

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, December 7, 2011
Time: 7:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele Utah

Council Members Present:

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

City Employees Present:

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

Chairman Wardle called the meeting to order at 7:00 p.m.

Minutes prepared by Elisa Jenkins

1. Pledge of Allegiance

The Pledge of Allegiance was led by Councilman Johnson.

2. Roll Call

Councilman Pruden, Present
Councilman McCall, Present
Councilman Milne, Present
Councilman Johnson, Present
Chairman Wardle, Present

3. Mayor's Recognition Awards

Presented by Mayor Patrick Dunlavy, Jaclynn Sagers and Chief Ron Kirby

Mayor Dunlavy thanked everyone for coming to support these students. He feels that it is very important to recognize the youth in the community. He appreciates the role these students play in this community. He then introduced Ms. Sagers, the Communities that Care Director and Chief Kirby, the Chief of Police.

Ms. Sagers also thanked everyone who came to support these students. She said that within the Communities that Care program there are many programs that promote skills that produce healthy behaviors. Chief Kirby and his officers support a program in the 6th grade called Lions Quest where they teach the drug and alcohol unit. There is a program in the secondary schools called Life Skills Training, which a County wide program. There is also a parenting program called Guiding Good Choices, for parents. She encouraged anyone interested in the Guiding Good Choices program to contact her. She explained that each student will receive a bag with items from various businesses in the community. Each student will also receive a certificate signed by the Mayor. She thanked all the community partners for their contributions.

Ms. Sagers then presented the Mayor's Community Recognition awards to the following students:

Taylor Frederickson, Stansbury High School
Emma Carter, Clarke Johnsen Junior High
Bryce Nieberger, Tooele High School
Ashley Williams, Clarke Johnsen Junior High
Atunaisa Havili, Stansbury High School
Anahisa Gutierrez, Northlake Elementary School

Ms. Sagers congratulated these students and thanked everyone again. She commended the families for having such fine people in their families.

Mayor Dunlavy congratulated all the students again and he thanked them for their hard work. He said that these students are very special and he hopes that this small minute means as much to them as it does to the Council and himself. He stated that these students are the future leaders of Tooele and thanked everyone for coming and their support.

4. Special Presentation

Chairman Wardle stated that this is Councilman Johnson's last meeting as a member of the City Council, because he chose not to run for re-election. He has served on the City Council for 12 years. He said that his legal expertise has been a tremendous benefit to the Council. He also stated that he has been a good friend and will be missed. He presented Councilman Johnson with a token of appreciation for years served on the Council.

Mayor Dunlavy said that Councilman Johnson had been invaluable. There are many difficult decisions that have to be made as a City Council member and his role on the City Council has been a leadership role. Mayor Dunlavy has looked to him for help with problems and ideas. He

also values and appreciates his friendship. He thanked Councilman Johnson for his dedicated service, his wisdom, and his leadership.

Councilman Johnson thanked his family for their support while serving on the City Council. He said that it has been a great twelve years. He encouraged citizens to be involved because the City Council is where decisions are made that affect people and their day to day lives. He said that he has had disagreements at times with Council members and staff, but he has never questioned their integrity or their desire to do what is best for the City.

Chairman Wardle thanked Councilman Johnson and his family again and wished him well.

A short break was taken for a picture with the Mayor and the recipients of Mayor's Recognition Award.

5. 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.

Debbie Winn, Tooele County Chamber of Commerce addressed the Council. She thanked the City Council members and the City staff for their support of the Santa Parade and the use of City Hall.

Curtis Beckstrom addressed the Council. Mr. Beckstrom read an article in the Tooele Transcript regarding smoke shops and asked if anything was being done about them.

Chairman Wardle said that an ordinance is going before the Planning Commission next week regarding where smoke shops will be allowed in the City and the Council will be looking at it in January.

Mr. Beckstrom asked if the ordinance will affect the smoke shop that just opened.

Chairman Wardle said no; it will affect future smoke shops.

Chairman Wardle closed the open forum at 7:35 p.m.

6. Resolution 2011-58 A Resolution of the Tooele City Council Authorizing the Conveyance of a 10.75 Acre Parcel of Real Property to Tooele County.

Presented by Roger Baker

Mr. Baker showed the 10.75 acres of property on the overhead screen. He said that this triangle of property it owned by Tooele City and forms a small part of what used to be the old dump. There are monitoring wells that monitor the quality of ground water for contaminants that the County monitors near this property. The County has to cross City owned property to access the wells. The County has asked the City to convey this property to the county for the main purpose

of consolidating the entire old dump under County ownership and facilitating the ground water monitoring obligations of the County. This resolution explains that it is the best interest of the City. The property does not have sufficient value to appraise or sell and the right thing to do is to convey it at no cost to Tooele County.

Councilman Pruden asked this property could be sold or developed by the County.

Mr. Baker said that they have not contemplated a deed restriction for this deed. He indicated that the property has extremely limited development value; you could not build houses, industrial or commercial sites on it. You could do a public park or raise cattle.

Councilman Milne asked if the City would be released of any liabilities.

Mr. Baker said that they would be relieved of liabilities such as: if there was a building built on it and the ground sank, or if there was an infiltration of noxious gas; they would be relieved of those types of liabilities by conveying the property.

