

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, May 3, 2006
Time: 7:00 P.M.
Place: Tooele City Hall Large Conference Room Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Mike Johnson, Chair
Scott Wardle
John Hansen
Steve Pruden

City Council Member Excused:

Steve Bevan

City Employees Present:

Patrick Dunlavy, Mayor
Doug Bayly, Assistant City Attorney
Cary Campbell, Public Works Director
Glenn Caldwell, Finance Director
Karen Emery, Director of Library Services
Ron Kirby, Chief of Police
Paul Hansen, Contract City Engineer
Lisa Carpenter, Deputy Recorder and City Council Liaison
Richard Jorgensen, Land Use Technician
Casey Allie, Director of Parks and Recreation
Randy Sant, RDA Consultant

Minutes prepared by Andrea Cahoon

The meeting was called to order by Chairman Johnson at 7:00 p.m. Chairman Johnson excused Councilman Bevan from the meeting.

1. Pledge of Allegiance

The pledge of allegiance was led by Zach Jensen from Tooele High School.

2. Mayor's Community Recognition Awards

Presented by Mayor Dunlavy, Councilman Pruden and Milo Berry

Mayor Dunlavy acknowledged Councilman Pruden and Milo Berry for their work on this program. He thanked the parents and students for the good things they do.

Councilman Pruden said these awards are nominated by the teachers and principals at the schools. The awards were given to the following students:

Northlake Elementary: Justin VanBuren, Makaylie Bird
Harris Elementary: Jared Speck, Braunwin Douglas

Copper Canyon Elementary: Josh Church, Rebecca Jensen
Middle Canyon Elementary: Nathan Bruce, Sammy Boultrin
Overlake Elementary: Grace Morrison
West Elementary: Brandy Orr, Cole Cottrell
East Elementary: Ebony DuBois, Cash Summers

3. Tree City USA Recognition

Presented by Scott Zeidler

Mr. Zeidler thanked Tooele City for planting 700-800 trees and stated this was the first recognition for Tooele City as a Tree City U.S.A. He presented some road signs to place at the entrances of the city stating that Tooele has been recognized as a “Tree City” and also presented them with a Tree City flag to fly. He told them they would help them with planning, securing grants, and other things they may need. Councilman Pruden thanked Casey Allie for spearheading this. Mr. Allie said he was excited about this endeavor and thanked the Mayor and Council for their support.

Mayor Dunlavy thanked Scott Zeidler for coming out to present the award and wanted people to understand Tooele City’s commitment to this program. It is more important than ever to do this during this period of growth. He also thanked the Parks and Recreation Department and Mr. Allie.

Chairman Johnson welcomed a Boy Scout troop to the meeting. Jarrett Wilson introduced Scout Troop 1432 who was in attendance working on their Citizenship in the Community merit badge.

4. Open Forum for Public Comment

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

Barbara Barlow, 394 West 2nd South, representing the Arbor Day committee, informed the Council that usually Tree City U.S.A. presentations go along with Arbor Day celebrations. She was grateful the City had finally achieved Tree City U.S.A. status. She further informed them that Tooele City has a sesquicentennial park in Tooele and asked that the employees be made aware of its presence and location and that it be recognized.

Councilman Pruden moved to close the open forum. Councilman Hansen seconded the motion. All members present voted, “Aye.” The open forum closed at 7:22 p.m.

5. Presentation by Daughters of Utah Pioneers

Presented by Deborah Condie & Julie Merrill

Ms. Condie updated the Council on the progress made on the museum. She gave a presentation showing the old city hall and its evolution and restoration.

Ms. Merrill thanked Tooele City for their assistance and funding. She outlined the needed repairs they are trying to get completed and distributed a packet of information, a copy of which is included with these minutes as Exhibit A. Tooele County gave them a grant to do a new roof. A security system is their number one priority at this time. She asked the City to consider funding some of these repair items, and asked for \$45,000.00. The County gave them \$10,000 for the roof.

Mayor Dunlavy said they have expertise on staff that can help with the electrical and security systems. They may be able to address that immediately.

Councilman Wardle asked about the wood floor bid? Ms. Merrill said most of it can be refinished, only one part needs replaced. Councilman Pruden asked if they want to do this after the summer tourist season? Ms. Merrill answered, "Yes."

Councilman Pruden thanked the DUP and stated they had given the Mayor a beautiful crystal plate recognizing the City's contributions. Councilman Hansen said they may try to get the County to split this. Chairman Johnson said the County should step up more than that (the \$10,000) with a \$600,000 budget for tourism. Ms. Condie said they could use the help of an electrician. She also asked the Mayor if he would contact Kim Pyette to complete the preservation plan he said he would do. The Mayor said he would be happy to do that. Ms. Condie thanked the City for all of their support and the help from the staff and administration.

6. PUBLIC HEARING: Minor Subdivision Final Plat Containing Two Lots Totaling 151.15 Acres for WinField Academy at 1492 West 1930 South Zoned Open Space

Presented by Cary Campbell

Mr. Campbell said this is located at the very south end of the City limits. He showed the council on a plat map where lots one and two were located. The Academy will be on lot one. This is out of the City's area of service for sewer and water, but the Army has agreed to take care of that at this time.

