

**Tooele City Council  
Business Meeting Minutes**

Date: Wednesday, March 17, 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  
Lisa Carpenter, Deputy Recorder  
Ron Kirby, Chief of Police  
Jaclynn Sagers, Communities that Care

**Others Present:**

Debbie Winn, Chamber of Commerce  
Tim Gillie, Tooele Transcript

Minutes prepared by Elisa Jenkins

Chairman Wardle called the meeting to order at 7:00 p.m. Chairman Wardle welcomed Boy Scout Troop 1607 from Overlake who were working on their Citizenship in the Community Merit Badge.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Councilman Milne.

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

Presented by Mayor Patrick Dunlavy, Councilman McCall and Chief Kirby

Mayor Dunlavy welcomed all those who had come to support these students. He stated that these awards are very important to himself and the Council. He believes that the youth of this community will be the ones who will build the future. He feels that it is

very important to acknowledge the youth in the community. He noted that they have acknowledged about 300 youth since they started this program.

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

Kylee Nielson, Copper Canyon Elementary  
Sarah Colvin, Middle Canyon Elementary  
Maggie Beazer, Overlake Elementary  
Myranda Bourdon, Settlement Canyon Elementary  
Marshall Clegg, Tooele Junior High School  
Brittany Gowans, Tooele Junior High School  
Taylor Graves, Clarke Johnson Junior High School  
Megan Treece, Clarke Johnson Junior High School  
Becca Gladden, Harris Elementary

Mayor Dunlavy stated that this program is part of the Communities that Care program, which is run out of City Hall. The Communities that Care program is in the schools helping students deal with the day to day challenges that they have. He indicated that it is a great program and Jaclynn Sagers and her staff do a great job. There is another program called Guiding Good Choices which is also part of the Communities that Care program which is a parenting help workshop. It gives parents ideas on how to relate to their youth, if anyone is interested he urged parents to contact Ms. Sagers. He again congratulated the youth who received this award. He thanked the families for the opportunity to acknowledge these young people.

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

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

Councilman Wardle invited anyone who would like to address the Council to come forward.

Mike Hunsaker, 580 N 1000 W addressed the Council. He addressed his concern for the closure of the railroad track crossing. He feels that people will not be able to get to his business because of the closure and he will have a lot of cars and trucks turning around in his parking lot.

Councilman Johnson asked if Mr. Hunsaker received a letter that the tracks would be closed?

Mr. Hunsaker stated that he did not receive any correspondence he only saw the signs that indicated that it will be closed.

Councilman Johnson understood that there was an agreement in place that the railroad track crossing would be closed at sometime.

Councilman Pruden indicated that the railroad has the right-of-way and they are the ones who are choosing to close the crossing. He stated that 12 years ago there was an agreement in place that indicated that it would be closed sometime in the future but the City was not sure when that would take place.

Chairman Wardle stated that part of the agreement was that the railroad would hold off on closing the crossing until the completion of 1000 North.

Mayor Dunlavy indicated that the railroad will be closing the road as of April 15<sup>th</sup>. The City put the signs up so that those who drive that way would have notice before the road closes.

Mr. Hunsaker felt that he should have been notified that the road would be closing before now.

Councilman Johnson apologized that Mr. Hunsaker did not receive notification that the road was closing. He suggested that he meet with Mayor Dunlavy.

Chairman Wardle wanted Mr. Hunsaker to understand that the Council knew the road would be closing sometime but they did not know when. The railroad initiated the closure not the City.

Councilman Johnson suggested that a closure sign be put on Utah Avenue and Rogers Road, that the road will dead end.

Councilman Wardle closed the public hearing at 8:00 p.m.

#### **4. PUBLIC HEARING and MOTION on Dalton Subdivision**

Presented by Rachelle Custer

Ms. Custer explained that Mr. Dalton is requesting subdivision approval for a two lot subdivision to be located at the corner of Utah Avenue and Coleman. Lot 1 is 1.045 acre and has an existing home which the owner would like to sell to a family member. Lot 2 is 5.35 acres of remaining ground that is currently being farmed. This subdivision is in an RR-1 zoning and must maintain a minimum of 1 acre per lot. The lot width and area are in compliance with the zoning code. Both lots will have access from Coleman Street. Staff recommends approval of the Dalton Minor Subdivision. Planning Commission made a favorable recommendation on January 27, 2010.

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 8:02 p.m.

**Councilman Johnson moved to approve the Dalton Subdivision.** Councilman Milne seconded the motion. All members present voted “Aye”.

**5. PUBLIC HEARING & MOTION on Final Plat Approval for UID Minor Subdivision No. 18 thru 26**

Presented by Rachelle Custer

Ms. Custer explained that Utah Industrial Depot (UID) has decided to take the remaining property and create several minor subdivisions. They will be bringing them to the Council in groups of four or five. The subdivisions being presented for approval tonight are 18-26. Eventually they will complete minor subdivisions 27 thru 40 as well and bring them to the Council for approval. These current lots are in the existing footprint of UID and therefore do not require any public improvements. Road dedication is complete for the roads that Tooele City has taken over. The remaining roads will be private with access and PU& DE easements already recorded. Staff recommends approval of UID Minor Subdivisions 18 thru 26. Planning Commission made a favorable recommendation on February 24, 2010.

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. All members present voted “Aye”. The public hearing closed at 8:02 p.m.

Councilman Johnson verified that these subdivisions will make it easier for UID to sell property without having to come back to Council.

Ms. Custer indicated that was correct. She also indicated that from this time forward if UID needs to change the size of a lot, depending on where easements sit, they might have to do some lot line adjustments. If UID decides to subdivide the lots smaller they will have to come back and do subdivisions, but this should speed up the process of getting businesses in.

