

**Tooele City Council  
Business Meeting Minutes**

Date: Wednesday, June 21, 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 Bevan

Steve Pruden

**City Employees Present:**

Patrick Dunlavy, Mayor

Roger Baker, 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

Sharon Dawson, City Recorder

Lisa Carpenter, Deputy Recorder and City Council Liaison

Casey Allie, Director of Parks and Recreation

Randy Sant, RDA Consultant

Doug Redmond, Economic Development Specialist

Kami Perkins, Human Resource Director

Minutes prepared by Andrea Cahoon

The meeting was called to order by Chairman Johnson at 7:06 p.m.

**1. Pledge of Allegiance**

The pledge of allegiance was led by Mark Watson.

**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.

Douglas Leavitt, 752 E. 500 North, asked how the golf course was coming along?

Mr. Allie updated the Council and the public on the golf course progress. The project is on budget, and the entire golf course uses secondary water.

**Councilman Pruden moved to close the open forum.** Councilman Bevan seconded the motion. All members present voted, "Aye." The open forum closed at 7:12 p.m.

**3. Request by Gene Ekenstam for Funding for Archery & Shooting Facility Located South of Deseret Peak Complex**

Presented by Gene Ekenstam

Mr. Ekenstam stated that over the past 30 years he has been trying to build a public shooting facility. About one year ago he asked the County Commission about building a facility on the County's property. The County agreed, and they have the Utah National Guard contracted to construct the berm work. The National Guard will do the work next spring. They are looking at 50-60 acres, with two buildings. One is for hunter education and law enforcement training. The second building is an indoor archery facility. It can be used for family reunions, banquets, etc. The sportsmen in Tooele County generate lots of revenue. He stated they were asking Tooele City, Tooele County, and Grantsville City to participate financially. The County is putting up the land, but they need to raise money for the facility. John Hansen's son is the liaison. He asked the City to put \$100,000 into the facility.

Chairman Johnson asked who will own the facility? Mr. Ekenstam answered the County will own it. Councilman Pruden asked if we are allowed to fund things outside of the City limits? Mr. Baker said the question is, are we allowed to spend City money on facilities outside of the City? Chairman Johnson felt the proper way to approach this is to have the County approach us about funding, maintenance, and other issues and we would do an interlocal agreement. Mr. Ekenstam said Dennis Rockwell was supposed to come, but he couldn't make it. Chairman Johnson asked if the law enforcement personnel could use it free of charge? Mr. Ekenstam said they would have to work that out with County. He didn't see a problem. It would be a benefit. Chairman Johnson asked Chief Kirby if he had been approached? Chief Kirby said they have a pistol range they have a long term lease on. He has not spoken with the sheriff about this proposal.

Councilman Bevan felt it was a great idea, but they couldn't make a decision on this tonight. Chairman Johnson said if the County wanted to make a proposal the City would certainly consider it. Mr. Ekenstam said he would go back to the County and have them draft a proposal. Chairman Johnson said they should go to the Mayor and work with him. Councilman Wardle asked why the County is not choosing to fund this completely? It is a County facility, and they receive a lot of mitigation money. Chairman Johnson said our residents pay County property taxes as well as City property taxes. Tooele City residents would be hit twice. That is fine if there is some mutual benefit. Chairman Johnson said they would consider it, but they would need a lot more information. He proposed that the County Commissioners meet with Mayor Dunlavy.

**4. PUBLIC HEARING: Resolution 2006-19 A Resolution of the Tooele City Council Adopting the Final Budget for Tooele City for Fiscal Year 2006-2007**

Presented by Mayor Dunlavy

Mayor Dunlavy said they followed the statutory requirements and are presenting a balanced budget. It has been available for public review. There has been one change made from the tentative budget. In the Police Department they have a woman doing domestic violence work 25 hours per week. They want to increase her hours to 32 hours per week.

This budget contains no tax increases, and no fee increases. It increases the Police force by two police officers, increases the domestic violence position to full time hours, and provides for one full time Code Enforcement Officer.

Councilman Pruden thanked the Mayor for supporting the Council's desire for a Code Enforcement Officer. The Mayor agreed that the position will help.

