

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

Date: Wednesday, February 21, 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 Pruden  
Steve Bevan  
John Hansen

**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  
Sharon Dawson, City Recorder  
Paul Hansen, Contract City Engineer  
Doug Bayly, Assistant City Attorney  
Lisa Carpenter, Deputy Recorder and City Council Liaison  
Rachelle Custer, City Planner

Minutes prepared by Andrea Cahoon

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

1. Pledge of Allegiance

Chairman Johnson stated that Andrea Cahoon was leaving them after being the minute taker for a number of years, and she did a wonderful job. He asked her to lead the Pledge of Allegiance. Ms. Cahoon did so.

2. Mayor's Community Youth Recognition Awards

Presented by Mayor Dunlavy, Councilman Pruden, and Milo Berry

Councilman Pruden explained that the Council recognizes secondary students who have been recommended by their teachers, administrators, or peers as super citizens at the second City Council meeting each month. He then presented the Mayor's Community Youth Recognition Awards to the following students:

Ashlyn Cahoon, Tooele Junior High School  
Shelby Mall, Clarke N. Johnsen Junior High School  
Chase Banks, Tooele High School  
Megan Pruden, Tooele High School

Stephanie Haynsworth, Tooele High School  
Cody Lopez, Tooele High School  
Jessica Jensen, Tooele High School  
Derek Holly, Tooele High School

Mayor Dunlavy congratulated the students, their parents, and family members for their accomplishments. Communities that Care is a wonderful program that helps the youth in this community. He stated they loved the opportunity to give these great kids some well deserved recognition.

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.

Vint DeGraw, 474 E. 740 North, asked the Council who owned the wigwam? His understanding was that it was the City's property leased to the Boy Scouts of America. Mayor Dunlavy responded that he was not sure if the City owned the property, but they do own all of the property around it. Mr. DeGraw felt it would be a prime spot for Eagle Scout projects. Mayor Dunlavy said he would check into it and let him know. Councilman Pruden said they get kids asking all of the time if there are places for Eagle projects.

**Councilman Pruden moved to close the open forum.** Councilman Wardle seconded the motion. All members present voted, "Aye." The open forum closed at 7:17 p.m.

4. Motion to Elect New City Council Chairman

**Councilman Pruden moved to elect Michael Johnson as the City Councilman Chairman.** Councilman Hansen seconded the motion. All members present voted, "Aye."

5. Motion to Elect New RDA Chairman and New RDA Vice Chairman

Chairman Johnson noted that this was a joint City Council and Redevelopment Agency meeting.

**Councilman Bevan moved to elect John Hansen as RDA chairman and Steve Pruden as RDA Vice Chairman.** Councilman Wardle seconded the motion. All members present voted, "Aye."

6. PUBLIC HEARING and Motion on Final Plat Approval for Eagle View Estates LDS Church Subdivision, a One Lot Subdivision Consisting of 4.97 Acres Located at 220 West 2200 North

Presented by Rachelle Custer

Ms. Custer explained that this looked familiar because it was brought before the City Council in 2005. It was approved at that time, but the applicants did not get it recorded within the one year time frame, so it needed to be reapproved. The plat has not changed. It is a one lot subdivision consisting of 4.97 acres located at 220 West 2200 North. Chairman Johnson asked if they are getting ready to build a church? Ms. Custer answered that was her understanding.

Chairman Johnson informed them that Steve Dale from the North Tooele City Special Service District (NTC SSD) had called him and asked that one of the conditions be that they need to do what the school district did and build the lights and street signs to the NTC SSD standards. He asked that be included in the approval. Councilman Pruden stated for the record that he and Scott Wardle both

work for the L.D.S. church. He recalled that the church did agree to all of those requirements at the first plat approval. Ms. Custer said the plat does have a block for the NTCSSD to sign off on.

Chairman Johnson stated this was a public hearing.

Paul Hansen clarified one item. The City intentionally had the school put in larger lights around the perimeter of the junior high school. Chairman Johnson said the size of the lights was not what they were concerned about. They just want the same style of light.

