

**Tooele City Council  
Business Meeting Minutes**

Date: Wednesday, May 2, 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  
Scott Wardle  
Steve Bevan  
Steve Pruden  
John Hansen

**City Employees Present:**

Patrick Dunlavy, Mayor  
Roger Baker, City Attorney  
Glen Caldwell, Finance Director  
Paul Hansen, Contract City Engineer  
Cary Campbell, Public Works Director  
Sharon Dawson, City Recorder  
Lisa Carpenter, Deputy Recorder/City Council Liaison  
Michelle Pitt, Mayor's Assistant  
Dan Olson, WWTP Supervisor  
Jim Morison  
John Chacon  
Terry Hulett  
Greg Mascarenas  
Ray Hullinger  
Matt McArthur

Minutes prepared by Elisa Jenkins

The meeting was called to order by Chairman Johnson at 7:01 p.m.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Councilman Bevan

**2. Recognition Award**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy reported that it is his privilege to present this award to an employee of Tooele City. This is a recognition award from the Utah Water Environmental

Association of Utah. The award is for the outstanding collection system operator in the state of Utah. That means this individual is number one in the state, which is a huge privilege and honor for the city as well as the employee. The Mayor is very proud to present this award to Jim Morison. This is a very competitive award, the standards are very high. Mr. Morison is a tremendous asset to Tooele; he always goes the extra mile. He congratulated Mr. Morison.

**3. A Proclamation for the Police Department Remembering Fallen Heroes**

Presented by Mayor Patrick Dunlavy

The Mayor reported that it is his privilege to present this proclamation in remembering fallen heroes. The Mayor read the Proclamation which is included in the minutes as Exhibit A.

He stated that this administration has strived to provide law enforcement with support and recognition which they deserve. The Mayor wanted to commend the officers, they do a tremendous job. They bring the best to this community. The Mayor will sign the Proclamation with great pride.

**4. Mayor's Community Recognition Awards**

Councilman Pruden explained that the Council and Mayor recognize the youth of Tooele each month; the elementary 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:

Jared Lane, Harris Elementary  
Jacob Vanderworken, West Elementary  
Jeannie Bule, West Elementary  
Samantha Montgomery, Overlake Elementary  
Jan Lee, Middle Canyon Elementary  
Cheyenne Thomas, Middle Canyon Elementary

Mayor Dunlavy wanted to say "Thank you" and congratulated the students. He stated that he loves to recognize the youth of Tooele. These are very special young people that go above and beyond. The Mayor wanted to thank the parents and family members for all their hard work. He also stated that "Communities That Care" is a wonderful program and thanked Milo Barry for his hard work.

**5. Open Forum for Public Comment**

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

Paul Pazel addressed the council. He works part time at the golf course. His neighbor called the dog catcher regarding his dogs being neglected. His dogs are not neglected; the issue is he has four dogs and code states that he is only allowed two. He wants to know what he can do to keep all four dogs. Two of his dogs are getting old, and probably won't be around much longer. His neighbor across the street has two goats and six chickens and nobody is bothering him. He would like to be allowed to keep his four dogs.

Chairman Johnson sympathizes with Mr. Pazel, but if the council amends the ordinance for Mr. Pazel to keep his dogs they would have to do it for everyone. If Mr. Pazel receives a citation he would recommend that he talk to the city attorney. The council does not foresee changing this ordinance.

Mr. Pazel thanked the council for their time.

Shawn Milne, addressed the council. He supports the dog ordinance, and would not recommend changing it. Mr. Milne would like to inform the council that the property in front of the Ixtapa Mexican Restaurant is becoming an eyesore, weeds are overgrown. The council mentioned that much of the property around this area is becoming an eyesore, behind Wingers and around the Wal-Mart Property. Mr. Milne would like to see the ordinance enforced in the Gateway area. Chairman Johnson asked Mr. Campbell to talk to inform Tim Fullmer about this issue.

Chairman Johnson welcomed Scout Troup 1085 to the meeting. He also welcomed Wesley Reed to the meeting who is working on a Civic Project for High School.

**Councilman Pruden moved to close the Open Forum.** Councilman Wardle seconded the motion. All members present voted "Aye." The Open Forum closed at 7:35 p.m.

## **6. Discussion on Water Rights**

Presented by Mayor Patrick Dunlavy

The mayor reported that he and the staff were asked to make a proposal that addresses water rights for existing single lot developments. He stated that there have been many challenges with the water supply over that last year and a half that the city has been working on resolving. He believes the city is in a situation now that these problems can be addressed in a much simpler way. He stated that the administration has tried to come up with something that is workable and manageable. It is so important that anything the city does that pertains to these types of utility services, must be consistent, legal, and must manage the community the best they can. There is need for single lot developments to have access to the required water rights; but it is difficult, water is so precious and so valuable that most water right owners don't want to sell. Right now under the policy, developers are allowed to purchase water right credits from the city in the amount of \$10,000. They are proposing the same premise be allowed for residential. This would allow the city to use this money to purchase additional water rights. This is why the

administration needs to be consistent with what the costs are currently. It should simply be stated that an individual can purchase a water right for acre-foot of water in Tooele valley for \$10,000. That is the initial amount that they are recommending. They are also recommending that administration look at this on a quarterly basis. This money would be separated from the budget to acquire new water rights. The mayor expressed his appreciation to Mr. Romero for bringing this issue to the cities attention; this was a problem that needed to be addressed. Mr. McKeller has also given important input in the matter. The mayor turned the time over to Mr. Hansen.

