

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, June 1, 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 Council Member Excused

Mike Johnson

City Employees Present:

Mayor Patrick Dunlavy
Glen Caldwell, Finance Director
Roger Baker, City Attorney
Michelle Pitt, City Recorder
Lisa Carpenter, Deputy Recorder
Cary Campbell, Public Works Director
Chief Ron Kirby, Chief of Police
Paul Hansen, City Engineer

Others Present:

Tim Gillie, Tooele Transcript
Debbie Winn, Tooele Chamber of Commerce

Chairman Wardle called the meeting to order at 7:30 p.m.

Minutes prepared by Elisa Jenkins

1. Pledge of Allegiance

The Pledge of Allegiance was led by City Attorney Roger Baker.

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.

Dan Call, Manager of Tate Mortuary addressed the Council. Mr. Call stated that in general the people that he works with are very happy with the condition of the cemetery and how it is taken

care of, but he has been getting a lot of complaints about the roads in the cemetery. He has had a lot of people complaining to him on how the roads in the cemetery are in bad condition. He wanted to pass that information to the Council.

Chairman Wardle closed the open forum at 7:34 p.m.

3. Resolution 2011-25 A Resolution of the Tooele City Council Authorizing the Use of Eminent Domain to Acquire Certain Property for the Public Good

Presented by Roger Baker

Mr. Baker explained that this is an undeveloped subdivision lot. The City desires to acquire this property for the purpose of developing the Kennecott water rights. The City tried to purchase this property from the owners in August but the property soon came into foreclosure and they didn't know who the owners were for a time. While the City was having the property appraised in preparation for a second offer the bank completed the foreclosure process but has rejected the City's second offer. The City feels that they do not have any other option than to acquire the property by eminent domain. The bank is not philosophically opposed to selling, but as a bank that just acquired a 17 lot subdivision they want to sell the whole property together instead of selling one lot. Mr. Baker also stated that this is the farthest they have come in 15 years in pursuing eminent domain. The policy that has been adopted by City Council and the Mayor is the City does not like to take things that belong to others; they like to work with the people cooperatively and amicably. In this case there is no other option before the City right now. The administration is asking the Council to authorize the use of eminent domain. This is a requirement by state statute to go through this process. They used a very reputable appraiser and the property appraised for \$92,500.

Chairman Wardle asked if there was a representative from the bank in attendance. The property owner was not in attendance. Chairman Wardle explained that the property owner has a right to speak at this meeting even though this is not a public hearing.

Councilman Pruden moved to approve Resolution 2011-25. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Milne, "Aye", Councilman Pruden, "Aye", and Chairman Wardle, "Aye".

4. Resolution 2011-31 A Resolution of the Tooele City Council Authorizing the Purchase of Real Property for a Water Transmission Line

Presented by Roger Baker

Mr. Baker explained that Tooele City to improve its water system would like to connect reservoir number 3 to reservoirs 4 and 5.

Chairman Wardle asked Mr. Baker to explain where the reservoirs are located.

Mr. Baker further explained that reservoir 3 is located next to the sub-station at Settlement Canyon. Reservoir 5 is further east near the Cassidy subdivision; it is in the 101 acres that the City acquired from the Walls about a year and a half ago. Reservoir 4 is in between the two above Skyline Drive. He stated that right now there are certain times during the summer where the distribution system from tank 5 puts out more water than they can put back in tank 5 quickly enough because the sources that fill tank 5 are limited. There is plenty of water, but they need to cross connect the reservoirs to be able to manage the water more effectively. This water line is a large transmission line and the City has been in process of discussing an easement with the property owners. The City recently acquired the bulk of the property from Patterson Construction through Rocky Mountain Power so there does not need to be an easement acquired from them. When the City discussed purchasing an easement with the owners of the Brockbank property, who own 55 acres, the owner discussed the possibility of the City purchasing the property outright instead. Mr. Baker stated that seemed advantageous to the City for a number of reasons. The price is good at \$16,000 an acre. The City would save the costs of acquiring an easement which are about half the cost of acquiring property. It also helps them have a better easement alignment and it would give better access to tank 4. The property is directly south of Skyline Nature Park which would allow expanding the park in the future if the Council chooses to do so. It would also protect some natural drainage that is important for storm water management in the area. Administration is recommending purchasing this property to the council because there a lot of advantages to the City to do so.

Chairman Wardle noted that part of the 55 acres has previously had a plat presented for a possible subdivision. The City could sell this property to a developer to be developed in the future to help recoup some of the costs involved of purchasing this property.

Mr. Baker said that is correct. He stated that this resolution establishes the policy for acquiring the property but the final policies of what to do with the property remain to be decided by the elected officials. There is a possibility of developing some lots in order to recoup costs.

Chairman Pruden stated that a large percentage will probably be left as open space because of the type of topography it is. The City could control the drainage which is also very important. He thanked Mr. Brockbank for selling the property to the City for a good price.

Mr. Baker said that the property is adjacent to the 48 acres that the Brockbanks donated to the City two years, which in turn is adjacent to the 2,000 acres that the City has been acquiring since the 1930's.

Councilman Pruden stated that this is the last piece of the puzzle.

Mr. Baker stated that the only remaining piece of the puzzle is owned by the Bevan family. The real property in this resolution is important because it is right on Skyline Drive so the property has a lot of open space potential, storm water management, a park, as well as some development potential. They want to be responsible with the fiscal trust and recoup the cost if they can.

Chairman Wardle verified where this property is with Mr. Baker.

Mr. Baker showed the public on a map where this property is located. He also indicated that the City Recorder will have the original resolution with a map.

Councilman Milne moved to approve Resolution 2011-31. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Milne, “Aye”, Councilman Pruden, “Aye”, and Chairman Wardle, “Aye”.

5. Minutes: May 18, 2011; Work Session and Business Meeting

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

6. Invoices

There were no invoices to present.

7. Adjourn

Councilman Milne moved to adjourn the meeting. Councilman McCall 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 7:46 p.m.

Approved this 15th day of June 2011

Chairman Scott Wardle