

**Joint Meeting of the Tooele City Council and
the Tooele City Redevelopment Agency
Business Meeting Minutes**

Date: Wednesday, December 6, 2006
Time: 7:00 P.M.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Mike Johnson, Chair
Scott Wardle
Steve Pruden
Steve Bevan

City Council Member Excused:

John Hansen

City Employees Present:

Patrick Dunlavy, Mayor
Roger Baker, City Attorney
Doug Bayly, Assistant City Attorney
Glenn Caldwell, Finance Director
Ron Kirby, Chief of Police
Cary Campbell, Director of Public Works
Doug Redmond, RDA Director
Sharon Dawson, City Recorder
Kami Perkins, Human Resource Director
Lisa Carpenter, Deputy Recorder and City Council Liaison
Casey Allie, Director of Parks and Recreation

Minutes prepared by Andrea Cahoon

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Dunlavy.

2. Mayor's Community Recognition Awards

Presented by Mayor Dunlavy, Councilman Pruden, and Milo Berry

Councilman Pruden explained that twice a month they recognize outstanding student citizens. He recognized Tyler Hansen, a student from Tooele High School, who was nominated last month, but could not be present at that meeting. The following students were awarded the Mayor's Community Recognition Awards:

Caitlyn Dixon, Overlake Elementary
Michael Greensides, Overlake Elementary
Kylee Searle, Overlake Elementary

Kirsten Asher, Overlake Elementary
Jarom Warburton, Overlake Elementary
Austen Rhalls, Overlake Elementary
Mikayla Beck, Northlake Elementary
Chelsea Manzanares, Northlake Elementary
Logan Shields, West Elementary
Gabrielle Bailey, West Elementary
Jonah Millner, Copper Canyon Elementary
Alexandria Martin, Copper Canyon Elementary

3. 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, addressed the issue of being towed from the vacant Albertson's parking lot without any warning. There are signs that say no one can park there overnight, or to sell their cars, but it doesn't say they can't park there at all and then people get towed. Mayor Dunlavy said that is private property and the City has no control over it, but they will make a call to the owner to ask him to make his posting more clear, or to be more lenient, but he can't promise that the towing will stop. Chairman Johnson felt that if the property owner doesn't want anyone parking there, he should barricade the parking lot. Ms. Beagley wondered how they were supposed to know that they can't park in a parking lot.

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

4. RDA Resolution 2006-05 A Resolution of the Redevelopment Agency of Tooele City, Utah, Authorizing the Mayor to Sign a Contract with Community Catalyst Consulting for the Purpose of Developing a Long-Term Strategic Plan for Downtown Revitalization

Presented by Doug Redmond

Mr. Redmond explained that in preparing to do a revitalization plan for the downtown area, they met with Bim Oliver of Community Catalyst Consulting who will do the plan for the City. The plan will be done in two parts. The first part is to develop the strategic plan, which will cost \$6,000. Three thousand dollars of that will be paid by an EDCU grant that has been secured. The remaining funds will come from the RDA budget. The second part is to create the implementation plan, and there is not an exact dollar amount for that plan, but the total for both plans will not exceed \$10,000. The second plan cost will be based on a per hour rate set forth in the contract.

Councilman Pruden moved to adopt RDA Resolution 2006-05. Councilman Bevan seconded the motion. All members present voted, "Aye."

5. Resolution 2006-43 A Resolution of the Tooele City Council to Accept the Completed Public Improvements of Sunset Estates Phase 1, A Residential Subdivision

Presented by Cary Campbell

Mr. Campbell explained that they were requesting that the public improvements in this subdivision be accepted and for the one year warranty period to begin. The developer has not completed the detention pond yet because he wants to make it larger and build it in conjunction with a couple of the other phases. By increasing the size of the detention pond they will be able to use it for more of a sports field and the staff supports this. Councilman Wardle asked if the bond will remain in place? Mr. Campbell said the bond will remain in place unless they change something.

