilman Johnson wanted to comment on the minutes of the Planning Commission minutes where Mr. Loveless, on behalf of the County, stated that the County would support Grantsville City's request to annex Option A and the County had the impression that Tooele City had no interest in that area. Councilman Johnson said that having Option A on in the annexation policy plan since 2004 shows that Tooele City has an

interest and moreover there is water and sewer going to the area for at least that long. There was an issue a few years ago concerning capacity at the wastewater treatment plant but those issues have been resolved. He doesn't know where the County would get that impression? Councilman Johnson stated that he has been an elected official in Tooele City from 1998 and no one from the County has ever asked him what Tooele City's plans are for the Option A area. He doesn't understand why it would be beneficial for Grantsville to annex property up to Tooele City's corporate boundaries.

Mr. Burningham stated that Option A has some viable commercial development if services are there. At this point the County has driven option A. He feels that the County has taken a strong interest in Option A because they have some interest in what it will ultimately look like and are trying to govern how it shapes it.

Councilman Johnson doesn't have a problem with the County taking interest but he does have a problem with the County trying to design Option A so that one municipality is favored over another. The question should be what is in the property owner's best interest.

Mr. Burningham indicated that Tooele County feels at some point Option A will be annexed into another City and they feel from a planning prospective they would have more control with another City.

Councilman Pruden noted on page 2 of the Planning Commission minutes it states that "Reckitt Benckiser is gravity feeding their sewage to Grantsville on a 12" line that Tooele County designed and installed, and when it reaches Grantsville it connects into an 8" line." His concern is that the County has not talked to the City and assumes that they have no interest. They have spent County tax dollars to design and install a sewer line that would benefit Grantsville.

Councilman Johnson noted that the County did not help the City with funding in expanding the wastewater treatment plant that helps Deseret Peak.

Chairman Wardle commented that Councilman Johnson was on the City Council in 2004 when the last annexation policy plan was adopted and Option A was included in that plan so it should be no surprise to the County. Mr. Loveless' comments in the Planning Commission minutes may not completely echo the sentiments of all the Tooele County Commissioners.

Councilman Milne noted in the Planning Commission minutes (page 5) Mr. Loveless said "It was a surprise to the County the inclusion of Option A in the City's annexation plan".

Mr. Burningham stated that Tooele City has conducted a feasibility study on Option A and it is feasible. There are resources to annex it, and it can be expanded to service all of the area in Option A. It is financially and economically feasible. It is cost effective for property owners as well. He stated that from his perspective it was the County wanting to control the planning dynamics in that area and then turn it over to the municipality.

Councilman McCall echoed what the other Council members have said. He finds it difficult for the County to say that the City was not considering this area when they are using services from the City and this area has been in the City's annexation policy plan for a long time. He felt like the County is playing favoritism to Grantsville.

Mr. Burningham stated that they have been studying this area for a long time and they feel that there is a natural boundary along Sheep Lane. It makes more sense from a property owner's standpoint financially to have services from Tooele City east of Sheep Lane and Grantsville west of Sheep Lane.

Chairman Wardle noted on page 5 of the Planning Commission minutes it says "Tooele County chose to speak to Grantsville City about the options and the negotiations have been successful thus far." He would love to meet with the County about the annexation future of the County. It would be great for the governmental entities to get on board and discuss this. Tooele City is not adverse to any of this and to say that they discourage this is a misrepresentation.

Councilman Johnson indicated that earlier in the meeting it was Mr. Burningham's impression that the County maybe favoring Grantsville so they may have more control over the planning process.

Mr. Burningham said what he was trying to point out is that Tooele County feels like they are the best suited to do the land use planning around this area (Option A). They would like to get that vision put into place and then be able to push it on, but be able to still have control with the land use.

Councilman Johnson noted that Tooele County's planner was also Grantsville's City planner.

Chairman Wardle stated that she is the current economic development director but she was the former County Planner who also was Grantsville's City Planner at that time.

