

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, January 19, 2011
Time: 7:30 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele Utah

City Council Members Present:

Scott Wardle, Chair
Steve Pruden
Dave McCall
Shawn Milne

City Employees Present:

Mayor Patrick Dunlavy
Glen Caldwell, Finance Director
Roger Baker, City Attorney
Cary Campbell, Public Works Director
Lisa Carpenter, Deputy Recorder
Jaclynn Sagers, Communities that Care Director
Rachelle Custer, City Planner
Chief Ron Kirby, Chief of Police

City Council Member Excused:

Mike Johnson

Others Present:

Debbie Winn, Chamber of Commerce
Tim Gillie, Tooele Transcript

Minutes prepared by Elisa Jenkins

Chairman Wardle called the meeting to order at 7:30 p.m. Chairman Wardle acknowledged the County Commissioners that were in attendance. He also welcomed Boy Scout Troop 3438.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Dunlavy.

2. Mayor's Community Recognition Awards

Presented by Mayor Patrick Dunlavy, Jaclynn Sagers and Chief Kirby

Mayor Dunlavy stated that this is the best part of the meeting. He indicated that it is his honor to recognize some very special young people in the Community. The Community that Cares program is a program in the schools, and teachers nominate the students for this award. These young people have many challenges every day and this program helps these students with these challenges. He indicated that he and Council are very proud of this program. This program began as a grant from Washington. Tooele City is looked at around the Country for its success of the Communities that Care program. He stated that Jaelyn Sagers is the director of the Communities that Care Program and Ms. Sagers and her team does a great job with this program. He is proud to stand up in front of everyone and say “thank you” to these students.

Ms. Sagers encouraged the parents to have their students participate in the Sharp Program at their school which will be administered March 8th; this is where how they gather their data. Ms. Sagers then presented the Mayor’s Community Recognition Awards to the following students:

Lisa Morris, Tooele Junior High
Jenna Becker, Stansbury High School
Bailey Matheson, Clarke Johnsen Junior High School
Spencer Ricci, Tooele High School
Christopher Long, Tooele Junior High
Rebecca Brooke Loveless, Tooele High School
Kellie Heder, Clarke Johnsen Junior High
Gustavo Bustillos, Stansbury High School

Ms. Sagers informed the parents that there is a brochure for Guiding Good Choices included with the students’ goody bag which is a program for all families not just for troubled families and encouraged anyone interested to call her.

Mayor Dunlavy congratulated the students who received this award and told them that he is appreciative for what they have done and what they will do in the future. He also thanked the families for their support. He stated that he is very proud of these students.

A brief recess was taken for a picture with the Mayor and the recipients of this award.

3. Open Forum for Public Comment

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

Kaye Pratt, 745 Deer Hollow Road, Tooele addressed the Council. Mrs. Pratt noted that on the agenda is a resolution approving a settlement agreement for the high voltage power line route with Rocky Mountain Power. She wanted to thank everyone involved in this process. She feels that it was important to protect the rights of the citizens and preserve the hillside for future generations. She feels that it was very important to have a citizens group that was supported by the City Council and the administration. She felt

like everyone fought hard in this struggle and though it is not a perfect solution she feels like the citizens were listened to and it made a difference. She thanked all those involved in this long process, the administration, City Council, County Commissioners and the citizen group as well. Because of the example of Tooele there are 23 citizen groups that have formed in seven of the western states. She thanked everyone again.

Brad Pratt, 745 Deer Hollow Road addressed the Council. He indicated that this process with Rocky Mountain Power has been a long process. He stated that he is grateful for a Mayor who stands up for the citizens that he serves. The City Council and the Mayor stood up for the members of the Community and he appreciates that. He wanted them to know that he appreciates all the efforts of everyone involved. He wanted to publicly thank Mr. Baker as well and all his efforts. There are other communities that are watching Tooele and learning from what has been accomplished. He stated that this process has been unique because the community came together. They achieved some great successes. He thanked all those on the citizens group for their support and help.

