

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, November 1, 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
John Hansen
Steve Pruden

City Council Member Excused:

Steve Bevan

City Employees Present:

Patrick Dunlavy, Mayor
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Ron Kirby, Chief of Police
Cary Campbell, Director of Public Works
Paul Hansen, Contract City Engineer
Sharon Dawson, City Recorder
Lisa Carpenter, Deputy Recorder and City Council Liaison
Casey Allie, Director of Parks and Recreation
Doug Redmond, Economic Development Specialist
Randy Sant, RDA Consultant

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 Milo Berry.

2. Mayor's Community Recognition Awards

Presented by Mayor Dunlavy, Councilman Pruden, and Milo Berry

Councilman Pruden introduced the Mayor's Community Recognition award winners and presented them with certificates, a pin, and Leatherby's Gift Certificates. The following were the award winners:

Shelby Allred, Copper Canyon Elementary
Cole Hamilton, West Elementary
Josh Rigby, East Elementary
Zachary Jeffers, East Elementary
Alicia Fadre, Tooele Junior High School

Danny Leakaha, Tooele Junior High School
Jonathon Lee, Tooele High School
Erin Christianson, Tooele High School

3. Open Forum for Public Comment

Chairman Johnson excused Steve Bevan from the meeting. He welcomed Boy Scout Troop 1607 who was working on their Citizenship in the Community merit badge.

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

Tracy Ann Johnson, 774 E. Clifford Drive, introduced herself as the PTA President at East Elementary, and addressed the issue of the lack of sidewalks on the hill along the east side of Seventh Street and down the south side of 200 South. There is also a vacant lot further down Seventh Street that has no sidewalks. Councilman Pruden said the lot was owned by the School District. She asked what she could do to get sidewalks along the streets? It was determined that the Mayor will do some preliminary work to coordinate with the property owners because they have some responsibility to do that and that Ms. Johnson should meet with him in two weeks to discuss the project further. Mr. Baker informed her that she should coordinate any volunteer efforts with the City Administration.

Councilman Pruden moved to close the open forum. Councilman Hansen seconded the motion. All members present voted, "Aye." The open forum closed at 7:18 p.m.

3. Tooele Valley Community Cooperative Presentation

Presented by Debbie Winn, Chair

Ms. Winn stated she was here on behalf of a non profit organization within the County, the Tooele Valley Community Cooperative. Their mission is to provide advocacy, and basic necessities to those individuals and families in crisis including relief for the poor, the distressed, or the under privileged. They have coordinated with the Tooele County Relief Services to hold a Housing Summit on Thursday Nov. 9, from 1-5 p.m. at St. Marguerites Church. At that meeting they will discuss low income housing and homeless issues. She invited them to come to discuss the issues and then toward the end of the summit there will be a panel discussion.

Chairman Johnson said that Scott Wardle will be attending. He also informed Ms. Winn that Habitat for Humanity has just formed a Tooele Chapter. Councilman Wardle thanked Ms. Winn for what they are doing

4. Boys & Girls Club Update

Presented by Darlene Dixon & LeAnn Saldivar

Ms. Saldivar introduced Darlene Dixon, and updated the Council on the Boys & Girls Club in Tooele. She stated their program is growing rapidly. They are working on marketing their programs, financial stability for their program, and expansion (taking better care of kids we have already.) She stated they would like representation on the Board of Directors from Tooele and would welcome a volunteer to be on that Board.

Ms. Dixon said the Boys & Girls Club have a national fine arts contest. The Tooele Club has participated for three years and had a state winner this past year. Michael Winshlag won and Ms. Dixon presented the winning photograph to the City in appreciation of their support of the Boys and Girls Club.

Ms. Dixon said they have 344 kids, and an average daily attendance of 71 children. They estimate they have served over 10,000 children this year. Chairman Johnson said many of the kids are at risk kids. Ms. Dixon said 68% of the kids live below the poverty level. They have just started running busses from the elementary schools to the club each day. She also explained other programs they are involved in.

Chairman Johnson thanked them for all of their work. Mayor Dunlavy expressed his thanks to Darlene Dixon and her staff.