Mr. Burningham explained that there is a difference in saying that there is an area that is going to be developed and we think there will be a lot of demand for services and we would like you to provide those services but we are not going to annex the area into your community you will just provide the services. Then to say we really think that the area is going to be developed and services are going to be demanded we think that you're the best service provider and we need to consider annexing the area so that you will have the tax base to provide the services. What he sensed (he wanted to make clear that he was not involved in the process) happened was the County said we are going to have this development area and we need you to provide municipal services. The County could have construed that to be the City was not interested. How can the City offset municipal services when there is no tax base to support it?

Chairman Wardle noted the comments in the Planning Commission minutes (page 5) Mr. Loveless says “to discuss annexation with any other municipality would be a change of direction to where their foresight is at this time”.

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

Councilman Milne moved to close the public hearing. 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 public hearing closed at 8:37 p.m.

Councilman Johnson moved to approve Ordinance 2010-15 and to include all the comments provided by the Planning Commission in the minutes of September 22, 2010 and the comments made by the City Council during this meeting into the record. 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”.

Chairman Wardle asked Mr. Burningham to proceed with the annexation of Option F as soon as possible.

6. PUBLIC HEARING & MOTION on Ordinance 2010-16 An Ordinance of the Tooele City Council Amending Tooele City Code Title 7 to Enact Research and Development (RD) Zoning District, Amend the General Plan-Land Use Element Map, Enact Definitions, and make Correction and Technical Amendments

Presented by Rachelle Custer

Ms. Custer explained that this ordinance has taken many years to design. There has been a lot of talk about general planning along SR-112, and now that 1000 North is complete there is a need for this new zone. There have been meetings with Planning Commission, staff, City Council and property owners and no zone quite seemed to fit the vision for this area. Upon recommendation of the Planning Commission and the City Council a new zone has been designed called the Research and Development Zone (RD). The intent of this zone is to mix small commercial and small industrial, add some business, some professional office features, and research and development. The RD zone will have increased design standards which staff hopes to have to the Council by the first of the year. The design standards will address building, landscaping, façade, parking, and signage to make this zone a more professional looking park. There will be small commercial within the zone to enhance the industrial, research and professional offices that they envision in this zone such as restaurants, coffee shops, gas stations, and car washes. The big box companies will stay in the general commercial zones. They have also updated some of the definitions that were missing to Tooele City Code Title 7

Chapter 16. Some parking requirements were amended to bring them in line with Chapter 4. Planning Commission made a favorable recommendation on this ordinance.

Chairman Wardle thanked the staff for seeing this ordinance through and including the Planning Commission and City Council in the process. This opens up a whole new realm for the City to economically enhance the community. This will help bring companies into this area where people can stay in Tooele and work. He has seen this type of zoning work well in other areas.

Ms. Custer stated that there is an applicant interested in this zone.

Councilman Johnson asked Ms. Custer what the difference of uses is between the light industrial zone, commercial zone and the research and development zone.

Ms. Custer said that the big difference is that general commercial will allow the big box companies. The research and development zone does not allow outside storage or warehousing, which the light industrial and industrial zones allow.

Councilman Pruden asked if the RD zone allows for offices in front and a warehouse in the back.

Ms. Custer indicated “yes”. It allows for manufacturing if it is all done inside.

Councilman Milne thanked Ms. Custer for her work on this ordinance.

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 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 public hearing closed at 8:45 p.m.

Councilman Milne moved to approve Ordinance 2010-16. 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”.

7. **Ordinance 2010-08 An Ordinance of Tooele City Enacting Code 11-1-11 Setting Hours for Public Parks, a Permit Procedure for After-Hours Events, and a Penalty**

Presented by Police Chief Ron Kirby & Parks Director Kathy Bell

Chief Kirby stated that this ordinance sets the time for when City parks will be closed. He indicated that times have changed and this is a tool that law enforcement needs to

have to be able to keep the parks safe. There is also a closing time for the skate parks in this ordinance, which is earlier than the regular park closing time. The recommendation for the closing of the skate parks is 10:00 p.m. and the recommendation for the closing of the City parks is 11:00 p.m.

Councilman Johnson stated that he would like to see the parks be closed from midnight to 6:00 a.m. instead of 11:00 p.m. He also had a question on the language in the ordinance under 11-1-11 which says “All city-owned skate park facilities shall be closed to all persons between the hours of 10:00 p.m. and 6:00 a.m. unless otherwise signed.” He asked what “otherwise signed” means. He asked if the Mayor may close the park earlier if he puts a sign up?

