

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, September 20, 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
Glenn Caldwell, Finance Director
Ron Kirby, Chief of Police
Sharon Dawson, City Recorder
Lisa Carpenter, Deputy Recorder and City Council Liaison
Rachelle Custer, City Planner
Paul Hansen, Contract City Engineer

Minutes prepared by Andrea Cahoon

The meeting was called to order by Chairman Johnson at 7:00 p.m.

1. Pledge of Allegiance

The pledge of allegiance was led by Jarom Heaps from the Youth City Council.

2. Mayor's Community Recognition Awards

Chairman Johnson stated that the Community Recognition Awards were not being given tonight.

3. Tooele City Youth Council to Introduce Themselves

Presented by Alison McCoy

Ms. McCoy, the Youth City Council Advisor, introduced Camber Stoddard, a member of the Youth Executive Council and Morgan Gates, Youth Mayor.

Ms. Stoddard introduced the members of the Youth Executive Council and City Council. Ms. Gates explained the projects they have planned for the coming year.

Ms. McCoy further explained they were helping with the Communities that Care Program and the Chamber of Commerce. In February they will hold the counterpart social where the City administration meets with the youth administration. Chairman

Johnson asked if there was anything else the Council and City could do for them? Ms. McCoy said they were doing very well, the youth just really want to know exactly what you (the City Council and Administration) do.

Councilman Bevan said he and Chairman Johnson had been on the Council so long that they recalled when Alison McCoy was the Mayor of the Youth City Council. He told the youth she was a great role model for them. Ms. McCoy thanked them for their support. Mayor Dunlavy thanked Alison for all of her work. He addressed the Youth City Council and told them that what you are doing shows what type of people you are and what type of adults you will become. Councilman Pruden noted that this was a volunteer group and he was impressed with the caliber of people they are. Ms. McCoy said the youth can take credit for everything—they do all of the work.

Chairman Johnson called for a five minute break to take a picture with the Youth City Council.

4. “Action for Autism” Presentation

Presented by Misty Ungricht

Ms. Ungricht stated she was the founder of Action 4 Autism. At their first meeting in June they had 16 people, at their last meeting they had 29 people attend. Their goal is to get more services for children with autism in Tooele. She explained what autism is and gave information to the Council about autism. Ms. Ungricht then showed a slide show of local children affected by autism in Tooele. She said it is a community problem that will affect our resources. We are just making you aware that we are here. We are looking at becoming a charitable nonprofit organization. Chairman Johnson said the City is not set up to deal with health issues at all. The County Health Department is the City’s health department. He asked if she had been in contact with them? She answered they had some contact with them, but she would look into it further. Councilman Wardle asked if they had worked with Valley Mental Health? Ms. Ungricht answered she didn’t know how much involvement they had with autism. Chairman Johnson said if she needed to get information out to the community, they could help her. He encouraged her to speak to Myron Bateman at the County Health Department.

5. Open Forum for Public Comment

Chairman Johnson invited anyone from the public who wished to address the Council to come forward and do so. No one came forward to address the Council.

Councilman Pruden moved to close the open forum. Councilman Wardle seconded the motion. All members present voted, “Aye.” The open forum closed at 7:31 p.m.

Chairman Johnson noticed there were students in the audience. He asked them what they were doing? The students responded that they were in attendance for a Civics class.

6. Resolution 2006-34 A Resolution of the City Council of Tooele City (The “Issuer”) Expressing an Intent to Reimburse Certain Qualified Expenditures with Proceeds of an Issue of Revenue Bonds to Finance the Acquisition, Construction, and Rehabilitation of a Multifamily Housing Apartment Project in an Aggregate Principal Amount Not to Exceed \$5,000,000; and Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transactions Contemplated by the Resolution; and Related Matters

Presented by Ballard Spahr Andrews & Ingersoll, LLP

Mr. Peterson addressed the Council and explained they were taking an important step toward the

Broadway Heritage Apartments off of Broadway Street. It is a combination affordable housing/ historic preservation project. We have chosen to use tax exempt housing revenue bonds. We have a structure in mind. He stated that last time he met with the Council he gave them a copy of his projected costs. He has updated that and the costs have gone up significantly. Even though the bonds are being issued by Tooele City, these bonds are not an obligation to the City and the City bears no liability for paying on the debt. The sole security of these bonds is the project itself. Chairman Johnson said the purpose of this is to help him get cheaper credit.