**Councilman Hansen moved to close the public hearing.** Councilman Wardle seconded the motion. All members present voted, "Aye." The public hearing closed at 7:21 p.m.

**Councilman Pruden moved to approve the final plat for the Eagle View Estates LDS Church subdivision located at 220 West and 2200 North.** Councilman Bevan seconded the motion. All members present voted, "Aye."

7. PUBLIC HEARING & RECOMMENDATION on Final Plat Approval for UID Minor Subdivision No. 8 a One Lot Subdivision Consisting of 16.743 Acres Located on K Avenue and Lodestone Way

Presented by Rachelle Custer

Ms. Custer said this minor subdivision is taking two lots and combining them into one. The subdivision is for less than ten lots, and there are no public road dedications, so it is a minor subdivision that goes straight to final plat. It is located at the corner of K Avenue, Lodestone Way and Jade Street. The access points will be from Lodestone Way and K Avenue. The Planning Commission forwarded it to the City Council with a favorable recommendation on January 24, 2007.

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 Bevan seconded the motion. All members present voted, "Aye." The public hearing closed at 7:22 p.m.

**Councilman Bevan moved to approve the final plat for the UID minor subdivision No. 8.** Councilman Hansen seconded the motion. All members present voted, "Aye."

8. PUBLIC HEARING & MOTION on Ordinance 2007-03 An Ordinance of the Tooele City Council Vacating a Portion of Berra Boulevard, a Dedicated Street Right of Way, Between 1910 North and Drysdale Way

Presented by Rachelle Custer

Ms. Custer stated that it has been requested by The Cove at Overlake that the City vacate this piece of property for their twin home development. When the road was installed, they narrowed it by 8 feet so the City has 18.5 feet of right of way instead of the normal 10.5 feet. It was determined by the developer when this was done that all of the parking would be contained on site and they wouldn't need the wide street for parking. The Cove has requested the extra eight feet, so they will be responsible for maintaining it and it will become part of their development. The PUD plat will still need to be approved. This just approves the ordinance to allow the vacation of the right of way. Chairman Johnson asked if their property will go right up to the curb? Ms. Custer said they will still have the sidewalk. It will be like any other subdivision. This just has an extra eight feet in the

right of way than most subdivisions because the road was narrowed by that much.

Chairman Johnson said he didn't have a problem with this, but there has been a lot of discussion as to what would be there. He knew the residents in Overlake highly favored the twin homes over what was going to be built there. He wanted to make sure that the City didn't vacate the eight feet of right of way and then have the developer change it back to condos. Ms. Custer said any development must come before them for approval. She understood that it was going to be twin homes with two story homes in the middle and single level homes around the outside. Councilman Wardle said the developer has gone to great lengths to address the concerns that the Overlake residents had voiced. Ms. Custer said it will be a very nice development.

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

**Councilman Bevan moved to close the public hearing.** Councilman Hansen seconded the motion. All members present vote, "Aye." The public hearing closed at 7:26 p.m.

**Councilman Hansen moved to approve Ordinance 2007-03.** Councilman Wardle seconded the motion. All members present voted, "Aye."

9. Resolution 2007-10 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with Cedar Crest Subdivision Phase 2

Presented by Paul Hansen

Mr. Hansen informed the Council that the developer has completed all of the public improvements required by the City Code and the City Council. He recommended to the Council that it was time to accept those improvements and commence the one year warranty period. This subdivision is located just north of 1000 North and 800 East.

**Councilman Wardle moved to approve Resolution 2007-10 accepting the completed public improvements associated with the Cedar Crest Subdivision Phase 2.** Councilman Pruden seconded the motion. All members present voted, "Aye."

10. Resolution 2007-09 A Resolution of the Tooele City Council to Accept the Completed Public Improvements for West Point Meadows Phase 3

Presented by Paul Hansen

Mr. Hansen said this is another resolution to accept public improvements. It is for phase three of the West Point Meadows development by the old sewer plant. He represented to the Council that it was time to accept the improvements and commence the one year warranty period. Chairman Johnson asked if Mr. Hansen personally inspects these improvements? Mr. Hansen stated that he reviews the inspection reports and drives through the Subdivision to make sure the improvements are in fact in.