Chief Kirby understands it to mean if there is a problem at the skate park the Mayor has the flexibility to step in and change the times on a temporary basis.

Mayor Dunlavy stated that this issue was discussed when they were having problems with the Rancho skate park and that is to have different hours for the skate park than the regular park. It gives the City an opportunity to deal with “unique” situations that may arise.

Councilman Johnson stated that he does not have a problem with the skate park closing earlier his concern is that staff has the ability to change the hours at any time as long as there is a sign. He said that if there is a public safety concern that is different.

Mayor Dunlavy said that there have been discussions that park closing hours could be an administrative policy but they decided to do it in an ordinance with City Council approval. In the event that the hours would need to be changed they would bring it back to the Council.

Chairman Wardle understands this to read that it would be for exceptional circumstances only. He noted that when there were problems at the skate park last year they closed the park early for a short amount of time until they could get the skate park cleaned up.

Mayor Dunlavy noted that the signs at the skate park said that it closed at dusk; there was not a set time. The officers would make the determination. The skate park hours will be different now based on the ordinance.

Chairman Wardle said that the exception would be if the officers started noting some “unique” problems.

Mayor Dunlavy said that the skate park is a pro-active situation because the neighbors are involved.

Councilman Johnson was concerned that a future Mayor could close the park early and citizens might ask the Council members why and they would not know because it is the Mayor’s discretion.

Councilman Pruden stated that should fall with the privy of the Mayor as a day to day administrator of the City. He might need to change the hours immediately for a situation and it would be hard to get the Council together to have a quorum on that short of notice.

Councilman Johnson suggested that the ordinance could say that the Mayor shall have the authority for exceptional circumstances to change park hours for up to 60 days.

Mayor Dunlavy stated that he would be o.k. with that suggestion.

Councilman Milne thanked the staff for helping to make the parks a great place to be. He asked Chief Kirby what has changed for him to make him want an ordinance now?

Chief Kirby stated that it had a lot to do with the problems at the skate park. The only way that they were able to get a handle on it was to have a closing time for the skate park. The growing population of the City and the use of the parks have also changed over time.

Councilman Milne is concerned that there could be some confusion with the citizens having the parks close later than the hours of the noise ordinance. He feels that if the park closes at midnight and reopens at 6:00 a.m. it doesn't leave a lot of courtesy for the neighbors.

Councilman Johnson stated that just because the park is open doesn't mean that the noise ordinance can not be enforced within the park. He said that there are tools for the police to deal with nuisance issues.

Chief Kirby stated that this is a tool for law enforcement to use. There is some flexibility and discretion that the officers would use to enforce the ordinance. It would be sometime after 11:00 before the ordinance would be enforced.

Councilman Johnson noted that curfew is at midnight and the noise ordinance it at 10:00 p.m. He knows that there are good kids at playing at Parkers Park after 11:00 p.m. and their parents are close by sitting on someone's porch talking.

Councilman Milne noted that you could have the same thing happen at the skate park with good kids. He feels that there shouldn't be an exception.

Chairman Wardle stated that there are no lights at the skate park and a much higher noise level at the skate park.

Councilman Milne indicated that at the other parks there are big bright lights that shine into the homes.

Chairman Wardle feels that there are two separate issues, noise and light. The noise ordinance deals with noise.

Councilman Milne noted that if someone is using Parkers Park until midnight the lights would still be on which would be a nuisance.

Chairman Wardle said that the lights are supposed to go off at 11:00 p.m.

Councilman Johnson stated that sometimes baseball games go longer than 11:00 p.m.

Councilman Milne feels that light or noise would be a nuisance.

Councilman Pruden asked what time chief Kirby and Ms. Bell would like the ordinance to be set at.

Chief Kirby said that because the officers would use their discretion and not cut it off right at 11:00 p.m. it would be a little after. He would like to see it at 11:00 p.m.

Ms. Bell stated that she also would like it set at 11:00 p.m.