Mr. Peterson said the City issuing the bonds confers the benefit of tax exemption. That results in a significantly lower interest rate. You are not actually being asked tonight to authorize the issuance of the bonds themselves. This resolution allows me, the developer, to spend money on the project that can be reimbursed from the proceeds of the bonds. When we are ready to actually issue and close the bonds we will come back and will have actual numbers on both the debt and equity side. This is a resolution asking for up to five million dollars. The projected numbers for this project are four million dollars in bonds issued. The reason they are asking for more is because costs go up, numbers change, and if we breach the upper level we have to have another bond issue. He didn't anticipate issuing that many bonds, but it gives him a large cushion. The information he provided them included costs and revenue projections.

Chairman Johnson asked him to tell the public what the project is. Mr. Peterson said this is located in the Broadway Avenue part of town. It is in many ways a historic part of Tooele City. It was originally called "New Town" and was where immigrants settled to work in the mines. The anchor of this project is a building known as the Broadway Apartments building. It was built in 1911 and was magnificent when it was built. Chairman Johnson said it is the big red brick building in New Town. Mr. Peterson said the project consists of the Broadway Apartments as the northern anchor, then goes up the street across to the Hometown Grocery building and property surrounding. We will rehab the apartments into affordable housing and have commercial and retail on the ground floor. We will integrate the grocery store on the corner across the street and put more housing around that. We have a great deal of work to do. The project will consist of 56 units of housing. They are projecting one and two bedroom apartments, mostly two bedrooms.

Chairman Johnson asked if this was for low income or for seniors? Mr. Peterson said it is for families who make 60% or less of the median family income. They will build a park as well next to the Broadway Apartment building. Councilman Wardle asked when they would begin construction? Mr. Peterson said in the spring. Chairman Johnson said he thought it was a wonderful plan, and was an exciting addition. Councilman Bevan told the public that Mr. Peterson began working on this three years ago. We have known about it for quite a while.

Chairman Johnson said his only issue was on page 2 of the resolution it says, "After the meeting was duly called to order by the Mayor . . ." We need to amend it because the Council held the meeting and the Chairman called it to order. The attorney said he could make that change.

Councilman Pruden moved to pass Resolution 2006-34 as stated in the minutes. Councilman Hansen seconded the motion. All members present voted, "Aye."

7. **PUBLIC HEARING and MOTION for a Requested Subdivision Preliminary and Final Plat Approval for Canyon Cove Subdivision Containing 3 Lots on 1.57 Acres Located at Approximately 500 E Tamarack Zoned R1-12**

Presented by Rachelle Custer

Ms. Custer said this is a 3-lot subdivision located in the southeast portion of town. There is a large

subdivision to the east that has Tamarack running through it, and another large one to the west that has Meadows Drive. This is the empty field between the two of them. The road, when connected, will all become Tamarack. Due to the size of the subdivision we are asking for preliminary and final plat approval at the same time. The lot sizes do fit the requirements for R1-12. The developer will be required to follow all City ordinances including bringing water rights for the project. Both plats received a positive recommendation from the Planning Commission at the August 25, 2006 Planning Commission meeting.

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

Councilman Wardle moved to close the public hearing. Councilman Hansen seconded the motion. All members present voted, "Aye." The public hearing closed at 7:43 p.m.

Councilman Bevan moved to approve the preliminary and final plats for the Canyon Cove subdivision. Councilman Wardle seconded the motion. All members present voted, "Aye."