Mathew Arbshay explained that this is a residential high school for kids who need help. These are not adjudicated kids. They are the children of affluent people who can afford \$7,000-8,000 per month to send their kids here. The high school will be built and will enroll 500 students. In phase one there will be 128 students and 173 employees. The minimum wage is \$15.00 per hour and they are professionals. The income of the employees in the first phase totals salaries of five million dollars per year.

Chairman Johnson stated this was a public hearing. No one came forward to address the issue.

Chairman Johnson asked if it is a lock down facility? Mr. Arbshay said the kids don't need to be locked down. There is one adult for every four kids at the school. Chairman Johnson asked about the type of kids that will be there and if this was a juvenile detention facility? Mr. Arbshay answered it is not a juvenile detention facility at all. When they went before the Planning Commission they gave a profile of the type of student that would be there, but he didn't have that tonight.

Councilman Pruden felt this was a good use of the property on the edge of town. Chairman Johnson said these types of facilities are needed, and this was a great place for it.

Councilman Pruden moved to close the public hearing. Councilman Wardle seconded the motion. All members present voted, "Aye." The public hearing closed at 7:53 p.m.

Councilman Wardle moved to approve the minor subdivision final plat. Councilman Hansen seconded the motion. All members present voted, "Aye."

Councilman Pruden asked Mr. Arbshay about the time line for the Central School Elementary project. Mr. Arbshay said they are at the finishing stages doing cabinets, tile, and finish work. They believe they will have it done by the end of June or middle of July. They hope to begin showings at the end of May. He invited them all to come and tour it.

7. **PUBLIC HEARING: Subdivision Final Plat Containing 2 Lots Totaling 3.12 Acres for the Walgreen's Location at 188 North Main Street Zoned Commercial**

Presented by Cary Campbell

Mr. Campbell said this building is going up extremely fast. They are asking to plat this area that was Quality Dodge into two lots. Lot one is the location of the Walgreens store and Lot 2 is for future development. The underlying old plat lines are still visible at the County's request. Councilman Pruden asked if we have any idea of what will go in on lot two? Mr. Campbell said they have brought several ideas to them, but it has not been determined yet. Chairman Johnson said this helps with revitalizing the downtown.

Chairman Johnson stated this was a public hearing.

Shane Winters, Hawkins Company in Boise, Idaho, was present representing Walgreens. Councilman Pruden asked when they would open? Mr. Winters said they plan to open in August, but at the rate they are pushing ahead it may be sooner. They do have interested parties in the second lot.

Councilman Hansen moved to close the public hearing. Councilman Wardle seconded the motion. All members present voted, "Aye." The public hearing closed at 7:58 p.m.

Councilman Hansen moved to approve the subdivision final plat for the two lots. Councilman Wardle seconded the motion. All members present voted, "Aye."

8. **Resolution 2006-14 A Resolution of the Tooele City Council Opposing Transport and Storage of Spent Nuclear Fuel in Tooele County**

Presented by Mayor Dunlavy

Mayor Dunlavy explained that this is an effort by the Council to support the opposition to the spent fuel rods being stored out on the west desert. Chairman Johnson said PFS plans to store spent nuclear rods out there and Tooele County has enough of that stuff. The BLM is looking at if they should grant a license for this, and we are opposed to it. We are asking the BLM to not allow this in Skull Valley. He encouraged anyone who felt the same way to make their comments known before the May 8, 2006 deadline. Councilman Pruden said that Senator Hatch advised him that everyone should send letters and really let them know how we feel.

Councilman Pruden moved to adopt Resolution 2006-14 opposing the transport and storage of spent nuclear fuel in Tooele County. Councilman Wardle seconded the motion. All members present voted, "Aye."

9. **Request for Waiver Under City Code 7-19-8 (2)(d)**

Presented by Mark Stevenson, Ludlow Engineering

Chairman Johnson stated that this was a request for a waiver of some of our building requirements.

Mr. Stevenson reported he met with the Department of Economic Development, and they asked that they develop 80 East completely including installing curb and gutter and sidewalk on both sides of the road, and the water and sewer lines. Their project is a storage unit facility that will have very little utility use. The frontage will be on 1280 North. They would like to improve the property adjacent to their property with a sidewalk, but were asking for an exception on doing that at 80 East. They talked to adjacent property owners to the west and they were not in favor of putting the curb and gutter in yet because there are vacant lots. Some of the other projects that have just been completed including the Budweiser plant and the strip mall to the west were only required to do half plus their side of the road. The improvements were there already. They would like to tap into those utilities and only improve their portion of the property.

Chairman Johnson said there is a good reason for our code requirements. We do have a provision for waiver, but he never heard any analysis from Mr. Stevenson about that. We have a provision to consider a waiver if it is a school, church, an employment generating or sales and property tax generating project. That is what our ordinance says we need to look at to grant a waiver.

Mr. Stevenson said he is not doing a subdivision. This is existing, but it was not improved. We purchased three lots and want to combine them. We are not creating a subdivision, just improving the lots.