Councilman McCall agreed with what the other Council members have said. He agreed that people like to do different things. He recalled as a youth he would play basketball late at night and he feels that both the times have merit. If you set the time at 11:00 p.m. the kids would know that they have to start wrapping up their games and leave the park, because there is some discretion by officers to not kick them out right at 11:00 p.m. His concern is that everyone is banned from the parks even adults.

Councilman Johnson said that if this ordinance passes to have the park close at 11:00 he feels that the police department will get a lot of calls from his neighbors because sometimes the baseball games are not over at 11:00 p.m.

Chief Kirby said that he realizes that whatever time is passed in the ordinance some citizens would feel it is too early and some will feel it is too late. They anticipate hearing back from the community.

Councilman Pruden proposes that they stick to closing the parks at 11:00 and if the citizens complain the Council can re-address the issue.

Chairman Wardle noted that baseball games are supposed to be over by 11:00 p.m. and the lights are supposed to be turned off at 11:00 p.m. He suggested closing the parks at 11:30 p.m. so games can wrap up and people can exit the park in time. This would leave a reasonable amount of time for kids to get home before curfew. He asked Chief Kirby how he felt about closing the parks at 11:30 p.m.

Chief Kirby indicated that he will be fine with whatever the Council decides.

Ms. Bell stated that one of the reasons they are proposing closing the parks is to discourage illegal activities.

Chairman Wardle agreed with Ms. Bell. He has noted coming home from Salt Lake after 11:00 p.m. and the lights are still on at Parkers Park.

Ms. Bell said that happens on occasion.

Chairman Wardle said setting the time at 11:30 p.m. would help with phone calls from the citizens saying that the lights are still on after 11:00 p.m.

Councilman Johnson had a concern that if the park closes at 11:00 p.m. and there are still kids playing baseball and officer's start calling parents to come and get their kids that are playing in the park that could cause trouble.

Councilman Milne agreed with Councilman Johnson. He doesn't like the fact that it appears the Council is being inconsistent. The officers do have discretion that they can use.

Commissioner Hammer, who was in the audience stated that she also lives by Parkers Park and said that times are changing and the kids that play in the park are getting older. She has friends that border the park and it is a nuisance to them to hear the kids playing late at night in the park. Ms. Hammer used an example if someone gets up at 5:00 a.m. and there are people making noise in the park until 11:30 at night and then they get grace period before the police have to ask them to leave doesn't seem right to her. She feels that it should follow the noise ordinance.

Councilman Milne indicated that he likes giving the law enforcement additional tools to enforce ordinances. He trusts the city's officers to make the right call.

Councilman Johnson wanted to note his objections. He feels there are three changes that need to be made to the ordinance 1) the park should be closed from 12:00 a.m. to 6:00 a.m. 2) the parks need to be adequately signed as to when the park is closed and 3) instead of giving the Mayor general authority to change the hours he would like a time limit placed on it.

Ms. Bell said that the parks will be adequately signed.

A citizen from the audience noted that if the Council would give the police department the authority to take care of the people that need to be asked to leave and they had a good reason to ask them to leave at 11:00 p.m. he feels that would empower the police to do what the citizens expect them to do. He doesn't feel that the police would go find kids that are with their parents at 11:00 p.m. and ask them to leave the park.

Mayor Dunlavy stated that is exactly what the police do now.

Councilman Milne asked Mayor Dunlavy if that is what the police do now does the City need this ordinance?

Mayor Dunlavy said “yes”. It gives the police a definitive time they can enforce the park hours.

Councilman Johnson said that if the ordinance says the park closes at 11:00 p.m. then it should be closed at 11:00 p.m. for everyone.

Councilman Milne agreed that it shouldn't be at 11:20 when the lights go out and they trickle out of the park at 11:45 p.m.

Councilman McCall agreed that it should be 11:00 p.m. for everyone. He suggested that something might need to be done with the summer baseball leagues. They need to start their games earlier.

Mayor Dunlavy said that their rules say that a new inning can't start after a certain time.

Councilman Johnson wanted everyone to understand that having baseball games go after 11:00 p.m. doesn't happen all the time.

