

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

Date: Wednesday, July 7, 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  
Paul Hansen, City Engineer  
Cary Campbell, Public Works Director  
Sharon Dawson, City Recorder  
Lisa Carpenter, Deputy Recorder  
Rachelle Custer, City Planner  
Jaclynn Sagers, Communities that Care  
Chief Ron Kirby, Chief of Police

**Others Present:**

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 165 who were working on the Citizenship in the Community merit badge.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Christen Reed from Boy Scout Troop 165.

**2. Police Officer & Citizen Awards**

Presented by Police Chief Ron Kirby

Chief Ron Kirby stated that it is a pleasure for him to honor these police officers and a member of the community. They try to recognize officers annually who have done outstanding things. The police citizen's advisory board helped in selecting these officers. Chief Ron Kirby then presented the following awards:

Detective Chris Thompson & Officer Ian Borders – Service Award  
Nominated by Sgt. Brian White

Officer Ryan Warner – Service Award  
Nominated by Sgt. Brian White

Detective James May – Officer of the Year Award  
Nominated by Sgt. Todd Hewitt (Lieutenant Paul Wimmer stood in)

Nile Critchlow – Citizens Award

Mayor Dunlavy indicated that the number one priority for him is the quality of life in Tooele City. He feels that the high quality of life in Tooele City is the way it is because of the police department and Chief Kirby. He thanked Chief Kirby and the police department for what they do everyday for Tooele City. Mayor Dunlavy also thanked their families for their support. He feels that Tooele City has the best police department and he congratulated those who received awards tonight.

Chairman Wardle also thanked the police department on behalf of the Council for all they do for the citizens of Tooele City.

**3. Open Forum for Public Comment**

Chairman Wardle invited anyone from the public who would like to address the Council to do so. No one came forward. Chairman Wardle closed the open forum at 7:41 p.m.

**4. Pre-Disaster Mitigation Presentation by DeeEll Fifield, Wasatch Front Regional Council**

Presented by Police Chief Ron Kirby

Chief Ron Kirby stated that Tooele City has received some Homeland Security funding to be used to set up an emergency plan for Tooele City. The City hired DeeEll Fifield to assist in preparing the emergency plan. Chief Ron Kirby then turned the time over to Mr. Fifield to present his presentation to the Council. A copy of his power point presentation is included with these minutes as Exhibit A.

**5. Resolution 2010-39 A Resolution of the Tooele City Council Authorizing the Application for and Acceptance of Justice Assistance Grant Funding for Police Department Equipment**

Presented by Police Chief Ron Kirby

Chief Ron Kirby explained that every few years the Tooele City Police Department becomes eligible to apply for the Justice Assistance Grant Funding. Chief Kirby asked the Council for approval of the application and approval of the plan to upgrade the pistol range with the grant.

**Councilman Johnson moved to approve Resolution 2010-39.** Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Councilman Pruden, “Aye”. The motion passed.

6. **Resolution 2010-37 A Resolution of the Tooele City Council Approving a Contract with Tecserv, Inc. for Consulting Services and to Perform Computer Network Maintenance Activities for Tooele City**

Presented by Sharon Dawson

Ms. Dawson indicated that this resolution is for an annual contract. Tecserv assists the City with computer maintenance. Ms. Dawson noted that the cost has not increased from last year. She asked the Council for their approval for this contract.

Councilman Johnson asked if the City is happy with the services that Tecserv provides.

Ms. Dawson stated that they are happy with their service.

**Councilman Milne moved to approve Resolution 2010-37.** Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Councilman Pruden, “Aye”. The motion passed.

7. **Resolution 2010-37 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Superior Excavating for Construction of the Carder Avenue Sewerline Replacement Project**

Presented by Paul Hansen

Mr. Hansen distributed a copy of the bid tabulation sheet for Carder Avenue sewer replacement to the Council before the meeting. A copy of the bid tabulation is included with the minutes as Exhibit B. Mr. Hansen explained that Carder Avenue is just south of Tooele High School. The sewer line needs to be replaced. The project was put out for public bid and there were two bidders. The project was bid for the sewer line replacement and an additive alternate for paving to repair over the roadway. Sometimes it is better to bid with an additive alternate and sometimes it is more expensive. They did it this way to see how to get the best value for the City. Superior Excavating had the low bid at \$85,525.00 for the sewer line replacement. Tooele City has a current contract with

Kilgore Paving. Kilgore Paving can complete the paving under the current contract for \$17,050.00. It is his recommendation to award the contract to Superior Excavating for the sewer line and Kilgore Paving to complete the paving portion.

**Councilman Milne moved to approve Resolution 2010-40.** Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Councilman Pruden, “Aye”. The motion passed.

**8. MOTION on Final Plat Approval for UID Minor Subdivision No. 40 a One Lot Subdivision Consisting of Approximately 10 Acres Located at 1510 W James Way**

Presented by Rachelle Custer

Ms. Custer explained that Utah Industrial Depot (UID) is subdividing the remainder of their property. This is for Subdivision No. 40. Subdivision 39 and 41 will be brought to the Council at a later date. Subdivision 40 is a one lot subdivision which is approximately 10 acres located at 1510 W James. Way. This is a vacant piece of land which is being subdivided for purchase. There is not any road dedication and the subdivision consists of less than ten lots so therefore it is a minor subdivision. All roads and PU & DE’s were previously deeded and recorded. Staff recommends approval of this subdivision. Planning Commission made a favorable recommendation on June 9, 2010.

**Councilman Milne moved to approve final plat approval for UID Minor Subdivision No. 40 a one lot subdivision consisting of approximately 10 acres located at 1510 W James Way.** Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Councilman Pruden, “Aye”. The motion passed.

