

**Tooele City Council
and
Tooele City Redevelopment Agency
Joint Business Meeting Minutes**

Date: Wednesday, March 7, 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
John Hansen

Excused:

Steve Bevan

City Employees Present:

Patrick Dunlavy, Mayor
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Sharon Dawson, City Recorder
Ron Kirby, Chief of Police
Cary Campbell, Director of Public Works
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 Lisa Carpenter

The meeting was called to order by Chairman Johnson at 7:02 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Erin Christensen, Student Body President of Tooele High School.

2. Mayor's Community Youth Recognition Awards

Presented by Mayor Dunlavy, Councilman Pruden, and Milo Berry

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

Lance Buck, Tooele Jr. High School
Maverick Searle, Clarke Johnson Jr. High School

Dustin Day, Copper Canyon Elementary
Jessica Miller, Copper Canyon Elementary
Jenica Heaton, West Elementary
Logan Pectol, West Elementary
Nicholas Gamble, East Elementary
Shawna Sheen, East Elementary

Mayor Dunlavy congratulated the students, their parents, and family members. He expressed that “Communities That Care” is a wonderful program to help the youth in this community. If you don’t know what the program is, please contact Milo Berry. We stress it a great deal in our community and support the program strongly.

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. No one came forward to address the Council.

Councilman John Hansen moved to close the open forum. Councilman Pruden seconded the motion. All members present voted, “Aye.”

4. PUBLIC HEARING and MOTION on Ordinance 2007-05 to change the General Plan Land Use Element for Approximately 148.53 Acres of Property Located at Approximately 1800 W Hwy 112 from Rural Residential to Industrial

Presented by Rachelle Custer

Ms. Custer informed the Council that there is a Non-conforming gravel pit to bring into compliance for a batch plant. It needs to be rezoned to Industrial. Councilman Johnson asked if it is Non-conforming, how can they expand? Roger Baker commented that in Utah case law, legal non-conforming gravel pits are treated differently than other legal non-conforming uses, in that they can expand within their boundaries but not outside the boundaries. Ms. Custer mentioned that they (the City) can require landscaping on SR-112 and through to 1000 north, as well. Councilman Pruden asked if they had resolved their water issues? Ms. Custer replied by saying that she wasn’t sure, but that they do have their own well on the property. Councilman Johnson was concerned about there being competition with UID, and houses/residential encroaching against the industrial property. Ms. Custer commented that right now the property is surrounded by RR-5 and that the Cleggs own the abutting property and want to go Industrial, as well. Councilman Pruden mentioned that the land was already scarred. Ms. Custer agreed that it is already set up for a gravel pit and batch plant, along with a gate. Councilman Wardle asked if the batch plant was able to expand to the South or develop for dirt or expand for batching? Ms. Custer replied that they could expand the property that they sit on. Councilman Johnson asked if they could run under the existing property? Ms. Custer answered by saying that they’ve lost their grandfathering for the batch plant 3 years ago. The Bauer Plant is always away but Grantsville can use this one. Councilman Pruden commented that the previous use limited the area. Councilman Wardle asked if there would be toxins in the air blowing toward residential areas? Roger Baker mentioned that this would raise the issue of a public nuisance. He said that the gravel pit had been there many years. This rezone would bring the property into a legal gravel pit, recognizing the past, current, and future nature of the property, and make it a legal use. The rezone is slightly bigger than necessary, but cannot be a batch plant now. Garry Bolinder (the applicant) stated that, Geneva Rock will buy 8 acres of that property. There are batch plants on State Street in Salt Lake City and toxins have not been a problem. It is not intrusive.

Councilman Wardle commented that it use to be this (a batch plant), but it lost its grandfathering ...the area is what it is (i.e., a gravel pit). We are just concerned about the property coming against it (i.e., adjacent to it). Councilman Johnson commented that it (i.e., the proximity of residential land) was a good reason not to have it (i.e., the batch plant). Will we have the whole area Industrial? Mayor Dunlavy commented that it is the right place, with the right use, let's bring it into compliance because it would be revenue for the City. There may be different demographics, but why can't they only rezone the 8 acres? Roger Baker (i.e., the batch plant) question that if they have a long-standing legal non-conforming use in the area, why not recognize what it is and make it legal? Mr. Bolinder commented that he is not building homes, but he will put in trees and clean it up to make it look nice. Councilman Wardle mentioned that they didn't have to rezone the property around it and that they don't have an obligation to continue Industrial to the North, East and South. Mr. Bolinder said that it is a good location and the route is better for cement trucks than going down Tooele's Main Street. Councilman Hansen agreed saying that the Coleman Street people would be happy right along with other streets. It would cut traffic in half. Councilman Wardle agreed that there is one Elementary School where kids cross the street and that he would be worried about the traffic in that area. Councilman Hansen thought it was a great place for it. Student Seth Clegg(grandson of the owner of the adjoining property stated) that it's not going to hurt anything. There is not a chance that the surrounding area North, East, and South will be residential without selling the property, which is slim because his grandfather owns it and won't let that happen. Dwayne Gwen (Representative from Geneva Rock) mentioned that the Bauer batch plant will go away and that they want to go strictly with this batch plant. It will be painted to match the surrounding buildings. There is a finished plant in Payson similar to this one , and another in Park City. They are willing to meet any landscaping requirements necessary. If this is the only use for this property then it will continue to be that way. Councilman Johnson asked if it would be an asphalt plant? Mr. Gwen answered no, that it would be very centralized and take traffic from Main Street. It would be very beneficial, economically beneficial to the City. Councilman Hansen commented that he liked that and that he was sure the Mayor did, too. He asked if they were going to keep mining rocks out of the Bauer Plant for landscaping? Mr. Gwen answered that he wasn't sure but thought it could be a gravel pit. Councilman Hansen thought that was a good idea.

