

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, February 2, 2005
Time: 7:00 P.M.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Steve Bevan, Vice Chair (Acting Chair)
Steven Pruden
Doug Redmond
John Hansen

City Council Member Absent:

Michael Johnson, Chairman

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
Cary Campbell, Community Development Director
Paul Hansen, Contract City Engineer
Brian Berndt, RDA Director
Wayne Jones, Assistant City Attorney
Kami Perkins, Human Resource Director

Minutes prepared by Andrea Cahoon

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

1. Pledge of Allegiance

The pledge of allegiance was conducted by Councilman Redmond.

Chairman Bevan welcomed the Scout troops that were present working on their "Citizenship in the Community" merit badge.

2. Open Forum for Public Comment

Acting Chairman Bevan excused Chairman Mike Johnson from the meeting.

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

Robyn Brunson, 1676 Sunset Road in Lakepoint, addressed the issue of allowing access to the

Tooele City Library to non-City residents without charging fees.

Councilman Pruden moved to close the open forum. Councilman Hansen seconded the motion. All members present voted, “Aye.” The open forum closed at 7:02 p.m.

3. Ordinance 2005-04 An Ordinance of the Tooele City Council Amending Tooele City Code §2-3-3 to Allow for Alternate Members of the Planning Commission

Presented by Roger Baker

Mr. Baker explained that the City Council approved an amendment to this Ordinance last year that allowed a single alternate to be appointed to the Planning Commission. This amendment allows for there to be more than one alternate appointed to the Planning Commission. This is needed so that if two or more Planning Commission members can't attend, the alternates can fill those positions. The amendment allows for there to be more than one alternate as deemed necessary by the City Council and the Mayor.

Chairman Bevan asked if this action will require an amendment to the bylaws of the Planning Commission? Mr. Baker responded that he would check on that. Councilman Pruden said that this amendment states, “The Mayor may also appoint up to three Alternate Commissioners, with the advice and consent of the City Council.” Mr. Baker said they were suggesting up to three because they felt that would be a sufficient number, but they could leave it open if the Council desired. Councilman Pruden agreed that three was a reasonable number and stated that he just wanted clarification.

Councilman Hansen moved to approve Ordinance 2005-04. Councilman Pruden seconded the motion. All members present voted, “Aye.”

4. Resolution 2005-05 A Resolution of the Tooele City Council Consenting to the Mayor's Reappointments of Bob Gowans, Gary Searle, Mary Ann Bickmore, and Tom Adams, and Appointing Fran Garcia, and Shawn Milne (As an Alternate Member) to the Tooele City Planning Commission

Presented by Roger Baker

Councilman Redmond pointed out that Shawn Milne's name had been spelled incorrectly in the document. Mr. Baker responded that it had been corrected on the final document.

Councilman Hansen moved to approve Resolution 2005-05. Councilman Redmond seconded the motion. All members present voted, “Aye.” Chairman Bevan asked Shawn Milne to stand up and he introduced him to the audience.

5. Resolution 2005-07 A Resolution of the Tooele City Council Consenting to the Mayor's Appointment of Jeff Shaw to the Tooele City Board of Adjustment

Presented by Mayor Roberts

Mayor Roberts said for the past 20 years Jim Ferguson has been a member of the Tooele City Board of Adjustment and has served faithfully. He has been in attendance at nearly every meeting. Due to

health issues he will no longer be able to serve and has resigned his position. Jeff Shaw has served as an alternate member of the Board of Adjustment since November of 2004 and Mayor Roberts presented his name to fill the vacancy. Councilman Redmond asked the Mayor if he was going to appoint a new alternate? Mayor Roberts answered, "Yes," but indicated he was not presenting a name tonight and was open to any suggestions from the Council on who could fill that position.

Councilman Pruden moved to approve Resolution 2005-07 consenting to the Mayor's appointment of Jeff Shaw to the Tooele City Board of Adjustment. Councilman Hansen seconded the motion. All members present voted, "Aye."

6. Resolution 2005-06 A Resolution of the Tooele City Council Accepting Completed Public Improvements Located Within Phases Three and Four of the Maple Hills Subdivision

Presented by Wayne Jones

Mr. Jones said this is a routine ordinance by which the City Council formally accepts the public improvements made in a subdivision. It has been reported to him that the improvements are complete and the work that has been done is satisfactory. The City staff is still working with the developer on a couple of minor issues. The amount that will be retained for the warranty phase will be enough to cover those items.