Councilman Wardle said he disagreed with that. He read the following from the ordinance on how they can grant exceptions: "Those nonresidential developments consisting of a single building or group of buildings, the use of which will benefit the City while not unduly taxing City resources in providing City services." It then gives four reasons: "Employment generated by the proposed development, property and sales tax revenue generated; water supply demanded by the proposed development, and noncommercial and non-governmental services offered to be provided by the proposed development to Tooele City residents by not-for-profit organizations, e.g., churches, schools." He asked Mr. Stevenson how his business fit into those categories that would greatly benefit the City and should be granted the exception? Mr. Stevenson said it will greatly benefit the City with the tax base because of the storage units. Councilman Wardle asked how much of a tax base? Mr. Stevenson said they hadn't run an analysis on that yet. We have very little use on the utility system to justify us installing the utilities for the rest of the development. Councilman Wardle asked about storm water run off. Mr. Stevenson said the storm water would be retained on site. Councilman Hansen asked if they were having a detention pond? Mr. Stevenson said they haven't designed that yet, but they will have sumps and storm detention.

Mr. Stevenson said as they looked at the adjacent properties, none of them were required to do the full road improvements. Councilman Wardle asked if they were only being asked to do the improvements along 1280 North and 80 East? Mr. Stevenson said they want us to take these the entire length of our property (water, sewer, full road, curb & gutter both sides.) Councilman Wardle said we have asked that of every other developer. Mr. Stevenson responded, but it hasn't been done. Councilman Johnson said this ordinance has been in place since 1998. The Budweiser plant has been there for years. Mayor Dunlavy said they allowed them to not do curb and gutter at Leatherby's because it would have been an island. There was nothing to attach it to.

Chairman Johnson asked what exactly he was asking for? Mr. Stevenson said to not have to install curb, gutter, and sidewalk on the other side, and the water. Councilman Wardle added he was

asking to not have to take the sewer and storm water improvements down their entire property either. Chairman Johnson asked what authority we have to not make him install all of those improvements? Mayor Dunlavy said the administration feels the statute speaks for itself. It does give the Council some latitude.

Chairman Johnson said it seemed to him that this request would require an ordinance change. There is nothing in the statute that gives the Council the authority to do that. They can't not require water and sewer.

Councilman Hansen said he was concerned that the property owners on the other side of the street didn't want curb and gutter. Chairman Johnson said the purpose for the ordinance is so the City doesn't have the disintegration of the road. What the other property owners want is irrelevant as it is City property. Mr. Stevenson said if they put in the new road, other developments will have to cut that new road for their laterals.

Chairman Johnson asked Paul Hansen to address this. Mayor Dunlavy said the ordinance speaks for itself.

Councilman Wardle moved to deny the request for the waiver under City Code 7-19-8 for Stuart Bott and his development. Councilman Pruden seconded the motion. All members present voted, "Aye."

10. Minutes April 12, 2006 (Work Session) and April 19, 2006

Councilman Hansen moved to approve both sets of minutes as presented. Councilman Pruden seconded the motion. All members present voted, "Aye."

11. Invoices

Presented by Mayor Dunlavy

Mayor Dunlavy presented the following invoice for payment:

- Quality Chevrolet for a Colorado pick-up for the Parks and Recreation Department and an Impala for the Police Department in the amount of \$32,293.00

Councilman Pruden moved to approve the stated invoice. Councilman Hansen seconded the motion. All members present voted, "Aye."

12. Mayor's Report

Mayor Dunlavy reported the following:

- The Mayor had Paul Hansen make a presentation on the construction of the road between Oquirrh Avenue and Smelter Avenue. Mr. Hansen asked for permission to initiate a contract with UDOT and the design group for the construction engineering and construction management services. He has worked very closely with the consulting firm and UDOT to do this. The cost to get us through construction is \$94,400. The City must have a firm such as this to move ahead. It would not be advantageous to put it out to bid. He asked the Council for their authorization to put this contract in place. The Council told him to go ahead.
- Mayor Dunlavy invited the Council to the Cinco de Mayo celebration

- Reported that they are doing aggressive improvements on Main Street, removing old bulletin boards, and cleaning up the area downtown. There is a Boy Scout troop cleaning and planting the flower pots. The City is going to spruce up the grounds around City Hall with flowers and such. Chairman Johnson felt the library could use flowers too. Mayor Dunlavy said there is a Boy Scout working on his eagle project that is doing the flower beds at the library.

Councilman Pruden thanked the Mayor for the City's quick response to the graffiti problem. He appreciated Kathy Harris' work and quick response to cleaning it up.

13. Adjourn to Discussion Item to be Followed by a Closed Executive Session to Discuss Real Property Acquisition

Councilman Hansen moved to adjourn the meeting. Councilman Wardle seconded the motion. All members present voted, "Aye." The meeting adjourned at 8:22 p.m.

Discussion Item:

1. Smoke Free Tooele City Parks

Presented by Kim Clausing

No minutes were taken on this item.

Approved this 17 Day of May 2006

Michael Johnson, Chairman