Councilman Wardle moved to close the public hearing. Councilman Hansen seconded the motion. All members present voted, "Aye."

Councilman Pruden moved to approve Ordinance 2007-05. Councilman Wardle seconded the motion. All members present voted, "Aye," with the exception of Councilman Johnson voting, "Nay."

5. PUBLIC HEARING and MOTION on Ordinance 2007-06 to Change the Current Zoning on 148.53 Acres of Property Located at Approximately 1800 W Hwy 112 from Rural Residential 5 Acre Lots to Industrial.

Presented by Rachele Custer

Councilman Hansen moved to approve Ordinance 2007-06. Councilman Pruden seconded the motion. All members present voted, "Aye," with the exception of Councilman Johnson voting, "Nay."

Councilman Wardle recommended screening & landscaping as proposed to the Planning Commission.

6. **PUBLIC HEARING and MOTION on Final Plat Approval for UID Minor Subdivision No. 10 a One Lot Subdivision Consisting of .621 Acres for Lot 1001 Located at 485 South Brenda Place**

Presented by Rachelle Custer

Councilman Pruden moved to close the public hearing. Councilman Wardle seconded the motion. All members present voted, "Aye."

Councilman Pruden moved to approval for UID Minor Subdivision No. 10. Councilman Wardle seconded the motion. All members present voted, "Aye."

7. **Resolution 2007-12 A Resolution of the Tooele City Council to Accept the Completed Public Improvements for the Sasha Subdivision**

Presented by Paul Hansen

Mr. Hansen stated that this is located on the South East corner of Utah Avenue and Coleman. They would like to commence the 1 year warranty period and we will hold their 20% bond and revisit this in a year. Councilman Johnson asked if there is a tree bond? Mr. Hansen answered that there is no longer a tree bond. Roger Baker also commented that the builder pays a deposit at the time the building permit is issued, and that is paid then the homeowner receives a voucher and can use the voucher to redeem the deposit to be redeemed once their trees are in. Mr Hansen mentioned trees that have died in the past the voucher system addresses that issue.

Councilman Wardle moved to adopt Resolution 2007-12. Councilman Hansen seconded the motion. All members present voted, "Aye."

8. **Resolution 2007-06 A Resolution of the Tooele City Council Creating the Copper Canyon P.U.D. Special Service District**

Presented by Douglas Bayly

Mr. Bayly addressed the Council by stating that this is the third time this issue has come to the Council. Once on December 6, 2006 for Resolution 2006-45. On January 3, 2007 a hearing took place and we waited for comment and received none. At this point, Mr. Bayly proposed to adopt Resolution 2007-06 creating this Special Service District. Councilman Johnson asked if there was a tax issue? Mr. Bayly answered that there is taxation required by election along with a fee system through resolution. Councilman Johnson asked how many people it took to establish the tax? Roger Baker answered that he wasn't sure , there was no clear guidance in the statutes, but that they would give the Council a more definitive recommendation at a later time. Councilman Johnson asked if there would be certain specific ammenities that would be maintained? Burke Staker (with Fieldstone Homes) commented that it would be established in June or July of this year.

Councilman Bevan moved to adopt Resolution 2007-06. Councilman Pruden seconded the motion. All members present voted, "Aye."

Councilman Johnson stated that he wanted Mr. Bailey to be responsible and to establish the Special Service District. Mr. Bayly said he would and that he would wait until more people are moved in.

9. Minutes February 21, 2007 (Work Session); February 21, 2007 (City Council)

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

Mr. Hansen mentioned a correction on Item #10, Page 4 of 9 that states: "Chairman Johnson asked if Mr. Hansen personally inspects these improvements? Mr. Hansen responded that he does." Paul wanted to clarify that he reviews the inspection reports and drives through the Subdivision to make sure the improvements are in fact in.

10. Invoices

Presented by Sharon Dawson

Sharon Dawson presented the following invoices and pre-approvals:

- AG Truck for Dump body for 2003 International dump truck S/N 01602 in the amount of \$33,900.00
- Holme Roberts & Owen LLP for professional services in January 2007 for the Tooele Associates lawsuit in the amount of \$36,068.54
- RS Contract Management Services for Broadway CDA, 1000 North CDA, Draw for UID Facilities Plan, Balance for 2007 Lobbying Activities in the amount of \$22,000.00

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

11. Mayor's Report

Mayor Dunlavy had nothing to report and turned the time over to Randy Sant, RDA, to report:

Mr. Sant gave a Legislative update along with an RDA update on 1000 North.

Mayor Dunlavy acknowledged and thanked Mr. Sant for going to the Legislature and being aware of what is going on in Tooele. As he continues to do so, it will pay off for us in the long run.

12. Adjourn

Councilman Pruden moved to adjourn the meeting. Councilman Hansen seconded the motion. All members present voted, "Aye." The meeting adjourned at 8:12 p.m.

Approved this 21st day of March 2007

Michael Johnson, Chairman