

**Tooele City Council  
Business Meeting Minutes**

Date: Wednesday, January 19, 2005  
Time: 7:00 P.M.  
Place: Tooele City Hall Council Chambers  
90 North Main Street, Tooele, Utah

**City Council Members Present:**

Michael Johnson, Chairman  
Steven Pruden  
Doug Redmond  
Steve Bevan  
John Hansen

**City Employees Present:**

Charlie Roberts, Mayor  
Patrick Dunlavy, City Recorder  
Roger Baker, City Attorney  
Glenn Caldwell, Director of Finance  
Ron Kirby, Chief of Police  
Gerald Webster, Director of Public Works  
Richard Jorgensen, Land Use Technician  
Casey Allie, Director of Parks and Recreation  
Karen Emery, Director of Library Services  
Cary Campbell, Community Development Director  
Randy Sant, RDA Consultant  
Brian Berndt, RDA Director  
Kami Perkins, Human Resource Director

Minutes prepared by Andrea Cahoon

Meeting was called to order by Chairman Johnson at 7:00 p.m.

1. Pledge of Allegiance

The pledge of allegiance was conducted by the members of Boy Scout Troop 460.

2. Open Forum for Public Comment

Chairman Johnson invited anyone from the public who wished to address the Council to come forward and do so.

Shirley Beagley, 486 West 500 South, respectfully asked that the Council members use their microphones so the audience can hear what is being said.

Betty Johnson, 100 East 1000 North, stated that she had signed with the big box retailer to purchase her property. She resents the fact that they may get a tax break when there are many hard-working people who have to pay their taxes. Councilman

Bevan said it is not a tax break and the Council has not determined if they will offer any incentives. There has been no decision made.

Bill Dixon, Pine Canyon, stated that Betty Johnson had taken his speech. He addressed the issue of giving tax breaks for the home improvement store. He also addressed the issue that he is for commercial development and if the cost of the property was an issue, they can come a mile north and buy property cheaper with no cost to the City and no incentives given.

Chairman Johnson explained to the audience that a developer has asked the RDA Board, in general terms, to give them some incentives. There were no numbers given to them to consider, and if they want to ask for incentives the developer needs to provide more information. The City has not agreed to do anything.

**Councilman Pruden moved to close the open forum.** Councilman Hansen seconded the motion. All members present voted, "Aye." The open forum closed at 7:05 p.m.

**3. Resolution 2005-02 A Resolution of the Tooele City Council Appointing Two Representatives to the Redevelopment Agency Taxing Entity Committee**

Presented by Roger Baker

Mr. Baker said the state RDA laws require that cities appoint two of its members to serve on the Taxing Entity Committee. They make decisions about the use of tax increment and RDA budgets. With recent changes in the Council and the appointment of a new Finance Director last year they needed to appoint two new members. The two representatives that have been chosen to fill the vacant positions are Steve Bevan and Glenn Caldwell.

**Councilman Hansen moved to adopt Resolution 2005-02.** Councilman Pruden seconded the motion. All members present voted, "Aye."

**4. Resolution 2005-03 A Resolution of the Tooele City Council Authorizing the Mayor to Sign on Behalf of Tooele City a Contract with Zim Industries, Inc., For Drilling and Construction of the England Acres Well and Replacement Well No. 9**

Presented by Gerald Webster

Mr. Webster said that this was put out for bid and the low bidder was Zim Industries. The bid was within the City's estimate and \$100,000.00 less than the next low bidder. Paul Hansen checked the references out and they recommended that they award the contract to Zim Industries. They contacted Lang who was the second lowest bidder and asked why their bid was \$100,000.00 more than Zim's and Lang informed them that they were very busy and so they just threw in a high bid.

Chairman Johnson asked if the City had used Zim's before? Mr. Webster answered no, and that is why they checked the references closely and even looked up people who had used them in the past that were not on the reference sheet. They contacted those other entities and all of them reported that Zim's were good to work with and they would use them again. Mr. Hansen and Mr. Webster intend to keep an eye on the project and recommended that they hire Walt Holmes, a licensed well driller, to watch the project as well. They have requested a bid for his services. He would be on site to make sure that the wells were done properly.

Chairman Johnson asked how much water they think the new wells will produce? Mr. Webster responded 800-900 gallons per minute at the replacement well and they are hoping they will get 1,200 gallons per minute at the England Acres well. They anticipate going down 900 feet on both wells, and that is in the contract, but it will depend on what happens as they are drilled.