Councilman Pruden moved to approve Resolution 2011-58. 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. Ordinance 2011-20 An Ordinance of the Tooele City Council Amending Tooele City Code §5-4-5 Regarding Christmas Tree Sales and Establishing a Christmas Tree Sales Business License Fee

Presented by Roger Baker

Mr. Baker said that the purpose of this ordinance is to move the reference to the business license fee from the City Code, to the Tooele City Fee Schedule and to update that fee to the existing regular business license fee which is \$40. In the current City Code it states that a Christmas tree sales business license is \$25.

Councilman Wardle said that the change in fee is to cover the cost of issuing the license.

Mr. Baker said that the business license fee is not a way of generating revenue for the City it is intended only to cover the costs of issuance.

Councilman McCall moved to approve Ordinance 2011-20. 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”.

8. PUBLIC HEARING & MOTION on Community Development Block Grant (CDBG) Application Sponsorship

Presented by Shilo Baker

Ms. Baker explained that this public hearing is being called to consider potential projects for which funding may be applied under the 2012 Community Development Block Grant Program (CDBG). The money from this grant must be spent on projects benefiting primarily low and moderate income persons. Funds have not yet been allocated to the Wasatch Front Regional Council in which Tooele City is a member. They are expecting less money than they received last year in 2011, which they were appropriated \$925,000 plus money that was reallocated from unused grants. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. Some of the eligible activities include: water and sewer lines, fire stations, acquisition or real property, provision of public services such as food banks or homeless shelters. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons. Last year Tooele City applied for but did not receive a grant. In 2010, Tooele City received two grants 1) A down payment assistance program for \$100,000 and this grant is currently open and 2) Kitchen equipment at the new Reflection House for \$150,000 and this grant is in the process of being successfully closed. The City has a capital investment plan as part of the regional consolidated plan. This list shows which projects the City has identified as being needed in the community. That plan is available to review at any time.

Ms. Baker stated that Mr. Sant has suggested that they consider sponsoring Kevin Peterson and the Broadway Heritage Apartments project. The project is a low income housing project and the money would be used to put in sidewalks, curb and gutter and make it ADA accessible. The grant amount asked for would be \$150,000 - \$200,000. This could be updated on the Capital Investment Plan for 2012.

Chairman Wardle stated that this is a public hearing on the Community Development Block Grant if anyone would like to come forward. No one came forward.

Councilman Milne moved to close the public hearing on the Community Development Block Grant (CDBG) Application Sponsorship. 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 7:44 p.m.

Chairman Wardle verified that they are not taking action on the grant for Mr. Petersen tonight.

Ms. Baker said that the capital investment plan has a deadline of December 31, 2011. They would update the current plan to include this project, but the application is not due until February 2, 2012.

Chairman Wardle stated that this meeting facilitates the opening of the grant period where people may apply.

9. Resolution 2011-59 A Resolution of the Tooele City Council Adopting the Certified Tax Rate for fiscal Year 2011-2012

Presented by Glenn Caldwell

Mr. Caldwell said that the Utah Code requires cities to adopt the certified tax rate by resolution. The general tax rate has been calculated to be 0.2011% for the fiscal year 2011-2012.

Chairman Pruden asked if the rate has changed.

Mr. Caldwell said that it is down slightly.

Councilman Pruden moved to approve Resolution 2011-59. 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”.

10. Resolution 2011-61 A Resolution of the Tooele City Council Accepting the Completed Public Improvement Associated with Canyon Rim Subdivision Phase 3

Presented by Paul Hansen

Mr. Hansen said that the Canyon Rim Subdivision Phase 3 public improvements have been completed and asked that the one year warranty period begin.

Chairman Wardle asked if there are pictures associated with these improvements.

Mr. Hansen stated that pictures are with the file.

Councilman Johnson moved to approve Resolution 2011-61. 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”.

11. Resolution 2011-62 A Resolution of the Tooele city Council Accepting Completed Public Improvement Associated with additions to the Nelson & Sons Fish Food Plant, 720 East 2400 North

Presented by Paul Hansen

Mr. Hansen said this is a similar action to the previous item. As part of the expansion plan for Nelson & Sons Fish Food Plant they were required to improve 2400 North. The improvements have been completed and asked that the one year warranty period begin.

Chairman Wardle stated that there was a letter attached to the resolution noting that the park strip needed to be filled, the back side of the north side of the road curb needed to be filled, and that the check list needed to be signed. Chairman Wardle asked if these items have been taken care of.

Mr. Hansen said that the inspectors have verified that the work has been completed.

Councilman Milne moved to approve Resolution 2011-62. 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”.

12. Minutes: November 2, 2011; Business Meeting: November 16, 2011 (General Vote Canvass)

Councilman Johnson 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”.

13. Invoices

Presented by Michelle Pitt

Ms. Pitt presented the following invoice for payment:

- Home Savings Bank for interest payment on Central School RDA Loan in the amount of \$28,125.00.
- Northern Tooele and Equipment for a 48 KW Generator for Fire Station #2 in the amount of \$15,149.98.
- Nickerson Company, Inc for labor and parts to repair pump in the amount of \$16,776.00.

Councilman Pruden moved to approve the invoices as presented by Ms. Pitt. 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. Adjourn

Councilman Johnson moved to adjourn the meeting. 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 meeting adjourned at 7:50 p.m.

Approved this 4th day of January 2012

Chairman Scott Wardle