5. PUBLIC HEARING & Motion to Amend the Tooele City General Plan Land Use Element Map to Change the Entire Light Industrial Area Located at 1200 North and 80 East to Commercial to Allow Future Rezone Requests of that Area to General Commercial

Presented by Cary Campbell

Mr. Campbell explained the location of the area and showed them it on a map. He stated a developer came in and had wanted to change the zoning to General Commercial. In order to do that, the City had to change the General Plan. He stated this item is Ordinance 2006-27. The Planning Commission and the City staff recommended approval. This would give anyone in this area who wished to change their zoning to General Commercial the opportunity to do so, however it does not change the zoning in the area. Chairman Johnson asked if anyone voiced any concerns about this? Mr. Campbell replied that one woman questioned the Planning Commission about it during the public hearing and when they explained that they were not rezoning the area, just allowing the property owners the opportunity to do so, she was okay with the proposal.

Chairman Johnson verified that the area will remain Light Industrial, but this action will make it easier to change the zoning to General Commercial if someone desires to do so by changing the master plan. Mr. Campbell stated that was correct.

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

Councilman Pruden moved to close the public hearing. Councilman Wardle seconded the motion. All members present voted, "Aye." The public hearing closed at 7:39 p.m.

Councilman Hansen moved to approve Ordinance 2006-27. Councilman Wardle seconded the motion. All members present voted, "Aye."

6. PUBLIC HEARING and Motion to Amend the Tooele City Zoning District Map for a One Acre Lot Located at 62 East 1280 North More Particularly Described as Lot 11 of the Flinders Industrial Park by Sky Properties Inc., Mathew Smoot

Presented by Cary Campbell

Mr. Campbell said this action is for the applicant that asked for the change to the general plan that was just granted. The property is located to the south of Leatherby's across the street and east of the car wash. The applicant would like to construct two buildings on the one acre lot. The Planning Commission and the City staff recommended approval. Chairman Johnson asked if this rezone effected any general City requirements such as water rights? Mr. Campbell said they have to provide water rights. The City is not changing any requirements for them, just the zone.

Chairman Johnson stated this was a public hearing.

Councilman Wardle said this use was more compatible with the area as a buffer. Chairman Johnson said he would rather see the area as commercial than Light Industrial since it is now in the middle of the City.

Councilman Pruden moved to close the public hearing. Councilman Hansen seconded the motion. All members present voted, "Aye." The public hearing closed at 7:42 p.m.

Mr. Campbell stated this is Ordinance 2006-28.

Councilman Hansen moved to approve Ordinance 2006-28. Councilman Pruden seconded the motion. All members present voted, "Aye."

7. **PUBLIC HEARING and Motion for Loma Vista Subdivision Final Plat Containing 72 Lots on 30 Acres Zoned R1-12 Located at 1300 East Skyline Drive by K. Delyn Yeates, Kaysville, Utah**

Presented by Cary Campbell

Mr. Campbell said the Loma Vista subdivision is the entire plat, and Tooele Heights is located in the lower left corner of the plat shown. Loma Vista consists of 72 lots. The Planning Commission thought that one of the proposed lots was too small, and so it was modified and Paul Hansen reviewed it and said the lots are now okay. The Planning Commission and City staff recommended approval. Mr. Campbell said they have began cutting for the streets for Tooele Heights.

Chairman Johnson said this preliminary plat was originally approved in 1997. He requested that the City consider an ordinance that once preliminary plat approval is granted the developer only has a certain amount of time to get the final plat brought forth and approved or the approval lapses. He stated he did not have any problem with this subdivision, but he could see potential problems caused by this. Mr. Baker said he agreed with Chairman Johnson and that is something they are preparing to bring to them for consideration.

Councilman Hansen asked if this will extend Droubay Road? Mr. Campbell said this development will complete a portion along the south end of Droubay Road which extends from Skyline Road. That road will be extended at some point, but the City is still trying to determine what path Droubay will take as it extends northward from this development in the future toward Vine street. The City has considered having it wind a bit so that it is not so steep as it approaches Vine Street.

Chairman Johnson noted a couple of errors on the plat. The signatures blocks had an issue and the plat says it is for 70 lots, and it actually contains 72 lots. He asked if they should sign it? Mr. Campbell told them not to sign it until it is changed. Chairman Johnson showed the developer the errors. The developer said they would get it taken care of. Chairman Johnson said they could

approve it tonight, and sign it later.