Chairman Johnson asked the Mayor to outline some of the capital expenditures planned. Mayor Dunlavy said they are approving 1.6 million dollars for the roads. They are going to take a serious look at the roads because of the oil price increases. They are planning to finish Well #9, the England Acres well and tank, and drill a well at the rodeo grounds. Those are enterprise funds, not general fund monies.

Councilman Wardle said he appreciated the commitment to safety and helping the City look nice. Councilman Hansen appreciated the fact that the library went through the budget process unscathed. The library got everything they asked for. Councilman Bevan thought this was the first budget they didn't have to sit and hack out portions. Mayor Dunlavy said they are able to provide a 3% cost of living increase for the employees. He thanked the employees for their support. Chairman Johnson said the budget reflects the adjustments in pay for the police officers as well. Mayor Dunlavy said it was very difficult to recruit police officers because the starting salary was so low. This will help immensely.

Chairman Johnson stated that this was a public hearing.

Doug Leavitt, 752 E. 500 North, stated that he read in the paper that they ran out of funds to improve Droubay Road. He asked what they were going to do and if they were going to work on the road? The Mayor answered they are going to go from Oquirrh north. They will not be able to finish the road this year. They have an intersection that needs a storm drain system, and this road is still on the project list.

Dave Allred asked about code enforcement in the City. As a contractor he pays attention to the building going on in Tooele. One aggravation is the construction messes. He can't pull into his driveway without mud, gravel and other stuff. He asked if the Code Enforcement Officer would be in charge of enforcing that? Chairman Johnson said that would be the building inspector. Mayor Dunlavy said Cary's Campbell's department is working on getting that cleaned up. That effort will be supplemented by the Code Enforcement Officer. Chairman Johnson said if anyone sees a problem they can call the Building Department to report it. Councilman Hansen said they can call in anonymously to report problems. A lot of people suffer because they are afraid of the consequences. The problems need to be dealt with. Mr. Campbell said they have another inspector starting on July 3. They have not had time to get many of those issues taken care of because they are currently down one inspector.

Mayor Dunlavy said he would be remiss in not acknowledging the department heads in this budget process. He couldn't have done it without them.

**Councilman Pruden moved to close the public hearing.** Councilman Wardle seconded the motion. All members present voted, "Aye."

#### **5. Motion on Resolution 2006-19**

**Councilman Hansen moved to approve Resolution 2006-19.** Councilman Pruden seconded the motion. All members present voted, "Aye."

**6. Resolution 2006-20 A Resolution of the Tooele City Council Approving Budget Adjustments for Fiscal Year 2005-2006**

Presented by Glenn Caldwell

Mr. Caldwell explained that each year they have to adjust the budget at year end. He then outlined the adjustments that needed to be made before the end of the fiscal year.

**Councilman Wardle moved to approve Resolution 2006-20.** Councilman Hansen seconded the motion. All members present voted, "Aye."

**7. PUBLIC HEARING: Ordinance 2006-10 An Ordinance of the Tooele City Council Amending Tooele City Code §7-16-3, Table of Uses, Clarifying that the Treatment, Storage, and Disposal of Hazardous Materials within Tooele City is Prohibited**

Presented by Roger Baker

Mr. Baker said this ordinance is quite lengthy due to the procedural history and attachments of prior actions of the City Council. It is simply a clarification in the zoning regulations that the storage, treatment, and/or disposal of hazardous waste is prohibited in Tooele City. Chairman Johnson said he thought it already was. Mr. Baker said it was, and although they removed it from the Table of Uses, the definition remained in the zoning regulation. He recommended that the City Council add the use back into the Table of Uses and clearly specify that it is a prohibited use in all zones as opposed to not addressing it. This ordinance also captures storage for less than ten days, which is not considered to be storage in federal regulations. It is considered "in transit." Some people were of the opinion that the current regulation leaves a loop hole for in transit facilities. This closes that loop hole and says you can't get by the storage regulation by claiming that it is for a shorter period of time than ten days. It also introduces a couple of definitions and changes a couple of definitions so it is more clear.

Chairman Johnson stated that this was a public hearing.

Doug Leavitt asked what storage it was addressing? Would this pertain to lawn chemicals and household items? Chairman Johnson stated that this addresses hazardous waste is defined by Federal law. It did not apply to household chemicals.

**Councilman Hansen moved to close the public hearing.** Councilman Bevan seconded the motion. All members present voted, "Aye." The public hearing closed at 7:52 p.m.

