

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, January 4, 2006
Time: 7:00 P.M.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Michael Johnson, Chair
Steven Pruden
John Hansen
Scott Wardle

City Council Member Absent:

Steve Bevan

City Employees Present:

Patrick Dunlavy, Mayor
Roger Baker, City Attorney
Glenn Caldwell, Director of Finance
Cary Campbell, Community Development Director
Richard Jorgensen, Land Use Technician
Casey Allie, Director of Parks and Recreation
Kami Perkins, Human Resource Director
Ron Kirby, Chief of Police
Sharon Dawson, City Recorder
Paul Hansen, Contract City Engineer
Karen Emery, Director of Library Services
Lisa Carpenter, Deputy Recorder/City Council Liaison

Minutes prepared by Andrea Cahoon

The meeting was called to order by Chairman Johnson at 7:01 p.m.

1. Pledge of Allegiance

The pledge of allegiance was led by Doug Redmond.

Chairman Johnson welcomed Boy Scout Troop 1701 working on the Citizenship in the Community merit badge. He also excused Steve Bevan from the meeting due to illness.

2. Student Recognition Awards

Presented by Mayor Dunlavy and Steve Pruden

Councilman Pruden introduced Damien Perales, McKinley Benson, Kaylee Dasher, and Sarah Terry from Northlake Elementary; Matthew Potter and Riley White from West Elementary; Shawna Chene and Cassie Timothy from East Elementary; and

Chelsie Pritzkao and Hannah Gardiner from Copper Canyon Elementary and awarded them super citizen student recognition awards.

3. Official Swearing in of New City Council Members

Presented by Sharon Dawson

Sharon Dawson swore in John Hansen and Scott Wardle as Tooele City Council members. Chairman Johnson invited Scott Wardle to join them on the stand.

4. Special Presentation

Presented by Mike Johnson

Councilman Johnson presented Doug Redmond with an award for his years of service on the City Council and thanked him for all of his hard work.

5. Open Forum for Public Comment

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

Dennis Tracey, 265 S. 3rd Street, stated he was happy to find the Veteran's Memorial Park upon his return to Tooele and stated he would be very involved with veteran activities. He explained that he uses a segway for transportation and has found a large problem with dogs running loose in the streets of the City. Councilman Pruden said they just hired a new employee to run the animal shelter to give the two animal control officers time to get a hold of this problem. Mr. Tracey stated that he would hold any dog owner and the City responsible if he is bitten by dogs running loose in the City.

Councilman Pruden moved to close the open forum. Councilman Hansen seconded the motion. All members present voted, "Aye." The open forum closed at 7:17 p.m.

6. Resolution 2006-02 A Resolution of the Tooele City Council Appointing Sharon Dawson as City Recorder for a Term of Two Years

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy said they had several excellent applicants for the City Recorder position. Sharon Dawson has been the Deputy Recorder for the past year, and an employee of the City for five years. He proposed that she be appointed City Recorder for a term of two years.

Councilman Hansen moved to approve Resolution 2006-02. Councilman Pruden seconded the motion. All members present voted, "Aye."

Mayor Dunlavy congratulated Scott Wardle and John Hansen for their election victories.

Chairman Johnson introduced Lisa Carpenter who has been hired as the Deputy City Recorder and the City Council liaison.

7. Ordinance 2006-01 An Ordinance of the Tooele City Council Amending Tooele City Code Chapter 2-6, Regarding the Employee Grievance Appeal Board

Presented by Kami Perkins and Roger Baker

Ms. Perkins said there has been a joint effort for the past year and a half to get the City's documents in line with the Utah State Code and with the internal appeals process. In January of 2005 the Council approved a revision to the ordinance that deals with the employees' personnel policies and procedures. They presented a final change to the City ordinance to get it up to speed, cleaned up, and to address some procedural matters. She asked for their approval.

Chairman Johnson said that in Section 2-6-5-13 it states that the Appeal Board will deliver to the City Recorder written findings supporting the vote. He asked if that was required by State law? He felt that he was the only member of the Appeal Board that would have a clue as to how to write something like that. Mr. Baker said to date it has not been required, and anonymous balloting has been sufficient. However, with the change in the State Code where the result of the Grievance Appeal Board can be appealed to an appellate court, we have to make sure that our records show how the board came to their decision, and what facts the board relied on. He didn't feel the findings needed to be formal, but there should be a document stating why the decision was made. Chairman Johnson said nothing would preclude the Appeal Board from having the Attorneys Office draft that. Mr. Baker said that made a lot of sense, and they would keep those records, as well as all evidence presented to the board, so that if they lost the case, they could appeal it as well.

Councilman Hansen moved to approve Ordinance 2006-01. Councilman Wardle seconded the motion. All members present voted, "Aye."