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

Councilman Pruden moved to close the public hearing. Councilman Hansen seconded the motion. All members present voted, "Aye." The public hearing closed at 7:49 p.m.

Councilman Wardle moved to approve the final plat with the following conditions:

1. **The Council will sign the plat when it is corrected.**
2. **A homeowner's association will be created to care for the double frontage lots OR the developer will provide man gates at the back side of all double frontage lots so that homeowners can maintain the back property.**

Councilman Pruden seconded the motion. All members present voted, "Aye."

8. PUBLIC HEARING and Motion for the Vacating and Resubdividing of Lot 2 of the Home Depot Subdivision into two New Lots to be Named Top Stop Subdivision, Lots 1A and 2A, Zoned General Commercial, Located at 2400 North Main Street by Butch Johnson

Presented by Cary Campbell

Mr. Campbell said this lot is located immediately east of the Home Depot, and south of 2400 North. The developer wishes to construct a Top Stop which is a gas station with a convenience store. The Planning Commission and City staff recommended approval. Chairman Johnson said the Planning Commission stated they want the Top Stop sign to be located on the Home Depot sign. Mr. Campbell said they also want the sign to be upgraded so it looks better because it is in the Gateway. The developer is required to bring water.

Chairman Johnson asked if there would be access to 2400 North? Mr. Campbell said they will be allowed to have access to 2400 North. If the City determines at some point in the future there needs to be a barrier installed at 2400 North, they will provide the money and the City will put the barrier in. Councilman Pruden asked if the colors were determined already? Mr. Campbell said the color scheme they presented was upgraded like a store they had built on the east side in Salt Lake.

Paul Hansen recalled that the City was not going to require the developer to place the funds with the City for the cost of a median on 2400 North. At this point there is no need for additional traffic control. That need will arise when additional development occurs. The City reserves the right to do the median and install additional traffic control. Mayor Dunlavy said when he met with them, they had also discussed what Mr. Hansen stated. If the City sees a need for safety reasons, they will require it. Chairman Johnson asked if the City could require it at their expense? Mayor Dunlavy said whoever is causing the additional traffic will be responsible. Chairman Johnson said if the City has a subdivision that wants to build west of Home Depot, it would be difficult to require them to go all the way to Main Street with a barrier. Mayor Dunlavy said the cost of the median is not very much. If it becomes necessary the City can take care of it.

Mr. Baker said 2400 North is designated as a limited access collector and medians are part of the Overlake Subdivision Development Agreement. It would be required as part of the Overlake Development.

Councilman Wardle asked if the City got the egress issues resolved with the development company?

Mr. Hansen said they provided the company two options in a letter. They could limit their deliveries to specific hours of the day, that the City will review and approve or they can come in from the 2200 North side and exit back out onto 2400 North. He has not received a response yet. Chairman Johnson asked if the City was doing the same thing with Maverick? Mr. Hansen said there will be a median required on 2000 North at SR-36 because they are the ones causing the additional traffic congestion at that location. There is not a need for a median based on the present development at the corner on 2400 North.

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

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

Councilman Wardle moved to approve the vacation and resubdivision as presented. Councilman Hansen seconded the motion. All members present voted, "Aye."

9. **PUBLIC HEARING and Motion on Final Plat Approval for UID Minor Subdivision No. 6, A One Lot Subdivision Consisting of 3.252 Acres Located on Alexander Drive and B Avenue by Deryl Davis**

Presented by Cary Campbell

Mr. Campbell said this is on the southern end of UID and is enclosed by roads on three sides. The Planning Commission and City staff recommended approval.

Chairman Johnson asked if there were any roads being dedicated to the City? Mr. Campbell said the City has not come to an agreement with UID concerning that yet. Paul Hansen said B Avenue is not a publicly dedicated right of way street. The staff will be bringing back to the Council a dedication plat for the streets, but this plat doesn't affect that. In terms of maintenance the development agreement between the RDA and UID is that there is some maintenance credit back and forth for certain roads and he believed this was one of them. These roads are already there.