Councilman Pruden asked how long it takes to drill the wells? Mr. Webster said they are doing number 9 first because it will be easy to hook into the system and it should be complete by April 23. The England acres well will be done by May 19. Councilman Pruden asked if after they drill the England Acres well they will cap it because there is nowhere to store the water? Mr. Webster responded that they have several methods to get the water into the system, but that will be determined later. They will be required to fence the water infrastructure. Councilman Pruden asked if this contract amount was just to drill the wells? Mr. Webster answered, "Yes."

**Councilman Pruden moved to approve Resolution 2005-03 authorizing the Mayor to sign on behalf of the City a contract with Zim Industries to drill and construct well 9 and the England Acres well in the amount of \$921,820.00.** Councilman Redmond seconded the motion. All members present voted, "Aye."

**5. Ordinance 2005-02 An Ordinance of the Tooele City Council Amending Sections of the Tooele City Policies and Procedures Manual**

Presented by Kami Perkins

Ms. Perkins said there are four main sections that she was asked to amend in the Policies and Procedures manual; sections 7-Work hours and Attendance, 9-Compensation, 13-Grievance Procedures and 27-FMLA. Councilman Johnson had made some minor recommendations to the sections and she told them his changes were handed out to them before the meeting for their consideration.

Ms. Perkins asked Chief Kirby to address an issue with the police officers' hours normally worked. Chief Kirby recommended that they hold off on that policy change (section 7) until they make a fund adjustment to the budget. They did not want to make a policy change that would cost additional money and create some unintended consequences. Chairman Johnson asked what the additional cost estimate was with the implementation of the policy change? Chief Kirby answered that if they made the policy effective February 1, 2005, it would cost an additional \$28,000.00 for the remainder of the fiscal year.

Mayor Roberts said that as an administration they recommended the approval of those additional funds, but they needed to be approved by the Council. Chairman Johnson felt they could find \$28,000.00 in the budget. Chief Kirby said annually this will cost an additional \$67,000.00. Councilman Pruden suggested that they go ahead and take care of it and find the funds. He felt they should implement it as of February 1, 2005. It will increase the police force by one officer without increasing the rank.

Chairman Johnson stated that it was his understanding that now when an officer hits their 80 hours they are sent home. Chief Kirby explained that the 12-hour shift is built for an 84-hour work period. They send officers home for four hours every two weeks. That leaves a hole in the schedule if there is a full team working. If the team is already down an officer, they call someone out on overtime. Chairman Johnson asked if this would save on overtime costs? Chief Kirby answered, "Yes." The Council agreed that they had no problem with proposing a budget adjustment to cover that. Ms.

Perkins asked that they implement the changes at the beginning of a pay period, after the budget adjustment is made. The Council determined that it would become effective Sunday, February 6, 2005.

Ms. Perkins said that Section 13 deals with the grievance procedures and the Council wanted to discuss that further. Chairman Johnson stated his issue was whether they wanted the entire Council involved in the grievance procedure. They already have two Council members on the Appeal's Board. If the City makes a Charter change and goes to a City Manager form of government, the Council could be the Appeal's board. Ms. Perkins said that is set by State law. Chairman Johnson felt it was redundant to have two council members on the grievance board and then have it come before the City Council.

**Councilman Hansen moved to approve the changes to the policies and procedures effective February 6, 2005.** Ms. Perkins and Chairman Johnson determined it would be best to handle all of the changes in two separate motions.

**Councilman Pruden moved to approve the changes to Section 7, effective February 6, 2005.** Councilman Redmond seconded the motion. All members present voted, "Aye."

**Councilman Hansen moved to approve the changes to the policies and procedures in Sections 9, 13, and 27 effective immediately.** Councilman Bevan seconded the motion. All members present voted, "Aye."