**8. Motion on Ordinance 2006-10**

**Councilman Bevan moved to approve Ordinance 2006-10.** Councilman Hansen seconded the motion. All members present voted, "Aye."

**9. Resolution 2006-23 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with PriceWaterhouseCoopers LLP for Litigation Related Services**

Presented by Roger Baker

Mr. Baker explained that as the recitals of the resolution indicate we are at the point that it is

necessary to retain the services of an expert. The services are to illustrate partly the past costs we've incurred and the future costs we will incur when dealing with UID. The cost is not anticipated to exceed \$60,000. Chairman Johnson asked that they cap it at \$60,000.00. He felt Gil Miller would be the designated expert from PriceWaterhouse and stated he was very good to work with and there is nobody better. Mr. Baker said he is also a Kaysville City Council member which will provide the City with some additional value.

Councilman Pruden said it is sad that we have to spend so much money to defend against Grantsville. Mr. Baker said the money won't be spent all at once. It is a retainer and they will charge us as they complete their work.

**Councilman Pruden moved to approve Resolution 2006-23.** Councilman Wardle seconded the motion. All members present voted, "Aye."

**10. Resolution 2006-21 A Resolution of the Tooele City Council Appointing Roth 401K Provision to Tooele City Employees 401K Plan**

Presented by Kamela Perkins

Ms. Perkins said this is a resolution to formalize our Plan Trustee's decision to add the Roth 401k provision for employee's 401k allocations. It is newly approved and there is a ten-year approval on it. No funding is required, although it will require a little bit more administration on her end. We just need a resolution from the Council supporting our plan trustee's decision. Chairman Johnson asked why the Council is involved? Ms. Perkins said it is a requirement of John Hancock that the overseeing board of the agency put a resolution in their minutes that they support the plan trustee.

**Councilman Wardle moved to adopt Resolution 2006-21.** Councilman Bevan seconded the motion. All members present voted, "Aye."

**11. Resolution 2006-22 A Resolution of the Tooele City Council Appointing Plan Trustees and Plan Administrators for Tooele City Employee's 401K Plan**

Presented by Kamela Perkins

Ms. Perkins said when we make a change in our trustees, they are generally recommended and appointed by the other trustees. This is a formalization that John Hancock requires. Where we are a governmental agency, with Mayor Dunlavy becoming an elected official, it has been the policy of the plan trustees to not have elected officials serve as plan trustees to separate the responsibilities of the funding and those who have the authority to spend it. We have recommended that Sharon Dawson replace Patrick Dunlavy. She has accepted that appointment. We have also removed Gerald Webster from the administrative committee as he is no longer employed by the City.

**Councilman Pruden moved to adopt Resolution 2006-22.** Councilman Wardle seconded the motion. All members present voted, "Aye."

**12. Minutes June 7, 2006**

Chairman Johnson indicated that on page 1, in the last paragraph, the name is "Melanie Castagno." On page 3, item 7 he noted that it is "Judd" not Jody Peterson.

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

**13. Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoice for payment:

- Spectra Logic Corporation in the amount of \$10,695.00 to upgrade the City's servers

**Councilman Wardle moved to pay the stated invoice.** Councilman Pruden seconded the motion. All members present voted, "Aye."

**14. Mayor's Report**

Mayor Dunlavy reported the following:

- Met with Larry Miller last night, and he wants to be a good neighbor, and that includes Tooele City.
- 4<sup>th</sup> of July: the policy is to control candy distribution tighter. The candy can be distributed, but they need walkers to distribute it. It can be thrown from vehicles as long as a walker keeps the kids back a safe distance.
- He asked the Council to meet in a work session

Chairman Johnson said the Council received a letter from the Wasatch Front Regional Council. They have been creating a plan without input. The Council felt that Roger Baker should put together a letter stating their objections and that they do not support this plan. Mayor Dunlavy said he agreed. We are officially on the record as opposed to the plan at a meeting that was held at the courthouse. Chairman Johnson said he wanted a letter sent.

**15. Adjourn**

**Councilman Hansen moved to adjourn the meeting.** Councilman Wardle seconded the motion. All members present voted, "Aye." The meeting adjourned at 8:14 p.m.

Approved this 5<sup>th</sup> Day of July 2006

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Michael Johnson, Chairman