Chairman Johnson said this development is part of the North Tooele City Special Service District (NTCSSD) and he would like to see something from their Board showing that they have accepted the public improvements. He stated he had contacted their chair, Melanie Hammer, to see if the Board had any issues and she stated they did not. Mr. Baker said they should have that opportunity at the time of the subdivision approval. Chairman Johnson said the NTCSSD should be able to make sure the amenities are there and acceptable that they will be maintaining. Mr. Baker didn't feel it was an appropriate delegation of City authority. They don't have any authority to inspect constructed public improvements. Their role is to examine the construction drawings to make sure the amenities are included. Chairman Johnson said he doesn't want them to inspect them per se, but for them to verify that the improvements are there and let them approve it. Mr. Baker felt that coordination is important at this stage so that the NTCSSD Board knows that the phase has been accepted and they are to begin maintaining the amenities.

Councilman Pruden asked if this is something that can be eyeballed, not inspected, just so the NTCSSD can verify that it is all there? Chairman Johnson stated that was all he was looking for.

Councilman Bevan moved to adopt Resolution 2006-43. Councilman Wardle seconded the motion. All members present voted, "Aye."

6. Presentation of Maximus Development Fee Report

Presented by Roger Baker

Mr. Baker explained that Maximus has undertaken a Development Fee Report for the City. The purpose of this study is to see if the fees being charged by the City to developers are covering the cost of providing those services rendered to the developers. The City's goal is to charge development fees that fully cover the costs of providing those development services, and not to generate revenue. He stated he was presenting a draft report for their approval.

The report found that the overall cost recovery rate was at 67%. It cost the City 1.33 million dollars to provide services and they collected \$897,000 for providing those services. We did not meet our goal of cost recovery. The main reason for the under recovery is that some fees are too low, including public improvement inspections, plat and site plan reviews, zone changes, master plan changes, variances, Board of Adjustment appeals, street cut permits, and the like. The Building Permit fees and Civil Inspection fees for public improvements are the two major fees collected. The cost recovery for those two combined main categories was at 94%. Building permits were slightly over at 103%, while civil inspections were under at 66%. The report does not recommend a new fee schedule, but gives us useful information to see if the given fees should be increased to achieve the goal of cost recovery. Mr. Baker suggested that this report be acknowledged by the Council as a completed report ready to be released to the public and that the Council begin to work with the administration to look at specific policy recommendations for changes in the current fee schedule.

Chairman Johnson said the practical effect is that the citizens are subsidizing development activities

in Tooele City. Mr. Baker said that was a correct statement. Our goal is to achieve cost recovery so we don't have development subsidized by the tax payers.

Councilman Wardle asked where our current fee structure sits compared to averages across the State? Mr. Baker responded that he had not researched that. He explained we will never achieve 100% cost recovery every year. Our goal is to have the fees come as close as possible to covering the costs as we can get.

Chairman Johnson verified that the Council is only being asked to adopt the report. We are not being asked to change the fees tonight. The recommendation is that the staff look into that further to see if we should raise some of those fees.

Councilman Bevan moved to adopt the report as presented and make it public. Councilman Pruden seconded the motion. Mr. Baker said the plan is not intended to set in stone what we should do, but to provide guidance for our future direction. Adopting it is not making it a hard and fast guide. "Accept" would be a more accurate word. Councilman Bevan modified his motion to include Mr. Baker's comments. Councilman Pruden seconded the motion. All members present voted, "Aye."

7. Resolution 2006-44 A Resolution of the Tooele City Council Awarding the Public Defender Contract to Frank T. Mohlman

Presented by Roger Baker

Mr. Baker informed the Council that currently Tooele City has a contract to provide legal services at a reduced cost to indigent persons charged with crimes. Those people are provided an attorney at no cost to them, but if they are convicted of the crime, the court requires them to pay some minimal recoupment back to the City to help defer some of the City's costs. The contract has been split three ways between Ron Elton, Scott Broadhead and Curt Morris. Ron Elton is terminating his portion of the contract as of January 1, 2007. The administration is recommending that they replace Ron Elton with Frank Mohlman.