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

Councilman Pruden moved to close the public hearing. Councilman Wardle seconded the motion. All members present voted, "Aye." The public hearing closed at 8:00 p.m.

Councilman Wardle moved to approve the UID minor subdivision No. 6, a one lot subdivision consisting of 3.252 acres located on Alexander Drive and B Avenue. Councilman Hansen seconded the motion. All members present voted, "Aye."

10. **Resolution 2006-41 A Resolution of the Tooele City Council to Accept the Public Improvements of the Lawrence Residence**

Presented by Paul Hansen

Mr. Hansen said when Tooele City approves a new subdivision they require bonds to be posted to cover the costs of all public improvements plus 20%. Based upon information provided by the City's inspector, and the recommendation of himself and the Public Works Director, he

recommended that they begin the one year warranty period for the Lawrence residence. There is some minor clean-up and items to be taken care of, but all improvements are in place. This action would start the one year warranty period and would hold the 20% portion of that bond throughout the warranty period.

Chairman Johnson said the inspector report is missing. Paul Hansen said they were representing to the Council that it is appropriate to begin the one year warranty period.

Councilman Pruden moved to approve Resolution 2006-41 accepting the public improvements for the Lawrence residence. Councilman Wardle seconded the motion. All members present voted, "Aye."

11. Resolution 2006-42 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Elk Ridge Subdivision, Phase Three

Presented by Paul Hansen

Mr. Hansen explained that this is a similar action to the previous item but for a larger development. This phase is for the completion of the final phase of the Elk Ridge subdivision. It is also ready to begin the one year warranty period. As the Council is aware there were several questions that the City has been working through over the past few months. The developer has replaced several hundred feet of sidewalk, done road improvements, repaired hydrants and raised them and done additional back filling. The City has 20% of the bond that they will hold for one year.

Chairman Johnson asked if they approved this how much money they would have left? Mr. Hansen said he could not recall an exact amount, but estimated it was approximately \$100,000. (The actual amount is \$62,836 as per Paul Hansen after the meeting.) Chairman Johnson asked if they are satisfied that the issues are resolved, and if any additional item needs to be resolved, they have the money to take care of it? Mr. Hansen said yes he was. There are items that are aesthetic, but the items all conform to the tolerances allowed by City code. We had them replace what we could require by law.

Councilman Wardle moved to approve Resolution 2006-42. Councilman Pruden seconded the motion. All members present voted, "Aye."

12. Minutes October 4, 2006 Work Session and October 4, 2006 Business Meeting

Chairman Johnson wanted to make sure that the developers and builders know what the new design standards are for single family dwellings. Mr. Campbell said they sent them to the contractors that have worked with the City in the past. They did not send them to the Realtors.

Councilman Pruden moved to approve the minutes from October 4, 2006, as presented. Councilman Hansen seconded the motion. All members present voted, "Aye."

13. Invoices

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Precision Control Services in the amount of \$11,463.25 to replace the heating unit at City

- Hall
- Traveler's Insurance in the amount of \$8,269.49 for an insurance claim
 - Clyde Snow Sessions and Swenson in the amount of \$38,411.11 for the Grantsville lawsuit charges in September
 - Holmes Roberts & Owen LLP in the amount of \$47,334.11 for the Tooele Associates lawsuit charges in September
 - Tooele County Daughters of the Utah Pioneers in the amount of \$19,762.75 for construction reimbursement
 - Price Waterhouse Coopers LLP in the amount of \$29,583.75 for legal charges for the Grantsville lawsuit in August and September

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

15. Mayor's Report

Mayor Dunlavy reported the following:

- The Downtown Alliance's Halloween activity was very successful. The number of people participating was staggering and he received many positive comments from the public. He thanked Councilman Pruden and Mr. Redmond for their work on this project.
- Mayor Dunlavy invited Chief Kirby to address the Council. Chief Kirby announced that Jeremy Wright has been named the Statewide High School Resource Officer of the Year. He stated he was very proud of him and that he does a wonderful job.

16. Adjourn

Councilman Pruden moved to adjourn the meeting. Councilman Hansen seconded the motion. All members present voted, "Aye." The meeting adjourned at 8:13 p.m.

Approved this 15th Day of November 2006

Michael Johnson, Chairman