8. Ordinance 2006-02 An Ordinance of the Tooele City Council Amending Certain Appeal Procedures of Tooele City Code, and Allowing for Civil Abatement Citations to be Served by Mail

Presented by Roger Baker

Mr. Baker explained that this Ordinance accomplishes two objectives. It sets forth that the appeals of certain cases go to an administrative hearing officer that the Council has funded and authorized. The areas in which appeals would be made are for civil citations for nuisance violations, violations of the City's water schedules, and parking tickets. The second objective is to address the manner in which the citations are served. Currently they can only be served in person or by posting on the property. It was requested by the Community Development Department that service by mailing be added to the ordinance as an acceptable alternative when a person is not at the premises to be served. This will be less costly, and sometimes there are concerns that citations posted on the property, once the officer leaves, may be removed and not received by the property owner. It is sometimes unknown what happens to the citation when it is posted. It will be nice to be able to say that they know the citation was received because they got a receipt back in the mail.

Councilman Pruden referred to Section 9-4-16, the restriction of water use, fourth line, and asked if they wanted it to say that? Mr. Baker responded that is not a change from the current ordinance. This only changes how some citations are appealed, and the manner of service. Mayor Dunlavy said the reason it is in there is to allow the Mayor to restrict water usage if there is a problem. Mr. Pruden said that in number 2, whenever the Mayor determines an emergency exists, he must notice it in the paper. The paper only comes out on Tuesdays and Thursdays. Councilman Hansen said that should be discussed, but that is not what they had changed. Mr. Baker said that in subsection three there is a procedure for the City Council to be involved with the watering schedules. Chairman Johnson suggested that they give the mayor the authority to impose a two-week restriction on water if needed. He felt they should discuss that later.

Councilman Pruden said that in 1e, the filling of swimming pools, should we address the City pool? Councilman Wardle asked if they would have to rewrite the ordinance later? Mr. Baker said it

would be prudent to provide public notice of that type of discussion prior to making changes. He felt they were good ideas that they should look at.

Councilman Pruden moved to approve Ordinance 2006-02. Councilman Hansen seconded the motion. All members present voted, "Aye."

9. Ordinance 2006-03 An Ordinance of the Tooele City Council Establishing the Dates, Time and Place of its Public Meetings

Presented by Sharon Dawson

Ms. Dawson said this type of Ordinance is done, by State law, every year. They kept the City Council meetings on Wednesday nights as they have in the past. Councilman Pruden asked about the December 20 meeting and if they should list it? The Council determined to leave the December 20 meeting on the schedule and that they would notice it if it is cancelled.

Councilman Pruden moved to adopt Ordinance 2006-03. Councilman Wardle seconded the motion. All members present voted, "Aye."

10. Resolution 2006-01 A Resolution of the Tooele City Council Appointing Members to the Administrative Control Board for the North Tooele City Special Service District

Presented by Mike Johnson

Chairman Johnson said the North Tooele City Special Service District was established under State law, and is charged in maintaining the Overlake subdivision's special amenities. Four of the Administrative Control Board's members terms expired on December 31, 2005. Two of those members, Kevin Elkington and James Manning, determined that they did not wish to seek reappointment to the Board. The other two members, Steve Dale and Mike Maloy determined they would seek reappointment. The District has taken applications from residents to fill the two vacancies and asked that Erik Brondum and Aimee Shuldberg fill those vacant positions. He stated that he personally knows all four people and recommended that they be appointed to fill those positions.

Councilman Hansen moved to approve Resolution 2006-01. Councilman Wardle seconded the motion. All members present voted, "Aye."

Councilman Pruden asked about the service district that the County is establishing and noted that Stansbury couldn't participate. He asked if Overlake would be unable to participate in that as well because they are in a service district? Councilman Johnson said that Stansbury is a recreation service district, and Overlake is not, so Overlake could participate in the County's district.

11. Minutes December 7, 2005

Councilman Hansen moved to adopt the minutes from December 7, 2005 as presented. Councilman Wardle seconded the motion. All members present voted, "Aye."

12. Invoices

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Tooele County Chamber of Commerce in the amount of \$8,000.00
- L.N. Curtis & Sons for fire equipment purchased with a Homeland Security grant in the amount of \$14,186.00. She stated this was a pass through.
- Widdison Turbine Service for a lineshaft turbine pump for well #11 in the amount of \$65,334.00. Chairman Johnson asked what kind of guarantee was provided with this turbine? Mr. Hansen answered that it is a standard one year warranty.
- Hansen Allen & Luce for consulting services in the amount of \$10,179.54

Councilman Wardle moved to pay the stated invoices. Councilman Hansen seconded the motion. All members present voted, “Aye.”

13. Mayor’s Report

Mayor Dunlavy reported the following:

- The State Legislature will be in session soon and he will keep the Council informed of those items that will affect Tooele City
- He has met and is working with the Settlement Canyon Water people to address the runoff issue. They are working toward a resolution.

14. Adjourn to Discussion Items

Councilman Pruden moved to adjourn the meeting. Councilman Hansen seconded the motion. All members present voted, “Aye.” The meeting adjourned at 7:39 p.m.

Discussion Items:

1. Progress on Wastewater Treatment Plant

Presented by Paul Hansen

No minutes were taken on this item.

2. 1000 North Discussion

Presented by Paul Hansen

No minutes were taken on this item.

3. Kevin Russell and Lot 307 at the City’s Commercial Park

Presented by Roger Baker

No minutes were taken on this item.