**6. Resolution 2005-04 A Resolution Authorizing the Issuance and Sale of Not More Than \$2,750,000 Aggregate Principal Amount of Sales Tax Revenue Bonds, Series 2005 of Tooele City, Tooele County, Utah, for the Purpose of Financing the Costs of Recreation Improvements; Calling a Public Hearing and Establishing a Time, Place and Location for Said Public Hearing; Providing for Publication of a Notice of Public Hearing and Bonds to be Issued; Providing for a Pledge of Sales Tax Revenues for Repayment of the Bonds; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount from PAR at Which the Bonds May Be Sold; Providing for the Running of a Contest Period; and Related Matters**

Presented by Jason Burningham

Mr. Burningham said this is the parameters resolution to allow the City Council to provide a notice of its intention to issue bonds (sales tax revenue bonds) to be used for recreational or cultural facilities. There is a provision under Utah law that allows an existing RDA to recapture and extend the life of an RDA project area if there is a recreational or cultural facility that is commenced on or before June 30, 2006. They have determined that this is beneficial to the City, and the central business district area's RDA can be extended. They have had some initial discussions with the School District and he felt there is some interest in this, and lots of confusion. They will have further dialogue to come up with a common project that would be beneficial to both entities. The school district may decide to opt out. The City and County are obligated if you have a project. This would extend the project an additional 10-12 years.

Mr. Burningham introduced Eric Johnson who is the bond counsel for a law firm and is working

with them on this. The types of projects being discussed have been listed by Mr. Allie who would inform them of what those projects are. Mr. Burningham handed out some information to the Council members.

Councilman Redmond asked Mr. Allie if he was prepared to discuss the projects that he had in mind? Mr. Allie answered, "Yes."

Mr. Burningham gave them some information about the amounts of funds that could be generated under three different scenarios. The first is what would happen if the school district didn't participate at all. That option would generate \$750,000.00-765,000.00. If the school district participates at 50%, it would generate an additional \$700,000.00 (close to 1.5 million dollars). If the school district participated at 100%, they could get 2.2 to 2.3 million dollars. There is a real advantage to the school district's participation.

The type of structure they are contemplating is a sales tax revenue bond. He referred to a second sheet of paper he had given them that showed the sales tax revenue and what was available and what was outstanding. This bond issuance would require additional debt payments. The reason they proposed a sales tax revenue bond is that it is the most cost effective option. Other options require general obligation bonds that require a vote authorization of the citizens.

Councilman Redmond asked Mr. Burningham if sales tax revenues would be used? Mr. Burningham answered, "No." It will be paid back with tax increment, not sales tax. The sales tax revenue is the security. Councilman Redmond asked if they were raising taxes to pay the bond? Mr. Burningham answered, "No."

Chairman Johnson asked how the fees are paid? Mr. Burningham said there are certain fixed costs, but the fees are mostly based on the amount of the bond issuance. The City has very good ratings on their bonds (A1 rating with Moodys and A+ with Standard and Poors) and they shouldn't have any problem finding interested parties to purchase them.

This resolution says it is the intent of the City to do this, but doesn't obligate them to issue bonds. They will still have to do the final commitment documents. Under Utah law, there is a 30-day contestability period which begins with this notice being published. There is also a provision under the sales tax laws requiring a public hearing. Part of the parameters resolution establishes a date for the public hearing. Mr. Johnson said the date selected was February 16, 2005. That is in the middle of the thirty-day comment period. The 30-day period runs after two publications are put in the paper.

Mr. Burningham said this resolution sets the maximum parameters. This proposal includes up to \$2,750,000.00 so if the school district decides to participate they are okay. The actual bond will be something less than that, but can't exceed the parameters. They set them high so there is some contingency.

Mr. Allie provided a list of project ideas to the Council members. He stated there are several options available depending on the School District's participation. They also considered projects that would not require the hiring of more staff and would reduce debt service. If the District chooses to participate at 100% they are considering the girls softball complex or work on the Oquirrh Hills Golf Course. The softball complex would be constructed at the Tooele Regional Sports Park in the Overlake area. They also are considering using the funds for a park in the southeast area of town, the rail road museum, and the City trail system. Another option is to use it for various improvements throughout the City. If they were to bond for \$700,000.00 they would use the funds

to redo Elton Park (\$400,000.00), use \$200,000.00 for the railroad museum which needs a new roof and covers over the trains and cabooses. It also needs parking and landscaping. The additional \$100,000.00 would be used for the first leg of a trail system. There are a lot of options, but these projects have no other funding sources.

Councilman Redmond said they need to see what the School District decides to do before they can make any decisions.