Councilman Bevan asked if there could be a conflict since he is the City's hearing officer? Mr. Baker said it was very unlikely. The only way it could become such is if the person is charged civilly with a nuisance violation and also has criminal charges brought against them. With having three public defenders, if a conflict arises, the City can assign one of the other two attorneys.

Councilman Bevan moved to adopt Resolution 2006-44 accepting Frank Mohlman as one of the three public defenders. Councilman Pruden seconded the motion. All members present voted, "Aye."

8. Resolution 2006-45 A Resolution of the Tooele City Council Declaring its Intent to Create the Copper Canyon P.U.D. Special Service District

Presented by Doug Bayly

Mr. Bayly reported that the Copper Canyon Planned Unit Development received preliminary plat approval on October 4, 2006. The City also entered into a development agreement with Copper Canyon on February 15, 2006. This development may have as many as 494 single family residential units. He then recited the approximate boundaries to the Council. This development includes a

fairly large area with many amenities. The intent of this resolution is for the Council to declare its intent to form a special service district to undertake the maintenance of the amenities in this Planned Unit Development (PUD). This is very similar to the special service district in Overlake. It provides a way to allocate the cost of those amenities being maintained to those who enjoy the benefits of those amenities. It will require levying a tax to the home owners in the area. Chairman Johnson asked if the City Council will be the initial board until there are citizens living in the district to delegate to? Mr. Bayly said they can appoint a control board whether the people are living there or not. Chairman Johnson said there is no infrastructure yet, so there is nothing to maintain at this point.

Mr. Bayly said there are three steps to be taken in creating a special service district. They are as follows:

1. Declare the intent of the creation of the special service district
2. Hold a public hearing, which is scheduled for January 3, 2007, and there will be a resolution before the Council on January 3, 2007, to form the special service district.
3. Further proceedings thereafter which includes an election for the levying of taxes.

Chairman Johnson asked if Fieldstone owns all of the property that is in the proposed district? Mr. Bayly believed they do own all of the property. As part of the development agreement there is a clause that requires that this district be formed at Fieldstone's cost.

Mr. Bayly said they are investigating if an election is required where there is only one property owner and that property owner is under contract to form the district.

Councilman Wardle moved to adopt Resolution 2006-45. Councilman Bevan seconded the motion. All members present voted, "Aye."

9. Minutes November 15, 2006, Work Session and November 15, 2006, Business Meeting

Chairman Johnson stated that in the business meeting minutes of November 15, 2006, the gentleman who led the Pledge of Allegiance name was incorrect. His name is Race Warburton. He indicated that the minutes from the November 1, 2006, RDA meeting were also included to be considered.

Councilman Wardle moved to approve all three sets of minutes, with the one name correction included. Councilman Pruden seconded the motion. All members present voted, "Aye."

10. Invoices

Presented by Sharon Dawson

Ms. Dawson presented the following invoices:

- Harris Air for the installation of air conditioning in the server room in the amount of \$8,622. It was noted that this was a preapproval.
- Child's Enterprises in the amount of \$24,800 as partial payment for the reroofing of the Railroad Museum. The City is only making a partial payment because the reroofing job is only partially complete.
- Holme Roberts & Owen in the amount of \$26,238.18 for the October Tooele Associates lawsuit expenses

Councilman Pruden moved to pay the stated invoices. Councilman Bevan seconded the motion.

All members present voted, "Aye."

11. Mayor's Report

Mayor Dunlavy stated he had nothing to report at this time.

12. Adjourn

Councilman Bevan moved to adjourn the meeting. Councilman Pruden seconded the motion. All members present voted, "Aye." The meeting adjourned at 7:49 p.m.

Approved this 3 Day of January 2007

Michael Johnson, Chairman