

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, April 18, 2007
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Mike Johnson, Chair
Steve Bevan
John Hansen
Scott Wardle
Steve Pruden

City Employees Present:

Patrick Dunlavy, Mayor
Paul Hansen, Contract City Engineer
Richard Jorgensen, Land Use Technician
Rachelle Custer, City Planner
Glenn Caldwell, Finance Director
Cary Campbell, Public Works Director
Wayne Jones, Attorney

Minutes prepared by Elisa Jenkins

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 Chairman Johnson.

2. Mayor's Community Recognition Awards

Presented by Mayor Dunlavy and Councilman Pruden.

Councilman Pruden explained that the Council and Mayor recognize the youth of Tooele each month; the primary students are honored at the first meeting of the month and the secondary students are honored at the second meeting of the month. He then presented the Mayor's Community Recognition Awards to the following students:

Kaitlyn Fish, Clark Johnson Junior High
Braiden Fivas, Clark Johnson Junior High
MaryAnn Gebbs, Tooele Junior High

Cassandra Taggart, Tooele Junior High
Mason Summers, Tooele High School
Jessica Sindergard, Tooele High School
Jordan Lane, Tooele High School
Ryan Desins, Tooele High School

Mayor Dunlavy congratulated the students, their parents, and family members. He expressed that the youth in Tooele are very important and he appreciates their hard work in the community. He also stated that “Communities That Care” is a wonderful program.

3. Proclamation of Volunteer Week at the Library

Presented by Mayor Patrick Dunlavy

He reported that it is his privilege to present this proclamation to the council and the members of the community. The Library is such an important part of any community and Tooele has an exceptional one. The library staff is the best there is and they do an exceptional job. He wants to recognize the role that the volunteers have at the Library, they are very important. The Mayor then read the Proclamation. A copy of the proclamation is included with the minutes as Exhibit A.

Chairman Johnson recognized Karen Emrey in the audience, she is the Library Director, and he thanked her for her hard work.

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.

Rusty Fisher a representative from Macey’s Food & Drug addressed the Council. Macey’s would like to sponsor the 1st Annual Dutch Oven Chili Cook Off. She asked for the cities involvement. She has spoken with Councilman Pruden, which is the Liaison to the Downtown Alliance Board, regarding this event. Ms. Fisher would like smaller businesses and perhaps corporate business to get involved in this endeavor by donating money or products for prizes. The cook off will be held September 8, 2007, during the Fiddle Fest. The Transcript has agreed to put the winners in the paper. She would like the council members to be the judges. Ms. Fisher would like to meet with the council to teach them how to judge the contest. The Council recommends that Ms. Fisher continue to speak with Councilman Pruden regarding the cook off. She gave the council some flyers; the Mayor said he would set them out where people could see them.

Councilman Pruden moved to close the open forum. Councilman Wardle seconded the motion. All members present voted, “Aye”. The open forum closed at 7:25 p.m.

5. **Resolution 2007-21 A Resolution of the Tooele City Council Approving a Contract with Elisa Jenkins to Take minutes of City Meetings and Authorizing the Mayor to Sign the Same.**

Presented by Mayor Dunlavy

The mayor introduced Elisa Jenkins to the Council. The mayor reported that Andrea Cahoon has terminated her contract to take minutes at city meetings. The City Recorder has advertised the need for a qualified person to take minutes, has screened the applicants, the applicants provided sample minutes of two City meetings, and has selected Elisa Jenkins to take the minutes. The mayor recommended Elisa Jenkins to contract with the city to take the minutes of City meetings.

Councilman Bevan moved to approve Resolution 2007-21. Councilman Wardle seconded the motion. All members present voted, “Aye”.

6. **PUBLIC HEARING and MOTION on Ordinance 2007-11 an Ordinance of the Tooele City Council Vacating a Portion of a Dedicated Alley Right-of Way, Between Birch Street and Cedar Street.**

Presented by Rachelle Custer

Ms. Custer reported that Childs Enterprises has requested Tooele City vacate the portion of the alley adjoining their property. The only purpose of this alley is that water and sewer run through it. The property owners must allow access to all utilities that are in the alley. This will decrease the unkept weed problem posed by the alley. Councilman Pruden asked how deep the lines were in the alley. Ms. Custer was not sure. If the owners did anything it would have to be blue staked. Staff recommends approval with the condition that access be allowed to the utilities in the alley.

Councilman Pruden moved to close the public hearing. Councilman Wardle seconded the motion. All members present voted “Aye”. The Public Hearing closed at 7:28 p.m.

Councilman Pruden moved to approve Ordinance 2007-11. Councilman Wardle seconded the motion. All members present voted, “Aye”.

7. **Ordinance 2007-15 An Ordinance of the Tooele City Council Making Revisions to the Single Family Residential Design Guidelines**

Presented by Rachelle Custer

Mr. Johnson questioned the need for a public hearing on this matter.

Ms Custer reported that a public hearing was held during Planning Commission meeting on March 28, 2007.

The design change to section 7-11b-5 would allow an option for 35% masonry on all street facing exteriors. Right now 20% masonry on all exteriors of the building is required. This change came from the builders request to be more flexible. The builders do not feel it is necessary to have masonry on the side and rear elevations of the home. The provision of the same or nearly the same exterior design was taken out of the ordinance to help relieve work for the staff. Ms. Custer stated that most homeowners don't want to build the same house next to each other. This design is now left up to the developers and the CC&R's of that subdivision.

Councilman Wardle also stated that the amendment also adds a definition for depth on a garage.

Planning Commission made a 3-2 recommendation for approval on 4/11/07.