**9. Resolution 2010-35 A Resolution of the Tooele City Council Approving a Reciprocal Fire Protection Agreement with the Tooele Army Depot**

Presented by Fire Chief Dave Gillette

Mr. Baker indicated that Fire Chief Dave Gillette was called away for some fire department activities so he will present this resolution.

Mr. Baker explained that this is a mutual assistance agreement between the fire department of Tooele City and the Tooele Army Depot. It indicates that they will help each other out when needed.

Chairman Wardle asked if this has been done before.

Mr. Baker indicated that this resolution updates the previous resolution that was in place. It provides that neither jurisdiction would be responsible for the cost that the other incurs in responding. It also structures the command in the response.

Councilman Johnson noted that the City does not have this type of resolution with Grantsville or Stockton and asked if they should.

Mr. Baker indicated that he was not sure if there are current resolutions but they have had them in the past. He noted that even if there is not a written agreement the City has a good neighbor policy if one of the neighboring cities needed them the City would help.

**Councilman Milne moved to approve Resolution 2010-35.** Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Councilman Pruden, “Aye”. The motion passed.

**10. Resolution 2010-36 A Resolution of the Tooele City Council Approving an Agreement with Rocky Mountain Advisory for Litigation Support Consulting Services**

Presented by Roger Baker

Mr. Baker stated that this item and the next item is for the same contract one is for the City and one is for the Redevelopment Agency. He explained that in the Grantsville litigation the City had retained the firm of PriceWaterhouse Coopers to provide litigation support services. Gil Miller and his staff came highly recommended and have done a good job for Tooele City. Gil Miller has since left PriceWaterhouse Coopers. The Utah Supreme Court remanded a portion of the Grantsville case back to the trial court. He felt it was appropriate to get the experts back on board and he recommends that Tooele retain Mr. Miller and his new firm for litigation support consulting services in the litigation. He negotiated Mr. Miller’s rate down from where it was; it is still a high rate, but low for the market.

Councilman Johnson knows Gill Miller and his new firm and feels that he does a great job.

Mr. Baker noted that Councilman Johnson has professional experience with Gil Miller and he also has professional experience with him and feels that he and his staff do a good job.

Councilman Milne thanked Mr. Baker for negotiating a lower price with Mr. Miller. He asked Mr. Baker to pass that along to Mr. Miller.

Chairman Wardle noted that they are assembling a team at this point; no money is being spent yet.

Mr. Baker stated that they will not have to do any work in the immediate future; it will be driven by the Court schedule and Grantsville.

**Councilman McCall moved to approve Tooele City Council Resolution 2010-36 and RDA Resolution 2010-05.** Councilman Johnson seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Councilman Pruden, “Aye”. The motion passed. Chairman Wardle verified the motion with Councilman Pruden who is Chairman of the RDA Board.

**11. Resolution 2010-05 A Resolution of the Redevelopment Agency of Tooele City, Utah Approving an Agreement with Rocky Mountain Advisory for Litigation Support Services**

Presented by Roger Baker

This resolution was approved under the previous agenda item.

**12. Resolution 2010-38 A Resolution of the Tooele City Council Authorizing the Reconveyance of Real Property held by Tooele City as Security for the Bonded Public Improvements Associated with Overlake Subdivision Phase 1J**

Presented by Roger Baker

Mr. Baker explained that in November 2008 the City Council accepted the completed public improvements in the Overlake subdivision phase 1J. This is the one subdivision where the City held a quit claim deed to property in the City’s name to secure the performance of the completion of the public improvements. The warranty period has ended and the City is ready to reconvey the property to Tooele Associates. Although the public improvements were completed they were completed late, not within the time period set forth in the bond agreement.

Chairman Wardle asked which phase is 1J.

Mr. Baker indicated the Phase 1J is the phase closest to Main Street which contains the medical offices, Cottage Glen, and the Episcopal Church.

Chairman Wardle noted that this resolution in no way changes the position of the City.

Mr. Baker stated “no”. The City is following the ordinance and the provisions of the bond agreement, and returning this property in the normal course of business. Because the property is in the City’s name it has not been taxed for about 10 years.

Councilman Johnson asked what the City has title to.

Mr. Baker indicated that the City has about 40 acres in the area that is reserved in the development agreement for the regional park, which was another issue of controversy. With the development agreement gone, it's no longer an issue; but the City needs to reconvey the property.

Councilman Johnson noted that these public improvements were completed on the eve of trial.

Mr. Baker stated that these public improvements should have been completed within a year or two of the bond agreement in about 2001 and they were not completed until 2009.

**Councilman Milne moved to approve Resolution 2010-38.** Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Chairman Wardle, "Aye", Councilman Milne, "Aye", and Councilman Pruden, "Aye". The motion passed.

**13. Minutes: June 16, 2010; Work Session and Business Meeting**

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

**14. Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Harris Air Systems, Inc. for air conditioner repairs at the golf course in the amount of \$10,330.00.
- Back Beats for back line for the Air Supply Concert in the amount of \$15,395.00.
- S.V.C.I. for camera security system and physical security barriers for task force building in the amount of \$15,400.00.
- Jerry Carlson LLC for Lease agreement July 2010 to June 2011 in the amount of \$10,800.00.

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

**15. Adjourn**

**Councilman Johnson moved to adjourn the meeting.** Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson,

“Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Councilman Pruden, “Aye”. The motion passed. The meeting adjourned at 8:18 p.m.

Approved this 4<sup>th</sup> day of August 2010

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Chairman Wardle