**Councilman Hansen moved to approve Resolution 2007-09.** Councilman Pruden seconded the motion. All members present voted, "Aye."

11. Ordinance 2007-04 An Ordinance of the Tooele City Council Amending Tooele City Code Section 1-10-2 to Delete Superseded Police Chief Responsibility for Certain Prisoners Incarcerated at the Tooele County Jail

Presented by Douglas Bayly

At the invitation of Chairman Johnson, Mr. Bayly introduced his new wife, JoAnn Bayly, to the Council.

Mr. Bayly said this ordinance is designed to do some housekeeping. The current language in Tooele City Code Section 1.10.2 was last amended in 1988. As it stood, the Police Chief was to have care and custody of prisoners for violation of city ordinance. In 2000 the Utah code specifically stated that the County sheriff is responsible for all prisoners housed at the Tooele County Jail. The State Statute supercedes the language in the City's Ordinance, and the ordinance needs to be consistent with the State law. He recommended that they modify the language so the sheriff is responsible instead of the police chief.

Councilman Wardle asked if this answers the question about medical bills? Mr. Baker answered it does not. It is unrelated to the medical expenses for prisoners. This only speaks to the day to day costs to keep prisoners in the facility.

**Councilman Hansen moved to approve Ordinance 2007-04.** Councilman Pruden seconded the motion. All members present voted, "Aye."

12. PUBLIC HEARING & MOTION on Ordinance 2007-02 An Ordinance of the Tooele City Council Granting a Franchise Agreement of a Cable System in Tooele City

Presented by Douglas Bayly

Chairman Johnson stated this addresses a franchise agreement with Comcast Cable. Mr. Scott Dansie was present representing Comcast. Mr. Bayly stated that was correct. He then explained that Comcast's predecessor has held a franchise in Tooele City since at least 1991, and an agreement approved at that time was for a term of 15 years. That agreement expired December 31, 2006. They have negotiated a new franchise agreement with Comcast. There has been some discussion back and forth about changing terms. The agreement is for five years. There were some minor changes from the original language, and he summarized those changes in a memo to the Council today. He felt they had discussed this in work sessions enough that the Council understood the agreement.

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

Chairman Johnson said the only question he had was he moved to Overlake in 1998, and most people in that development have satellites because Comcast didn't get cable installed in that subdivision. He asked what the process was to get it there?

Mr. Dansie answered that generally Comcast has been more aggressive in getting into new subdivisions than their predecessor was. The City or the developer let them know so they can get the conduit to each subdivision. When the homes are in, they install the service. They will continue to do that throughout the City. They need to work with the City and the developers.

Chairman Johnson asked if Comcast signs off on the plat? He felt it was much easier to get the conduit in as the public improvements are being installed. Mr. Bayly said he spoke with the Public Works Department about that and Comcast is a signatory on the plat, just like the other utilities. They will have notice when those final plats are recorded. The provision in this agreement lays the responsibility on Comcast to communicate with the developer to know when the trenches are open for the installation.

Mr. Dansie said the cable business has changed greatly since the previous agreement was put into place. This broadens the franchise fee. Right now it is based on basic cable service. The proposed franchise broadens that to include every revenue for video service (but not internet). The rates are not going up, but the revenue is expanding so the City will see an increase.

Chairman Johnson asked whom they speak with about full use and benefit under the franchise agreement for public access. How do they get involved in that? Mr. Dansie said he would work with the City on that.

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

**Councilman Hansen moved to close the public hearing.** Councilman Wardle seconded the motion. All members present voted, "Aye." The public hearing closed at 7:38 p.m.

**Councilman Bevan moved to adopt Ordinance 2007-02.** Councilman Wardle seconded the motion. All members present voted, "Aye."