Councilman Pruden asked if he had been out to verify that the work was done properly? Mr. Jones answered that Paul Hansen has inspected the improvements and has been in contact with the developer on the issues of concern. Councilman Pruden asked if there was a time table for the issues to be taken care of? Mr. Hansen said the principal concern is there is some material that needs to be removed from one of the lots and some of the park strips are very irregular and uneven. When he asked the developer about it, the developer stated that due to the weather he has been unable to take care of those issues without causing more problems. The developer submitted a letter to the City stating that he will take care of the issues in the next few weeks as long as the weather permits. They will follow up on that. Councilman Pruden asked if it can be done in one month? Mr. Hansen said they have already set up a time to do the inspection. This starts the one-year warranty period and the City withholds 20% of the bond for the next year. They will make one final inspection at that time to be sure the improvements are satisfactory.

Councilman Redmond moved to adopt Resolution 2005-06. Councilman Pruden seconded the motion. All members present voted, "Aye."

7. Resolution 2005-09 A Resolution of the Tooele City Council Approving Budget Adjustments for Fiscal Year 2004-2005

Presented by Glenn Caldwell

Mr. Caldwell explained that they found it necessary to make some budget adjustments which have been delineated. The only new adjustments that were not presented to the Council prior to this evening are the Railroad Museum grant, Police Department tobacco grant, and the County Recreation Service Grant.

Councilman Redmond asked what the Recreation grant is? Mr. Allie answered it is the County

Special Service District Grant. The County sets aside funds each year for recreational projects. The City applies for the grants through the County, and the County allocates those funds to the entities who apply. This grant is for \$10,000.00. The County has \$300,000.00 per year to give out. Councilman Redmond asked if they had a project selected for that \$10,000.00 already and if more money would be coming? Mr. Allie said the City pays the costs up front and then get reimbursed with the County grant money.

Councilman Hansen moved to approve Resolution 2005-09. Councilman Pruden seconded the motion. All members present voted, “Aye.”

8. Request Review and Motion for Preliminary Plat of Canyon Village No. 2 Subdivision Containing 17 Lots Located at 1730 North Broadway Avenue

Presented by Cary Campbell

Mr. Campbell said this 17-lot subdivision is located north of the Copper Canyon Elementary school, and southeast of the proposed daycare. The staff does have a couple of concerns. The Planning Commission recommended approval, as does the City staff, with the following conditions:

1. The final plat be reviewed and approved by the County Recorder.
2. A temporary turnaround be included on the road stub going north.
3. The water line should be looped.

Councilman Pruden said when they addressed this during the predevelopment meeting, they discussed that there is a field at the end of each of the (road) stubs. Mr. Campbell said the one to the north was a concern and should have a turnaround. The one to the east was not a concern and is owned by someone other than the developer. Councilman Pruden asked if they had seen their entire master plan with it built out all the way north? Mr. Campbell believed it may be the intent of the developer (to build it out to the north) but the area is zoned HDR and they could do a number of things with it. The staff is being told that somebody else owns the property to the north. Councilman Pruden thought the Fire Department signed off on it (during predevelopment). Mr. Campbell couldn't recall exactly what happened. Councilman Pruden recalled that the main concern was the gas line that runs through Lots 16 and 17. Mr. Campbell said there is a gas line that runs diagonally through those lots and Lot 16 will be very odd and hard to fit a home on.

Councilman Redmond recalled that during the Planning Commission meeting the staff discussed that the interior easements would be removed. Mr. Campbell said they will keep the front and back easements, and get rid of most of the inside easements when it goes to final plat.

Councilman Pruden moved to approve the preliminary plat of Canyon Village No. 2 Subdivision with the conditions set forth by the Planning Commission. Councilman Hansen seconded the motion. All members present voted, “Aye.”

9. Ordinance 2005-03 An Ordinance of the Tooele City Council Amending Tooele City Code Subsection 7-19-29(2), Entitled “Landscaping,” and Enacting Title 4, Chapter 11A, Entitled “Residential Park Strip Landscaping Requirements”

Presented by Cary Campbell

Mr. Campbell explained that over the past few years the City has required subdividers to provide a

certain number of trees depending on the lots and zoning. They have had a hard time trying to keep track of that inasmuch as somebody will come in and subdivide a series of lots and it may take 10 years to complete the lots. In the meantime the City is holding bonds for the trees. They are proposing to collect the funds for the trees at the time a building permit is issued and put them in a reserve. After a home is completed on a lot, the homeowner can plant a tree of their choice (from a list of approved City park strip trees) and then collect the “tree deposit” funds that were set aside for that lot, thus receiving reimbursement for planting the tree. Once the tree is planted, it will be inspected by the City prior to the releasing of those funds to the homeowner. They must be 1 ½" caliper trees. If the homeowner chooses not to plant a tree or fails to request those funds within two years, those funds are released and can be used in another area of the City.

