

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, January 5, 2011
Time: 7:30 p.m.
Place: Tooele City Hall Council Room
90 North Main Street, Tooele Utah

City Council Members Present:

Scott Wardle, Chair
Steve Pruden
Dave McCall
Mike Johnson
Shawn Milne

City Employees Present:

Mayor Patrick Dunlavy
Glen Caldwell, Finance Director
Roger Baker, City Attorney
Cary Campbell, Public Works Director
Sharon Dawson, City Recorder
Lisa Carpenter, Deputy Recorder
Paul Hansen, City Engineer
Randy Sant, RDA Consultant
Chief Ron Kirby, Chief of Police
Jaclynn Sagers, Communities that Care Director
Rachelle Custer, City Planner
Shannon Wimmer, Assistant Finance Director
Jami Carter, Library Director

Minutes prepared by Elisa Jenkins

Chairman Wardle called the meeting to order at 7:30 p.m. He welcomed Boy Scout Troops 1456 and 1607 who were working on the Citizenship in the Community Merit Badges.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Martie Leo.

2. 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. No one came forward.

Chairman Wardle closed the open forum at 7:33 p.m.

3. **Ordinance 2011-01 An Ordinance of the Tooele City Council Establishing the Dates, Time and Place of its Public Meetings.**

Presented by Sharon Dawson

Ms. Dawson explained that this resolution is presented every year in January. City Council meetings will remain on the 1st and 3rd Wednesday of every month at 7:30 p.m. in the Council Chambers.

Councilman Pruden asked if they should cancel the December 21, 2011 meeting?

Chairman Wardle suggested leaving the meeting on the schedule and they can cancel the meeting at a later date if needed.

Councilman Milne moved to approve Ordinance 2011-01. 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".

4. **Resolution 2011-02 A Resolution of the Tooele City Council Ratifying a Contract with Sirsidynix for Library Circulation Software**

Presented by Jami Carter, Library Director

Ms. Carter noted that this resolution was included in the Council's packet and asked if they had any questions.

Councilman Johnson asked Ms. Carter to explain which companies were looked at for the new software.

Ms. Carter stated that the current software was purchased for the library about ten years ago and was designed to cover a school library type of situation but had components to cover a small library. Tooele City's population has grown over the past ten years and so has the use of the library. They are in need of a software program that will cover a public library setting exclusively, which narrowed the pool of who they looked at. The pricing of this software is just over \$25,000 and the closest competitor was \$46,000 and additional equipment of \$6,000. The Sirsidynix software will allow some options for growing as well.

Councilman Pruden asked if this software allows the library to track if residents of Tooele or non residents are using the library.

Ms. Carter said "yes". She said that their current software also allows for tracking of residents and there are approximately 19,000 members of the library and about 2,000 of them are non-residents.

Councilman Milne moved to approve Resolution 2011-02. 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”.

5. **Resolution 2011-03 A Resolution of the Tooele City Council Ratifying a Contract with Tyler Technologies for Accounting Software**

Presented by Shannon Wimmer

Ms. Wimmer explained that this resolution ratifies a contract to purchase new software which will integrate all the software functions of Tooele City. It is software that will service all the departments within the City and make it into one central software package.

Councilman Pruden thanked Ms. Wimmer for her hard work in helping with this software. He hopes that this will eliminate some problems for the citizens of the City.

Councilman Wardle noted that this is a much more inexpensive alternative than other alternatives out there and is extremely functional.

Ms. Wimmer stated that it is one of the few software systems that is fully integrated with all the different systems. It benefits the city and the citizens. All the departments within the city will be able to help answer questions in different departments.

Councilman McCall moved to approve Resolution 2011-03. 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”.

6. **MOTION on Resolution 2011-05 A Resolution of the Tooele City Council Approving the Castlewood Development Land Use Application**

Presented by Roger Baker

Mr. Baker explained that this resolution is for the approval of a subdivision for The Cove at Overlake which takes two existing lots and merges them into one. Normally it would not be necessary to approve a subdivision by resolution but because it involves some complicated legal issues including development agreements and lawsuits, they have prepared a resolution for the accomplishment of this particular subdivision approval as a legislative act. The very last page of

the resolution is a stipulation from the developer. The purpose of a stipulation is for the developer to agree to the best of his knowledge as to what the City has put in the recitals is correct. This has not been signed yet. They do have an e-mail from the developer that states they have read the comments from the attorney's office and have no objection to the Council's action on the resolution. Mr. Baker recommends approval of the resolution with a condition that the developer sign the stipulation prior to the City's signature on the plat.

Councilman Johnson asked if this project is going to move forward and asked how water will be handled? He asked what they are planning on building, what is the density and what are the water requirements? He understands that there is a one year period to build and obtain water and then it expires.