13. Resolution 2007-11 A Resolution of the Tooele City Council Approving an Agreement Styled "FATPOT Mapview, Mobile, and Records Management System 'RMS' License Agreement" with FATPOT Technologies, Inc.

Presented by Ron Kirby

Chief Kirby explained that FATPOT is an acronym that stands for, "For All the People of The World." This is a record management system that allows greater operability with other agencies in the County and State. He had spoken with the FATPOT representatives who brought forth a proposal. It will be paid for with Homeland Security funds. They may also use CSEPP funds when they become available. He met with the sheriff, and so had the Mayor. The sheriff agreed to commit all of this year's Homeland Securities Funds for this project. This records management system will allow them seamless interoperability between the Sheriff's Office, Tooele City Police, and Grantsville City Police. They will have the same records management system.

Councilman Pruden asked if this would just work among the three entities in this County or if it would go to Salt Lake too? Chief Kirby responded that he hoped it would include Wendover, and already includes a number of agencies. The State of Utah is on board with it, and about 125 agencies around the State use FATPOT products. It is widely used through the State. Councilman Pruden said he was asking for \$133,000? Mr. Kirby said that is it, but their annual service contract will increase from \$14,000 to \$23,300. He felt it was still a good deal because they were getting more for their money. Councilman Pruden asked if we get a discount because the Tooele County is on?

Chairman Johnson asked if what the Chief was saying is that he believed the County will fund the \$133,300? He thought they should approve it contingent on the County coming through since the City does not have this budgeted. Chief Kirby recommended that they just approve it because he has a commitment from Cary Sagers who has money available (CSEPP funds), the sheriff has committed all of the Homeland Security funds, and future funds if necessary. Chairman Johnson asked if the City was going to write a check? Chief Kirby said not necessarily. The sheriff has committed the Homeland Security funds which should come in time to fund it completely. The City should not have to write a check at all unless there is a snag.

Mayor Dunlavy said the worst case scenario is that the City could write a check in the short term, but he had spoken with the sheriff and they are totally committed. They are just waiting on the money to come in. If the City does pay for it, it will be for the short term.

**Councilman Hansen moved to approve Resolution 2007-11.** Councilman Pruden seconded the motion. Councilman Bevan asked what if it (the funding) doesn't go through? Will that upset the apple cart if we approve it on their money? Chief Kirby said if the money doesn't come through as quickly as we would like, we would not be able to buy it this year and we would lose the discount, and have to start over again.

Councilman Wardle asked if the Sheriff's Department was going through with it this year? Chief Kirby said yes. Councilman Wardle asked if they were helping Grantsville City as well? Chief Kirby said that was his understanding. He had met with Dan Johnson and the Sheriff agreed to work with them for Homeland Security Funds. If there are not enough funds this year, Grantsville may not be on until next year. This is not just for the police. This will be for fire and ambulance service as well. Ultimately an officer will be able to look at a map on the laptop and see where every emergency vehicle is in the County. That is just one component of the system. The State of Utah is ahead of other places around the country.

Councilman Wardle said last week's incident at Trolley Square was on this and they could coordinate on the same system and coordinate with other agencies. Chief Kirby said they are already on the same frequency for radio, this adds GPS, records management, etc. The officers will also be able to do their reports in the field, so the cars will be out more.

Councilman Bevan said he thought it was a great idea. He just was concerned that if the funding doesn't come through, does the City have the money to fund it? Chief Kirby said he didn't have it in his budget. He felt this was worthwhile, even if the City had to fund it. He can't promise the Homeland Security money will come through. Carrie Sagers has committed CSEPP funds over the next couple of years because this is something she has always wanted to do. She doesn't have the money right now.

Mayor Dunlavy said since 9-11, the Homeland Security was put together for a purpose. This is what the Homeland Security and emergency management funds are for. This is the first time, outside of buying equipment, he has seen the funds used for what they really need to be used for. This type of system brings everyone together so law enforcement and fire can do exactly what they need to do. A lot of money has been wasted in homeland security. This is what this was supposed to be all about.