**Councilman Pruden moved to approve the final plat for UID Minor Subdivisions No. 18 thru 26.** Councilman Milne seconded the motion. All members present voted “Aye”.

**6. Ordinance 2009-16 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-1, Business License Regulation Title of Tooele City**

Presented by Lisa Carpenter

Ms. Carpenter explained that as stated in the ordinance the recommendations will (1) more clearly establish the purposes of the Chapter, (2) clarify definitions and delete

unnecessary definitions, (3) correct errors, (4) clarify violations and penalties, (5) modernize processes, (6) repeal outmoded and unnecessary provisions, (7) clarify administrative authority, and (8) provide due process through and appeal procedure. She further explained that this ordinance was presented to the Council in November of 2009. The Council had some concerns at that time and the ordinance was tabled. The concerns of the Council have been addressed and asked that the the Council approve the ordinance as presented.

**Councilman Johnson moved to approve Ordinance 2009-16.** Councilman Milne seconded the motion. All members present voted “Aye”.

7. **Ordinance 2010-03 An Ordinance of the Tooele City Council Enacting Revisions to Tooele City Code Chapter 7-12, Sensitive Area Overlay Zoning Regulations**

Presented by Roger Baker

Chairman Wardle stated that this ordinance needs to be tabled because is should be advertised with a public hearing.

**Councilman Milne moved to table Ordinance 2010-03.** Councilman McCall seconded the motion. All members present voted “Aye”.

8. **Resolution 2010-10 a Resolution of the Tooele City Council Re-Appointing John Curwen and Ken Spence as Council-Appointed Members, Re-Appointing Phillip Montano as Mayor-Appointed Member, and Appointing Steven Dale and Melanie Hammer as Mayor Appointed Member of the Tooele City Planning Commission**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy said that this resolution indicates those being appointed and re-appointed to the Planning Commission.

**Councilman Milne moved to approve Resolution 2010-10.** Councilman Pruden seconded the motion. All members present voted “Aye”.

Chairman Wardle thanked those who serve on the Planning Commission.

9. **Resolution 2010-17 A Resolution of the Tooele City Council Consenting to the Appointment of Brandon Clark and the Re-Appointment of Marilyn Lowry, Vint DeGraw, and Marilyn Hildebrand to the Library Board of Directors**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy indicated that this resolution is for re-appointments except for Brandon Clark who expressed an interest in serving on the Library Board and will be a new appointment. He stated that he has consulted with the Librarian and these are the names being presented. He also thanked all those who serve in Public Service positions.

Chairman Pruden noted that the agenda indicates that this is Resolution 2010-16, but it should be Resolution 2010-17.

**Councilman McCall moved to approve Resolution 2010-17.** Councilman Milne seconded the motion. All members present voted “Aye”.

**10. Resolution 2010-14 A Resolution of the Tooele City Council Accepting Completed Public Improvements Associated with Construction of the Beacham Residence at 129 West 400 South**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy indicated that the final inspection has been completed on this property. This resolution will begin the one year warranty period.

Councilman Johnson verified that the City does not require water and sewer be approved because it is already there and has been inspected.

Mayor Dunlavy stated that was correct.

**Councilman Milne moved to approve Resolution 2010-14.** Councilman Pruden seconded the motion. All members present voted “Aye”.

**11. Resolution 2010-15 A Resolution of the Tooele City Council Accepting Completed Public Improvements Associated with Construction of Northpointe Medical, 2400 North 400 East**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy indicated that the inspections have been completed and this will commence the one year warranty period. He stated that these buildings are very beautiful and he is glad to have them completed.

Chairman Wardle echoed how nice these buildings look and commented that they are a great addition to the City.

**Councilman Pruden moved to approve Resolution 2010-15.** Councilman Milne seconded the motion. All members present voted “Aye”.

**12. Resolution 2010-16 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Superior Excavating and Hauling for Construction of a Water Meter Vault at the Detroit Diesel Facility**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy indicated that it came to the City's attention that the meter at Detroit Diesel had not been working for some time. The City met with the officials at Detroit Diesel and found that it was in the best interest of the City to be able to read the meter accurately. The meter vault was moved outside. The City received a bid from Superior, which was the lowest bid for \$16,300.00

Councilman Johnson asked why it is not Detroit Diesel's responsibility to have a meter that is accessible.

Mayor Dunlavy indicated that when this meter was put in a while back it was put in by the federal government and the City did not charge them water back then. The City felt that once the meter did not work anymore and was not accessible to the City they would make it right. The City did calculate some of the lost revenue with Detroit Diesel and came out with a settlement.

**Councilman Milne moved to approve Resolution 2010-16.** Councilman Pruden seconded the motion. All members present voted "Aye".

**13. Minutes: February 17, 2010; Work Session Minutes and Joint Tooele City Council and RDA Minutes**

**Councilman Johnson moved to approve the minutes as presented.** Councilman Milne seconded the motion. All members present voted "Aye".

**14. Invoices**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy presented the following invoices for payment:

- Nickerson Company Inc. for submersible pump pull and repair on well #14 in the amount of \$14,276.00.
- Holme Roberts & Owen for January and February 2010 legal fees in the amount of \$66,628.44.

**Councilman Pruden moved to approve the invoices as presented by Mayor Dunlavy.** Councilman McCall seconded the motion. All members present voted "Aye".

**15. Adjourn**

**Councilman Milne moved to adjourn the meeting.** Councilman Johnson seconded the motion. All members present voted “Aye”. The meeting adjourned at 8:17 p.m.

Approved this 21<sup>st</sup> day of April 2010

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Chairman Wardle