Mr. Baker stated that the obtaining of water is conditional upon the approval of a site plan. The site plan has been approved, consistent with this agreement, through the community development department. He also said that the reason that they are doing the resolution in this format is to make it unquestionably a legislative act.

Councilman Johnson asked what the practical reasoning is for combining two lots into one?

Mr. Baker said that with two lots it creates public utility easements that run through the middle of the project along the lot line, including under buildings. There would only be an advantage to having two lots if the developer at some point wished to sell the lots separate from one another. Because this is an integrated site it makes more sense from a financial point of view to have one piece of property. They want to eliminate the lot line between and underneath buildings and to eliminate the utility easement that might restrict development over the lot line. The density is 132, units which is down from 180 units that they had previously received approval for. They will not be providing water rights pursuant to the settlement agreement.

Councilman Johnson noted on page 2, of Exhibit C it says "the City hereby agrees to approve a 132 unit multi-family project, in the general configuration reflected on the site plan attached hereto as Exhibit A." He asked if that is the site plan approval?

Mr. Baker said that is the site plan approval that the Council approved as part of the settlement. The developer asked for changes to the site plan they submitted and the agreement provides a process for reviewing changes they want to make to the site plan. They view the site plan changes as being official from a planning and engineering perspective and approved the site plan pursuant through the normal course of the City Code.

Councilman Johnson asked when their site plan was approved? He asked because he noted that on page 3 of Exhibit C, it says “If the Site Plan approval for the 132 Unit Project expires, then the Owner may submit a new land use application consistent with the City land use ordinances, but this paragraph shall be of no further force of effect.” He asked when their right to water expires?

Mr. Baker said that he does not know the exact date that the site plan was approved. He does know that it is substantially less than one year ago. They are within the one year period to claim the benefits of this agreement.

Councilman Pruden asked if the developer is ready to move forward?

Mr. Baker said “yes”.

Councilman Johnson asked what the next step is? When do they have to begin construction?

Mr. Baker stated under City code they must begin construction within one year of the site plan approval.

Councilman Johnson asked if they do not begin construction within one year if their right to water goes away.

Mr. Baker indicated that he would have to study that. Their site plan approval would expire, and he would have to study how it would affect their rights under the settlement agreement.

Councilman Pruden stated that this project has been underway for about five years. He asked if this is the same owners?

Mr. Baker said it is not the same owner. It is an improved site plan from the city’s prospective.

Councilman Johnson moved to approve Resolution 2011-05, which combines lot 602 and 603. Nothing should be construed as extending other rights to this developer or any successor any rights such as water. With the condition that the stipulation be signed by the developer before the city signs the plat.

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”.

7. **PUBLIC HEARING & MOTION on Ordinance 2011-02 An Ordinance of the Tooele City Council Approving the Annexation Petition of Mayor Patrick Dunlavy, Annexing the City-Owned Property Described in the Petition, and Assigning the Open Space (OS) Zoning District to the Annexed Property.**

Presented by Roger Baker

Mr. Baker explained that this ordinance is the most important step in this process of annexation that began several months ago. This ordinance will annex property that has been owned by Tooele City for 75 years into the city limits. The best way to protect this property is to have it within the city's jurisdiction so city laws apply. This property is intended to remain as open space for the benefit of future generations. After tonight's approval it will be formalized by providing the lieutenant governor with a copy of the plat, then make a change to the city limits and then everything will be recorded in the recorder's office.

Councilman Pruden indicated that the city has owned this property for awhile and they would now like it in the city limits.

Chairman Wardle stated that this is a public hearing if anyone would like to come forward and address this issue.

Markay Brown addressed the Council. Mr. Brown asked how this change would affect hunting on this property.

Mr. Baker stated that hunting is not allowed on city owned property so it shouldn't change anything. He also stated that the discharge of firearms in the city limits is prohibited.

Mr. Brown stated that he has not known of any restrictions on that property for hunting.

Councilman McCall asked if the confusion for hunting is because the county owns property next to the city's property.

Mr. Baker noted that there is a sliver of property owned by Tooele County, but the surrounding land is owned by Settlement Canyon Land and Water Association.

Councilman Johnson stated that the property is not posted like it should be. It really shouldn't change anything.

Ms. Carpenter, Tooele City Deputy Recorder addressed the Council. She indicated that she has been on this property the last few years with the Women in the Outdoors and they have done black powder and rifles.

Chairman Wardle asked when hunting would be enforced.

Mr. Baker stated that the ordinance allows the police department to issue permits for special events. There is limited opportunity for shooting permits for events.

Councilman Pruden stated that the city would like to be able to control and protect this property within the city limits.