Chairman Wardle closed the open forum at 8:03 p.m.

4. Resolution 2011-04 A Resolution of the Tooele City Council Ratifying a Real Estate Purchase Contract for 37 North 100 East

Presented by Roger Baker

Mr. Baker stated that the City has been working on acquiring property for a future new police station and this resolution is the first important step in that direction. They are working cooperatively with the property owners. They made an offer for a real estate purchase contract and the offer has been accepted. They are ready to close the transaction and he asked for the council's support in ratifying this contract.

Councilman Milne moved to approve Resolution 2011-04. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle, "Aye".

5. Resolution 2011-07 A Resolution of the Tooele City Council Awarding the Public Defender Contract to Linares Law Office, S. Dee Long, and Derrick K. Larson

Presented by Roger Baker

Mr. Baker stated that the constitution requires that the government provide criminal defense for indigent people that have been charged with a crime. The City does that through a public defender contract. He indicated that for the last three years they have contracted with two attorneys, the Linares Law Office and S. Dee Long Office and they split the contract and the case load on a 50/50 basis. One of the members of the Linares Law Office has left amicably and both Linares Law Office and that lawyer approached that city and suggested that this lawyer be considered for part of the contract. The lawyer

is Derrick Larson. Mr. Baker has spoken with all three lawyers and they have agreed to each accept 1/3 of the contract and 1/3 of the case load. These are the misdemeanor criminal cases filed in both the Justice and the District Court. He explained that the reason three attorneys are more advantageous than two is if one of the attorneys has a conflict of interest because of a prior representation then they would have two other attorneys to go to resolve the conflict. There were two instances in the last two years where it was necessary to hire outside counsel at an hourly rate for criminal defense because both lawyers had a conflict where they had to go outside the contract to resolve the conflict. The contract remains the same at \$48,000 annually for the total contract to be split three ways.

Chairman Wardle thanked Mr. Baker for his work on this.

Councilman Milne moved to approve Resolution 2011-07. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Milne, “Aye”, Councilman Pruden, “Aye”, and Chairman Wardle, “Aye”.

6. Resolution 2011-08 A Resolution of the Tooele City Council Approving and Ratifying a Settlement Agreement with Rocky Mountain Power

Presented by Roger Baker

Mr. Baker explained that in 2009 Tooele City became aware that a new high power transmission line with 150 foot tall towers would be crossing the foothills on the south end of the city. Tooele City began to push for alterations to the transmission line routes and for mitigation of the adverse impacts that a transmission line on the City and its people. He continued to say that the strength of the city’s cause arose from several factors: 1) the people organized and made their voices heard in an organized and powerful way; 2) the city and the county presented a united front; 3) 75 years ago the city’s fathers had the foresight to set aside thousands of acres for the important public purpose of view shed, watershed, wildlife habitat, and open space protection; 4) the Utility Facility Review Board denied the City a legal remedy guaranteed by the Utah Constitution; 5) the Utility Facility Review Board interfered with city decisions about city owned property, a violation of the Utah Constitution; and 6) integrity: the city negotiated only for concessions that would reduce the impacts of the transmission lines. This was not a money grab. In this case the two parties rationally resolved their differences. The collective efforts over the last two years has resulted in a peaceful settlement which meets the needs of the power company while providing alignment alterations and mitigations to the city and its people. The transmission lines originally were to cross the Settlement Canyon Reservoir and the northern face of the foothills inside Tooele City limits. The power company then moved the power lines southward just outside the city limits. In the conditional use process at the city’s urging the County Commission required the line to be moved even further south to the south facing slopes of the city’s property. This new alignment should result in the transmission line not being visible from Settlement Canyon nearly to Middle Canyon. The access roads that will be used to service the power lines and power poles will be on the south facing slopes

of the city's property. Tooele City did everything possible within their borders to move these lines. Outside the city limits the City has little influence.