Mayor Dunlavy said he has spoken with Glenn Caldwell, and if they didn't get the money, the City could fund it on a short term basis. He was comfortable that the City wouldn't have to fund it. Councilman Wardle asked if the County Commissioners were on board? Mayor Dunlavy said yes, and they know the amount of the Homeland Security funds. They are just waiting for it to be put in the bank.

All members present voted, "Aye," to the motion made previously approving Resolution 2007-11.

### **Additional Discussion on Ordinance 2007-02**

Mr. Bayly addressed the Council concerning Ordinance 2007-02, and stated that in speaking with Scott Dansie, in paragraph 2.6, the Ordinance was made effective retroactively to January 1, 2007. For business reasons, Comcast has requested that the effective date be April 1, 2007, instead of

January 1, 2007. In the interim, Comcast will operate as if the old agreement is still in place. Chairman Johnson said he had no problem with that.

**Councilman Wardle moved to adopt an amendment to Ordinance 2007-02 that changes the effective date from January 1, 2007, to April 1, 2007.** Councilman Hansen seconded the motion. All members present voted, "Aye."

14. Minutes February 7, 2007 Work Session and February 7, 2007 City Council

**Councilman Hansen moved to approve the minutes from February 7, 2007 as presented.** Councilman Wardle seconded the motion. All members present voted, "Aye."

Councilman Pruden then noticed that on page 3 from the City Council Business Meeting minutes, where they were discussing the bond for Conestoga Wood, in the public hearing the gentleman addressing them was Dan Martin, not Bim Oliver.

Mr. Baker asked that they approve the minutes from the 5:00 p.m. and the 6:00 p.m. meetings as well as the normal business meeting, for a total of three sets of minutes. One work session was closed, and another was open.

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

15. Invoices

Presented by Sharon Dawson

Ms. Dawson presented the following invoices:

- Price Waterhouse Coopers in the amount of \$12,257.50 for January 2007 Grantsville Litigation services. Councilman Pruden asked what they were doing for the City? Mr. Baker explained that Price Waterhouse is trying to determine all of the past hard and soft costs incurred by Tooele City and the Tooele RDA, to make that project happen. They are producing a product as an expert witness for outside counsel.
- Clyde Snow Sessions and Swenson in the amount of \$22,465.59 for the January 2007 Grantsville lawsuit

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

16. Mayor's Report

Mayor Dunlavy reported the following:

- He thanked Andrea Cahoon for the job she has done over the years. He stated she was a special individual who did a wonderful job and he hated to see her go.
- He thanked Suzanne from the Transcript Bulletin for her coverage on the State of the City Address
- He thanked the Fire and Police Department for the wonderful jobs they do and congratulated all of their award winners. He complimented Chief Kirby for the great job he does.
- He has wanted to foster cooperation between agencies including the County Commission and Grantsville City. The County asked Chief Kirby if our CSI would go out and help with an

incident this past week, and the Chief allowed that. Tooele City is the only agency in the County with that expertise. He complimented the Chief for getting the CSI department in place and allowing that department to help other agencies.

- Met with Jim Lawrence from the County and asked for continued cooperation on the wastewater treatment plant
- The school district has agreed to cooperate with the City when they build the new elementary school in the southwest part of town

Chairman Johnson asked Chris how the golf course was coming along? Chris responded that the new nine holes should be ready to go in mid May. Chairman Johnson asked Cary Campbell about the street lights at the Clarke Johnsen Junior High School and the Maverick? Mr. Campbell said Maverick has not received the fixture yet, although it has been ordered. The School District is still working on the transformer problem to get the lights working. Chairman Johnson asked Mr. Campbell to have Susan Howard e-mail that report to the NTCSSD to let them know what was going on.

### **17. Adjourn**

**Councilman Hansen moved to adjourn the meeting.** Councilman Pruden seconded the motion. All members present voted, "Aye." The meeting adjourned at 8:02 p.m.

Approved this 7th Day of March 2007

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Michael Johnson, Chairman