Mr. Burningham said the tax increment is used within the project area. The haircutted portion goes back to the taxing entities. This is a much better way to use funds then letting them go through the State (they don't get 100%). If they can find a mutually beneficial project, they are using a better tool to solve some problems and getting more "bang for your buck" without raising taxes.

**Councilman Hansen moved to adopt Resolution 2005-04.** Councilman Bevan seconded the motion. All members present voted, "Aye."

**7. Request for Review and Motion for Preliminary Plat for Carr Fork Subdivision Plat 11 Amending and Extending Lots 913 Through 918 and Lots 1010 Through 1011 Located at 900 North 1480 East**

Presented by Cary Campbell

Mr. Campbell explained that this is in the Carr Fork area. The subdivision they are requesting runs north to south and includes the last 80 feet that are still in the City limits. The subdivision can't be extended any further because the northern portion is in a reserve. In the northeast corner of the subdivision there are two lots that are too narrow. The Board of Adjustments granted a variance for those lots. The Planning Commission recommended approval as does the staff. The subdivision creates four new lots and extends several other lots.

Councilman Bevan asked if the Planning Commission had any concerns? Mr. Campbell answered, "No."

**Councilman Redmond moved to grant preliminary plat approval for the Carr Fork Subdivision Plat 11.** Councilman Pruden seconded the motion. All voted, "Aye."

**8. Request Review and Motion for Tooele Town Center No. 3 Preliminary Plat Located at 110 East 1000 North**

Presented by Cary Campbell

Mr. Campbell explained that agenda items eight and nine address the same property and asked that they be considered together. One is for the preliminary plat and one is for the final plat.

Mr. Campbell stated that the Tooele Federal Credit Union wishes to build on the northeast corner of the Macey's project. The proposed plat changes four lots; Lots 1, 2, 3, and 4. They will be straightening out the road in front of Macey's. There are a couple of other addendum items that the Building Department will take care of. The Planning Commission recommended approval, but had some issues with the screening along 100 East (behind Macey's) and the landscaping that has been allowed to die. The landscape and screening issues need to be addressed by the developer,

Amsource. There were also some questions about access and landscaping for Lots 3 and 4. The staff didn't feel that it was important to address those issues until they know what is going to go in there. It will go through the Planning Commission when they determine what will be built on Lots 3 and 4.

Councilman Redmond said that Lot 8 has no access. Mr. Campbell explained that when Lot 7 came in they had to do certain things to gain access, so the access is there through a cross access agreement.

Chairman Johnson disclosed that he and Councilman Hansen are both members of the Board of Directors of the Tooele Federal Credit Union, but felt they could still vote on the issue.

**Councilman Pruden moved to approve agenda items eight and nine, the preliminary and final plat approvals for the Tooele Town Center No. 3.** Councilman Redmond seconded the motion. All members present voted, "Aye."

**9. Request Review and Motion for Tooele Town Center No. 3 Final Plat Located at 110 East 1000 North**

Presented by Cary Campbell

This item was addressed and approved with agenda item number eight.

**10. Minutes January 5, 2005**

**Councilman Hansen moved to approve the minutes as presented.** Councilman Bevan seconded the motion. All members present voted, "Aye."

**11. Invoices**

Presented by Patrick Dunlavy

Mr. Dunlavy stated that he didn't have any invoices to present.

**12. Mayor's Report**

Mayor Roberts reported the following:

- Mayor Roberts will get with Chairman Gowans of the School District to explain the RDA bond more fully. Chairman Johnson asked him to coordinate that meeting with Councilman Pruden.
- The Utah State Legislature is in session and there are several bills that could impact Tooele City. There are daily updates available at [www.ULCT.org](http://www.ULCT.org) One issue is changing to one state wide sales tax rate.
- The Rural Planning Organization has drafted a letter that prioritizes the transportation issues important to Tooele County. He gave a copy of the letter to the Council Members and asked that any comments they may have be sent to him by Friday.

**13. Adjourn to Discussion Items to be Followed by a Closed Executive Session to Discuss**

### **Pending Litigation**

**Councilman Pruden moved to adjourn the meeting.** Councilman Hansen seconded the motion. All members present voted, “Aye.” The meeting adjourned at 7:55 p.m.

### **Discussion Items:**

**1. Annexation Discussion**

No minutes were taken on this item.

**2. Lighting Ordinance**

No minutes were taken on this item.

**3. Charter Commission Report**

No minutes were taken on this item.