8. Resolution 2006-36 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with Elk Ridge Subdivision, Phase Four

Presented by Paul Hansen

Mr. Hansen said Mr. Campbell had asked to be excused so he would present this item. Mr. Hansen said when a new subdivision is approved they are required to post a bond to the City adequate to cover the construction of the public improvements plus a 20% contingency. The developers have one year to complete the improvements. This area is completed in terms of the public improvements. There are still items that we will be following for next year such as keeping the subdivision clean, replacing broken sidewalks, and items such as that. Based on the information from the City Civil Inspectors and his own personal review of the subdivision improvements we are recommending that you now begin the one year period. We still have 20% of that total bond in cash form that we will be holding for one year, and we will revisit it at the end of one year to make sure that the subdivision is okay.

Chairman Johnson asked if Paul Hansen personally makes sure that the items are okay? Mr. Hansen answered, "Yes." There have been some questions and issues in terms of aesthetics with the curb and gutter. As he reviewed it in accordance with City code, it is compliant. In his opinion if they ripped out that curb and gutter it would cause more damage to the roadway than the aesthetic imperfection there may be. As those lots are developed and the landscape is put in, the aesthetics problems disappear. It is not a life, health, safety issue and does not pose a trip hazard. It is in compliance with City standards. He would not bring it to them if he didn't feel it met the standards. Chairman Johnson asked if it was his practice to personally go out and inspect the improvements? Mr. Hansen answered, "Yes," after the civil inspectors have represented that it is complete.

Councilman Pruden moved to approve Resolution 2006-36. Councilman Wardle seconded the motion. All members present voted, "Aye."

9. Resolution 2006-37 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with Keen Eye Subdivision

Presented by Cary Campbell

Mr. Hansen said this is a two-lot subdivision on 700 South. Mrs. Johnson owned a lot large enough that she chose to split it into two lots to sell and build a separate home on it. This would start the one year warranty period and he personally inspected this and recommended that they accept this.

Councilman Wardle said as they did the required improvements they kept the public right of way clean and clear. Mr. Hansen said Mrs. Johnson has been the most professional developer they have had in Tooele in a long, long time. She has done a fantastic job.

Councilman Wardle moved to approve Resolution 2006-37. Councilman Hansen seconded the motion. All members present voted, "Aye."

10. Minutes September 6, 2006 (Work Session) and September 6, 2006

There were no corrections to the work session minutes. Councilman Johnson noted that in the business meeting minutes, page one, item two, first line "Johnson" should be spelled "Johnsen." On page 3, item five, fourth paragraph it should be "Schwanns man."

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

11. Invoices

Ms. Dawson presented the following invoices for payment:

- Holme Roberts & Owen in the amount of \$38,623.89 for legal fees in July 2006 for the Tooele Associates litigation.
- R.S. Contract Management in the amount of \$17,500 for the creation of the CDA for the Broadway area and the Capital Facilities Plan for UID

Chairman Johnson asked if we negotiate those amounts up front with Randy Sant? He stated Randy is excellent, but he couldn't recall that amount. Mayor Dunlavy said that was done a long time ago. We are in the process of renewing his contract right now. Chairman Johnson said he does an excellent job and is worth every penny, but when he does a special project I would like to know up front how much it will be.

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

12. Mayor's Report

Mayor Dunlavy invited Chief Kirby to present some information to the Council. Chief Kirby explained that James May in their department had encouraged them to apply for a grant to set up a forensic unit in the agency. They applied and were awarded a grant for \$82,000 which is renewable for the next two years. They will now be setting up a forensic unit and hiring a forensic investigator. The grant amount is for \$82,000 the first year, and they expect the same amount, but are not sure of the exact amount for the next two years. Councilman Wardle commended the Police Department for all of their work.

13. Adjourn

Councilman Pruden moved to adjourn. Councilman Bevan seconded the motion. All members present voted, "Aye," The meeting adjourned at 7:59 p.m.

Approved this 4 Day of October 2006

Michael Johnson, Chairman