Mr. Hansen reported for the benefit of the audience that Tooele City Code Title 7 Chapter 26 allows the city to require water rights for all new development. The definition for new development is anything that increases the demand upon the cities infrastructure in terms of water demand. This policy will establish base criteria for what the water requirement is. There are two components to consider when looking at a new development 1) Indoor requirement – drinking water is to be .045 acre-foot of water per indoor connection. 2) State Engineer's Office requires that they have a water right equal to four-acre foot per acre for outside irrigation. These criteria's are dictated by the state. Mr. Hansen stated that they are recommending having one acre-foot for a 10,000 square foot lot. The administration is proposing in this policy, (it is a policy not an ordinance), that the city make some water right credits available, based upon a 10,000 square foot lot, if the lot is bigger the number would go up, if it is a smaller lot it would go down. The revenue funds would make it possible for the city to go out and secure water rights. These credits would only be valid with a valid building permit. If the city hits the 50 acre-foot limitation, they will come back to the council and re-evaluate and go from there. He wants the public to understand that water rights are very important to Tooele City, they are expensive and they are very hard for the city to locate. The city is making sure that their water assets are protected. He recommends this single lot development policy. He also recommends in regards to irrigation water, if someone has irrigation shares that the city be assured that the share is tied into the ground. The intent of this policy is not to have developers go out and purchase a lot of water rights. This is intended for single-lot developments.

Chairman Johnson asked how long the owner has to build before the water right credit expires and returns to the city. Mr. Hansen stated that building permits are valid as long as there is active work going on the building. If the building is stagnant with no progress for six months it would be considered void. The draft policy states that if someone applies for a credit and does not complete the building process, the city would refund the fee minus a \$100 administrative service charge. Chairman Johnson noted that the policy is from the effective date through June 30, 2008. Mr. Hansen stated that this is a policy and does not change city code.

Mr. Romero addressed the council. He thanked the council for getting this on the agenda, and working on this policy.

Mr. McKeller thanked Chairman Johnson for his great work on this policy; he feels that it has worked out well. He has met with Mr. Campbell, Ms. Custer, Mr. Baker and Mr. Caldwell; all the employees were very helpful. He is in favor of this policy.

Mr. Jed Hansen addressed the council. He owns two lots, one lot has his house with a culinary water meter, and the other lot has a culinary water meter on it. He has two separate meters. He wants to know if he needs water rights or if he already has water rights. Chairman Johnson stated that only if he subdivides his lot will he have to secure water rights. Mr. Clyde Hansen also addressed the council; he also wants to understand the water rights on his property. Mr. Paul Hansen asked both individuals to call or come in and meet with him so they can review their properties together. Mr. Paul Hansen can not answer questions until he looks at the specifics of their case.

Don Talmage addressed the council, he lives on Coleman. He has had a meter on his lot for twenty years. If he decides to build a house will he have to get water rights? The city built an intake on his property and they were not supposed to. The council can not answer that question right now. Chairman Johnson stated that he might need to secure water rights and he might not, he is not sure. Mr. Talmage wants the council to know if he has to secure water rights he will fight it. Paul Hansen asked Mr. Talmage to meet with him and discuss his situation.

Mayor Dunlavy told the council that administration feels that this proposal is workable. He feels that this proposal accomplishes what they were asked to do. They will continue to monitor and like anything if it needs changing they will change it. Administration will bring this back as a formal recommendation to the council.

Councilman Wardle thanked the administration for their cautious approach on this proposal.

7. **Minutes; April 18, 2007**

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

8. **Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoice:

- Clyde Snow Sessions & Swenson for legal expenses in the amount of \$8,223.88.

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

**9. Mayor's Report**

He told the council that the Cinco de Mayo Celebration is Saturday May 5, 2007 at 12:00 p.m. at Veterans Memorial Park.

National Day of Prayer is at the Veterans Memorial Park at 12:00 p.m. on May 9, 2007

The Mayor reported that things are going well.

**10. Adjourn**

Chairman Johnson asked Mr. Campbell about the lights at the Junior High, they haven't been working for a year. Mr. Campbell said that the contractor for the school district is supposed to be looking at this. Steve West is also working on it. Chairman Johnson asked Mr. Campbell to follow up on this he would like an e-mail stating what is being done to fix the problem.

**Councilman Pruden moved to adjourn the meeting.** Councilman Hansen seconded the motion. All members present voted, "Aye". The meeting adjourned at 8:10 p.m.

Approved this 16<sup>th</sup> day of May 2007

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Chairman Michael Johnson