Councilman Wardle moved to approve Ordinance 2007-15. Councilman Pruden seconded the motion. Mr. Bevan opposed the motion. All other members present voted "Aye".

8. **Ordinance 2007-16 An Ordinance of the Tooele City Council Enacting Tooele City Code Chapter 8-15 Regulating Outdoor Smoking**

Presented by Chairman Mike Johnson

Chairman Johnson wanted to acknowledge Kathy Taylor and Kim Clausing, and all of those with the School District and the Health Department for all their time and efforts with this ordinance; this would not be on the agenda if it wasn't for their persistence. Chairman Johnson stated that he was sorry that this has taken so long, the council has been very cautious in moving forward, to make sure they have all the facts they needed. It was unclear if a city and governmental subdivisions of the state have the authority to make this ordinance. Now it is clear that they can. If this ordinance passes tonight smoking is prohibited within 25 feet of public playgrounds, play pits, sporting

areas, children and animal venues, gathering places, concession stands, and pathways. The exception is in 1) parking areas and 2) designated smoking areas and 3) outdoor portions of the golf course but not the clubhouse.

Kim Clausing with the Health Department addressed the council. She thanked the council for all they have done to help this ordinance get on the agenda. The council asked about signs. Ms. Clausing said when she applied for additional grant money. She asked for additional funding to help provide no smoking signs.

Councilman Wardle and Councilman Bevan stated that this is great for the community.

Councilman Bevan moved to approve Ordinance 2007-16 an ordinance of the Tooele City Council Enacting Tooele City Code Chapter 8-15 Regulating Outdoor Smoking. Councilman Pruden seconded the motion. All members present voted, "Aye".

Mayor Dunlavy thanked those involved with this ordinance and for being patient with the council.

Kathy Taylor addressed the council and thanked them on behalf of the children in Tooele; this is a great thing for the community.

9. **Resolution 2007-14 A Resolution of the Tooele City Council Appointing Tim Fullmer to the Administrative Control Board for the North Tooele City Special Service District**

Presented by Chairman Mike Johnson

Chairman Johnson reported that Tim Fullmer works for the city as the Tooele City Ordinance Enforcement Officer. The North Tooele City Special Service District advertised for this position. They reviewed the applications and they gave a recommendation that Tim Fullmer be appointed to this position.

Councilman Wardle moved to approve Resolution 2007-14 A Resolution of the Tooele City Council Appointing Tim Fullmer to the Administrative Control Board for the North Tooele City Special Service District as of April 18, 2007. Councilman Bevan seconded the motion. All members present voted "Aye."

10. **Ordinance 2007-08 An ordinance of the Tooele City Council Amending Tooele City Code Chapter 8-14 to Increase the No-Fault Claim Maximum Payments, to Require a Release, to Make Technical Corrections**

Presented by Wayne Jones

This is the second time this ordinance has come before the council. The last time it was presented the council was concerned that there were no aggregate limits set. This draft has addressed this issue. The limit has been set at \$100,000 per fiscal year. This amount was based on data that was gathered on payouts for utility claims, on an annual basis. The City Council has the discretion to budget additional funds in any given fiscal year by Resolution.

Chairman Johnson stated that he has had a discussion and worked on this with Mr. Baker and feels comfortable in approving.

Councilman Pruden moved to approve Ordinance 2007-08. Councilman Bevan seconded the motion. All members present voted, "Aye."

11. Minutes April 4, 2007 (Work Session); April 4, 2007 (City Council)

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

12. Invoices

Presented by Mayor Dunlavy

Mayor Dunlavy presented the following invoices:

- Clyde Snow Sessions & Swenson for Legal expenses in the amount of \$15,992.29.
- Holme Roberts & Owen LLP for Legal expenses in the amount of \$59,673.16.
- Holme Roberts & Owen LLP for Legal expenses in the amount of \$42,414.73.

Chairman Johnson stated that he has reviewed these invoices and they are two months worth. This is over the budget; he recommends to Mr. Caldwell that he presents a budget amendment to the council.

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

13. Mayor's Report

He reported that Councilman Pruden and he attended the Utah League of Cities conference in St. George. The theme was on the Health of Your

Community, and Personal Health. Some very beneficial information was given at the conference. They attended a break out sessions on Open Meetings.

Councilman Pruden stated that an attorney went down a list of things that should be done at open meetings, and some items that cities “cheat” on. He and the Mayor were surprised at what other cities were not doing, that they should be doing.

The Mayor reported that he feels that the Tooele City follows the rules for open meetings.

The Mayor stated that the highlight for him was hearing Presidential Candidate Michael Huckabee speak on the Health Care Crisis that is facing the nation. His presentation was very thought provoking.

He stated that overall the conference was very beneficial and he and Councilman Pruden gained a lot from being there. It was good to provoke ideas, and a wonderful occasion to interact with other Mayors and Councilman around the state. He learned a lot on how other cities do things. Tooele City does a good job. He also had a good lunch with the mayor of Grantsville.

Councilman Pruden asked the Mayor if he would acknowledge the Police Department.

Mayor Dunlavy wanted to thank the Police Department for all their hard work in the East Elementary investigation, they did a great job. There was a great article regarding this investigation in the Tooele Transcript on April 17, 2007. He stated that the Crime Lab is a great asset to the city. They are also doing a great job to help with the vandalism around the city.

14. Adjourn

Councilman Wardle moved to adjourn the meeting. Councilman Pruden seconded the motion. All members present voted, “Aye”. The meeting adjourned at 7:47 p.m.

Approved this 2nd day of May 2007

Michael Johnson, Chairman