Councilman Pruden moved to approve Ordinance 2010-08 setting the hours as written in the ordinance and making one modification to say that the Mayor may authorize the park signage to be different for a period of 60 days at his discretion based on circumstances. Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Nay”, Councilman Milne, “Aye”, Councilman Pruden, “Aye” and Chairman Wardle, “Aye”.

Chairman Wardle noted that there was clarification that signage would be posted concerning the time the park will be closed.

8. Ordinance 2010-13 An Ordinance of the Tooele City Council Amending Title 3, Chapter 4, Tooele City Code, Tooele Fireworks Act

Presented by Doug Bayly

Councilman Johnson asked Mr. Bayly why this ordinance is needed because there is a state law concerning fireworks.

Mr. Bayly stated that there are some technical things that were changed in the ordinance such as taking out the 2002 Olympics. They had a list of explosives that could and could not be used which didn't make sense to try and modify that every time state law changed.

Chairman Wardle asked if this brings the ordinance compliant with state law.

Mr. Bayly stated “yes”. They are using the state list of what fireworks are allowed and what fireworks are prohibited. The state modifies this list. The City has not had any regulation for big firework displays. There was an incident last year where there was a

professional firework display operator who had a full fledged firework display in a neighborhood and when the police officer responded he really had no tools.

Councilman Johnson asked if state law allows someone to shoot off fireworks as long as they are licensed?

Mr. Bayly said that a person has to be licensed by the state but there was no local regulation to say where they can shoot the fireworks. This ordinance would standardize where the people who are using these types of fireworks may shoot them so the fire department could be aware what is going on.

Chairman Wardle appreciates the administration amending this ordinance.

Councilman McCall asked if the Olympics every came again if they would have to amend the ordinance.

Mr. Bayly said they would have to look at it again if that happened.

Councilman McCall moved to approve Ordinance 2010-13. 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”.

9. **Resolution 2010-43 A Resolution of the Tooele City Council Authorizing the Mayor of Tooele City to Sign a Renewed Contract with the Cassity Family Revocable Trust for Disposal of Bio-Solids.**

Presented by Mayor Dunlavy

Mayor Dunlavy stated that this is a continuation of an existing contract. The City is required by state law to dispose of the bio-solids in a very specific manner. At this location the City does all of the application in a timely manner. The only thing that has changed in this resolution is that the Cassity family has asked for additional money. It is much more convenient for the City to have the location right next to the plant where City employees can take care of application. The City negotiated the price with the Cassity’s to \$2,000 a month and the contract is for one year. Mayor Dunlavy noted that when the next expansion of the waste water treatment plant is finished they City won’t need this contract any more.

Councilman Johnson noted that Mr. Arbashay has a lot of obligations to the City and he owns some property to the south of town and wondered if they could use his property to dispose of the bio-solids. He understands that they have not done a cost analysis.

Mayor Dunlavy stated that they used to truck the bio-solids but the cost was prohibitive. It would be a lot more than \$2,000 a month to truck it to Mr. Arbashay’s property.

Chairman Wardle said that soon the City won't need this contract, when the next phase of the wastewater treatment plant is completed.

Councilman Milne expressed his concern about raising the price to \$2,000, but understands that it needs to be done.

Councilman Milne moved to approve Resolution 2010-43. 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".

10. Minutes: September 1, 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".

11. Invoices

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Holme Roberts & Owen for August legal fees in Tooele Associates lawsuit in the amount of \$18,955.00.
- Lee Sheet Metal Shop Inc. for an air conditioner at the pioneer museum at Vine Street and Garden Street in the amount of \$13,285.00.
- Clyde Snow Sessions & Swenson for August 2010 legal fees for Tooele City contesting Conditional Use Permit for Rocky Mountain Power in the amount of \$49,725.00.
- Special Vehicle Concepts, Inc. for 1P-X Modular camera system for drug task force in the amount of \$11,750.00.
- Quality Ford for 2010 Ford Escape for the police department in the amount of \$23,531.00.

Councilman Pruden moved to approve the invoices as presented by Ms. Dawson. 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".

12. Adjourn

Councilman Johnson moved to adjourn the meeting. 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 meeting adjourned at 9:22 p.m.

Approved this 20th day of October 2010

Chairman Wardle