Mr. Baker explained that there are some very important springs on this property that feed tank five that supply water to the southeast quadrant of the city. The city will be able to impose their drinking water source protection plan ordinances to protect the ground water sources. There will be greater control over utilities and others that would like to cross the property and there will be greater enforcement over the property as well.

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 7:58 p.m.

Councilman Milne moved to approve Ordinance 2011-02. 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 thanked Mr. Baker, the Mayor and the staff for making this ordinance happen. This is an important step in protecting one of the city’s greatest assets.

8. **PUBLIC HEARING & MOTION on Ordinance 2011-03 An Ordinance of the Tooele City Council Amending the Tooele City General Plan Land Use Map for Property Located Along Utah Avenue, SR-112, and 1000 Street**

Presented by Rachelle Custer

Ms. Custer requested that agenda item 8 and 9 be approved together. Ms. Custer explained that approximately three years ago a property owner in this area requested a rezone to industrial. Staff has been working with administration, planning commission, city council and the property owners to come up with an amicable general plan and zoning districts for this area of the City. An RD zone was made and passed a few months ago by the council. Staff is proposing that they change the general plan to reflect general commercial along Hwy 112, 1000 North and Utah Ave and change the zoning to have some general commercial and research and development. Staff took input from the property owners and put that on a map and came up with a Planning Commission recommendation. The staff recommendation has requested one change. There is a developer who has been working with staff for 18 months who wants to do storage units, which would need to remain light industrial on that portion of the property. Staff has asked 3500K LLC if they would allow that portion of the property to remain light

industrial and change the area along 1000 N west of the trail to general commercial. 3500K LLC has gotten back with staff and said that change would be fine.

Councilman Johnson asked where they will be building the storage units?

Ms. Custer said the property is on 1000 West and 1000 North. The storage facility will be brick not metal.

Councilman Johnson understood that the reason the Planning Commission recommendation is different is because they did not know if the property owner (3500K LLC) would be o.k. with changing the property west of the trail to RD.

Ms. Custer stated that is the only change from the Planning Commission recommendation to the staff recommendation.

Councilman Wardle stated that this is a public hearing on agenda items 8 and 9 if anyone would like to come forward and address this issue.

Councilman McCall asked the representation for 3500K LLC how the storage units would look?

Mr. Josh Hunt, attorney for 3500K LLC stated that the property owner has developed storage units throughout the state of Utah and they are very high quality (e.g. King Arthur Storage Units) and he will keep the same standards for these units as well. He indicated that his client owns the property from Rogers Road to 1000 North and East of the trail to 1000 West. They are willing to have everything they own west of the trail zoned general commercial or they would entertain other zoning designations.

Ms. Custer would recommend RD, but general commercial would work as well.

Mr. Hunt stated that there is a different land owner between Rogers Rd and where their parcel ends.

Councilman Johnson asked if it should be changed tonight?

Ms. Custer suggested a condition to change the 3500K LLC parcel to general commercial. She needs to pull the county records to find out who owns the other parcel.

Councilman Milne moved to close the public hearing on agenda item number 8 and 9. 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 8:08 p.m.

Councilman Johnson moved to approve staffs recommendation on Ordinance 2011-03 and Ordinance 2011-04, with the condition that the 3500K LLC property will be rezoned to general commercial from the icon GC on the map as far south as their property goes. 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. **PUBLIC HEARING & MOTION on Ordinance 2011-04 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property Located along Utah Avenue, SR-112, and 1000 North Street**

Presented by Rachelle Custer

This item was approved under agenda item number 8.

10. **PUBLIC HEARING & MOTION on Ordinance 2011-05 An Ordinance of the Tooele City Council Amending the Tooele City General Plan Land Use Map for Property Located near 2400 North street and 600 East Street**

Presented by Rachelle Custer

Ms. Custer suggested that agenda items number 10 and 11 the public hearings be taken together and table the motion. She explained that there is a developer that is interested in small manufacturing business and he needs a general commercial, research and development or light industrial zone. Staff and the developer have decided on an RD zone. The land is landlocked and the developer is working on an access agreement from the two parcels to reach his property. She would like to table the motion until the access agreements can be put into place to ensure that they do not have a commercial zone on a piece of property that is landlocked.

Chairman Wardle stated that this is a public hearing on agenda item 10 and 11 if anyone would like to come forward and address this issue.

Lynn Butterfield, represents the developer of High Speed Machining, addressed the Council. They are currently located in Utah Industrial Depot which does not meet their needs. They have purchased this land and will be creating a minimum of 50 high paying jobs. He stated that the staff has been great to work with. They have a great working relationship and are happy to be staying in Tooele. They have verbal agreements and are working on getting the agreements in place.

Chairman Wardle asked Mr. Butterfield when they anticipate breaking ground?

Mr. Butterfield indicated that they hope to break ground the end of March or beginning of April.