Councilman Pruden said this was a long discussion item at the Planning Commission meeting last week, but that ultimately they recommended approval. He felt this was a good thing.

Chairman Bevan felt they needed to revise their tree list because the trees listed on the old list are not very conducive to park strips. Mr. Campbell said there is a more recent list of trees available. This is in the park strip, which is City property, and he was comfortable with requiring the homeowners to choose a tree off of a specific list. Councilman Redmond said those trees are listed in the Ordinance and the ordinance should refer to a list kept by the Community Development Department so it can be modified as needed. He asked the Mayor to meet with him so they could work through the other landscape requirements listed in the ordinances that need to be addressed.

Mr. Jones said he purposely wrote the ordinance to not make any substantive changes in the landscape ordinance because he doesn't deal with those. He deals with bonding and he wanted to take care of that issue. The current system does not work. People are not getting the benefit of the trees, but are indirectly paying for the trees. Chairman Bevan asked why it was listed at \$200.00 per tree? Mr. Jones answered they have reduced the caliper requirement from 2-inches to 1 ½" because that is a more manageable size for a homeowner to plant. The amount per tree has been reduced to \$150.00 per tree. Chairman Bevan thought that was still high. Councilman Pruden said he just planted 10 trees and they were \$400.00 a piece.

Councilman Hansen moved to adopt Ordinance 2005-03. Councilman Redmond seconded the motion. All members present voted, “Aye.”

10. Resolution 2005-08 A Resolution of the Tooele City Council Authorizing the Mayor to Sign on Behalf of Tooele City a Contract with Hansen, Allen & Luce for Calibration of the Water System Model

Presented by Gerald Webster

Mr. Webster said this is the calibration of the water model formulated during the development of the Waster Master Plan and is normally done during the development of that model, but they couldn't calibrate it at that time due to the drought and water restrictions. They would like to have it calibrated before the water season starts. Councilman Pruden asked what it does? Mr. Webster said it calibrates it to the model to see if the model is correct. They then adjust the actual model to the true flow characteristics of the water. Councilman Pruden asked if it was being paid for out of the water fund? Mr. Webster answered, “Yes.” Councilman Pruden asked if they do this every year? Mr. Webster answered, “No,” but as the system expands it has to be recalibrated.

Councilman Hansen moved to approve Resolution 2005-08. Councilman Pruden seconded the

motion. All members present voted, "Aye."

11. Minutes January 19, 2005

Councilman Pruden moved to approve the minutes as presented. Councilman Redmond seconded the motion. All members present voted, "Aye."

12. Invoices

Presented by Patrick Dunlavy

Mr. Dunlavy presented the following invoices for payment:

- Aposhian Sod Farms in the amount of \$25,956.13. A discussion ensued about the lease agreement and the Council and Mayor determined that they would like to take a look at the lease agreement with Mr. Aposhian. Mr. Webster said that Mr. Aposhian has asked to renegotiate the lease.
- Holme Roberts and Owens in the amount of \$81,032.07 for legal services.

Councilman Pruden moved to pay the invoices as stated. Chairman Bevan felt they were paying a lot for legal fees and they should receive updates more frequently. Mayor Roberts said Roger Baker can update the Council on the legal issues more frequently. Chairman Bevan asked that they receive updates at each City Council meeting. Councilman Hansen seconded the motion. All members present voted, "Aye."

13. Mayor's Report

Mayor Roberts reported the following:

- The Utah State Legislature is halfway through its session.
- The Utah League of Cities and Towns meet each Monday. If the Council members have any issues or concerns that they would like addressed, the Mayor can bring those up at a weekly meeting.
- The Salt Lake City Council sent a letter to Tooele City thanking them for their patronage. It was an attempt to "clean up" after Mayor Rocky Anderson's State of the City address.
- The major crime rate remains relatively low compared to the past ten years, the number of crimes has increased with the population, and during the past year there has been a significant increase in the number of traffic collisions.

14. Adjourn to a Discussion Item

Councilman Hansen thanked the Mayor for not making Tooele City's neighbors mad so that they have to write letters such as the Salt Lake City Council has had to do.

Chairman Bevan asked the staff to prepare a water situation report for the next meeting. He also recommended that they keep the water restrictions in place. Mr. Hansen said they could make that report.

Councilman Redmond moved to adjourn the meeting. Councilman Pruden seconded the motion.

All members present voted, “Aye.” The meeting adjourned at 7:40 p.m.

Discussion Item:

1. Outside Storage

No minutes were taken on this item.