Mr. Baker further explained that under the Settlement Agreement Rocky Mountain Power will provide open space mitigations to offset the adverse impact of the lines upon the city and its people. Rocky Mountain Power will be acquiring and deeding to the city approximately 130 acres of additional critical open space property. The Little Mountain area in part because of the annual Christmas tree of lights is an important landmark for the entire Tooele Valley. This property was slated to have 140 homes and high density condominiums. Now the property will be preserved for open space and non-motorized recreation. The power company will be reserving a small amount of space for a substation expansion on this property. Included in the 130 acre figure is a small 3 acre parcel of land currently owned by the LDS church.

In 2007 Tooele City acquired 12 acres of open space on Skyline Drive and they designed a unique park that all the city residents could enjoy. Under the settlement agreement, Rocky Mountain Power will build \$500,000 worth of improvements to the Skyline Nature Park. Most of the terrain will remain in its natural grassy and wooded state but will be improved with 2 miles of walking paths, exercise stations, restroom facilities, a playground and hundreds of trees. Tooele City is very excited to offer this mitigation to the residents affected by the power lines. Tooele City's greatest asset is the beauty of the undisturbed foothills and mountains to the east of the City, which adds to the quality of life. Thanks to the vision of the city's elected officials and the cooperation of the power company these hills will be part of the lives of the generations that follow. He presented the Settlement Agreement to the Council and believes that it is in the best interest of the public.

Mayor Dunlavy said that this was very important to the administration and the Council. They worked very hard at avoiding lawsuits. He said that good quality leadership is so important. He said that he is grateful for the support they received from the community and especially Brad and Kaye Pratt. He thanked the Council for their support. They tried to accomplish what they think is important and that is to preserve the quality of life in the community. It is important to him personally as well. He acknowledged the work of Mr. Baker. He stated that he is an exceptional young man as a person and as a professional no mayor could ask for a better city attorney. He is a great city attorney and thanked him for his guidance in the success of this outcome. The partnership that the City has with Rocky Mountain Power is due to Mr. Baker. He feels that they did the right thing although it was not easy; it was the right thing to do. He understands the need for Rocky Mountain Power to provide a public service and he appreciates that they were willing to negotiate with the City. He acknowledged the County Commissioners and their help. It is a big deal to have one voice for these important issues. He thanked everyone again for their help in this process.

Chairman Wardle echoed what the Mayor has said. He said that it was great to see the community come together. It is important that they stood together as a Community. He stated that together they have the ability to effect great things. The involvement of the

citizens group was a great asset. He also acknowledged Mr. Baker and the important role he had in the outcome of this agreement and for all his hard work.

Chairman Wardle moved to adopt Resolution 2011-08. Councilman Pruden 2nd the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Milne, “Aye”, Councilman Pruden, “Aye”, and Chairman Wardle, “Aye”.

7. Minutes: January 5, 2011; Work Session and 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 Milne, “Aye”, Councilman Pruden, “Aye”, and Chairman Wardle, “Aye”.

8. Invoices

Presented by Mayor Dunlavy

- Holme Roberts & Owen LLP for professional fees for December 2010 for Tooele Associates lawsuit in the amount of \$9,350.00.
- Clyde Snow Sessions & Swenson for professional fees for December 2010 Rocky Mountain Power lawsuit in the amount of \$13,754.72.

Councilman Pruden moved to approve the invoices as stated by Mayor Dunlavy. Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Milne, “Aye”, Councilman Pruden, “Aye”, and Chairman Wardle, “Aye”.

9. Adjourn

Councilman McCall moved to adjourn the meeting. Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Milne, “Aye”, Councilman Pruden, “Aye”, and Chairman Wardle, “Aye”. The meeting adjourned at 8:27 p.m.

Approved this 2nd day of February 2011

Chairman Scott Wardle