Councilman Pruden moved to close the public hearing. 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 public hearing closed at 8:15 p.m.

Councilman Milne moved to table ordinance 2011-05 and ordinance 2011-06. 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. PUBLIC HEARING & MOTION on Ordinance 2011-06 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property Located Near 2400 North Street and 600 East Street

Presented by Rachelle Custer

The public hearing was held under agenda item number 10 and the ordinance was tabled under agenda item 10.

12. MOTION on TC Jail Subdivision a Two Lot Subdivision Located at Approximately 1900 South Main Street

Presented by Rachelle Custer

Ms. Custer explained that the Tooele County Jail project has purchased this property at approximately 1900 South and SR36 which is a 10 acre parcel. In order for them to continue with the project they must subdivide the lot. Part of the subdivision requirements are that utility issues be resolved. They are trying to resolve sewer, waterline size, and access from UDOT. Ms. Custer stated this can be approved tonight with conditions that the city cannot record until the utilities and UDOT access are agreed upon or table it until the items can be resolved.

Councilman Pruden asked if they need approval to get their financing in place.

Ms. Custer stated that they need approval to get building permits.

Councilman Pruden would like to see things taken care of before it is approved.

Clay McCarthy, representation for the Tooele County Jail project addressed the Council. He stated that they have purchased the property and sold the bonds and they are paying interest. They have had preliminary discussions with UDOT and they have agreed to their plan and are working on access. They are working with

the City on the water issues and will have to bring a waterline in. They are working with the army on the sewerline. Indications are that things are moving forward. They are requesting approval with conditions so they can start preliminary dirt work. They do have a timeline of 12 months to complete the project.

Councilman Pruden realizes that the County has a timeline of 12 months and would be inclined to approve this with conditions.

Ms. Custer stated that if it is approved tonight they have 90 days to record.

Councilman McCall asked Mr. McCarthy asked if they will be able to record in 90 days. He indicated "yes".

Mr. Baker does not want anyone to be under the misconception that a conditional subdivision would allow the issuance of building permits. If they want to do earth work on their property they can.

Ms. Custer stated that building permits cannot be issued until it is recorded.

Mr. Baker indicated that they can be reviewing building plans but cannot issue a building permit until the plat is recorded.

Mayor Dunlavy recommended approval. They county understands that building permits cannot be issued until it is recorded.

Councilman McCall moved to approve the TC Jail Subdivision a Two Lot Subdivision Located at Approximately 1900 South Main Street, with the conditions that water, sewer and UDOT access be approved before building permits are issued. 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". The motion passed.

Councilman Johnson indicated that he has nothing against the project he would just like to have all items taken care of before approval of the subdivision.

Mr. McCarthy also thanked the staff for their help and said they have been great to work with.

13. Resolution 2011-06 A Resolution of the Tooele City Council Adopting Tooele City's Updated Water Conservation Plan

Presented by Paul Hansen

Mr. Hansen explained that Tooele City is required by state law to prepare an update every 5 years to the city's water conservation plan which is on file with the state. Mr. Hansen reviewed the updated Water Conservation Plan that was included with the council's packet with the council. He indicated that the plan does not change the city's goals it reinforces the goals the city already has. The city had a goal five years ago to reduce the water use by 10% over a five year period and they have hit about 7% reduction. He indicated that the City and the citizens should be proud of the water they have saved.

Councilman Pruden moved to approve Resolution 2011-06. 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".

14. Minutes: December 1, 2010, December 9, 2010, and December 15, 2010.

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

15. Invoices

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Hansen, Allen & Luce Inc. for water system master plan update in the amount of \$9,430.40.
- Fatpot Technologies for police record management system with mobile annual maintenance licenses to use January 1, 2011 to December 31, 2011 in the amount of \$23,300.00.
- Action Target for one complete deluxe 90 target range computer control system in the amount of \$16,000.00.
- Holme, Roberts & Owen for professional services in the Tooele Associates lawsuit for November 2010 in the amount of \$22,321.00.
- Clyde Snow Sessions & Swenson for professional services in the Rocky Mountain Power lawsuit in the amount of \$31,094.13.
- Boys and Girls Club for the annual contribution to support ongoing operations of the club in the amount of \$40,000.00.
- Tooele City Arts Council transferring the balance of the arts council appropriation of the PAR tax in the amount of \$84,000.00 and transferring the line item amount for the 4th of July celebration in the amount of \$50,000.00. Councilman Johnson asked if the \$50,000 is for 2010 4th of

July or 2011. Ms. Dawson indicated it is for the 2011 4th of July celebration.

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”.

16. **Adjourn**

Chairman Pruden 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 meeting adjourned at 8:35 p.m.

Approved this 19th day of January

Chairman Scott Wardle