

**Tooele City Council
Business Meeting Minutes**

Date: July 3, 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
Steve Pruden
John Hansen
Scott Wardle

City Employees Present:

Mayor Patrick Dunlavy
Sharon Dawson, City Recorder
Lisa Carpenter, Deputy Recorder/City Council Liaison
Roger Baker, City Attorney
Chief Kirby, Chief of Police
Cary Campbell, Public Works Director

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 conducted by Councilman Hansen.

2. Open Forum for Public Comment

Chairman Johnson invited anyone who wished to address the council to come forward.

Tom McCarthy, 430 S 300 W, addressed the council. Mr. McCarthy read in the paper that Tooele City has a two pet limit ordinance. He doesn't think this is fair. He would like to know why this ordinance was put in place and why Tooele City is now going to enforce the law.

Chairman Johnson responded to say that this law has been in effect for about ten years, which is before this council's term and the Mayor's term. They don't know why the ordinance states that only two pets are allowed. He stated that the city is trying to inform the public through an Information Campaign regarding the pet ordinances of Tooele City.

Mayor Dunlavy stated that the reason that the city is doing an Information Campaign is because dog bites are up in the city. They felt that the public needed to be aware of what the laws are. The city's main concern was for dogs that roam and residents who don't take care of their pets. They also informed the public of the two pet ordinance. It is not the city's intent to go to homes and count pets. The only reason that a resident would need to give up a pet is if someone made a complaint regarding the animal and an officer saw a concern. This ordinance needs to be looked at on a whole basis not just part of the ordinance. This ordinance was meant to be used as a tool in conjunction of a complaint. The city is not going to go out and try to enforce the two pet limits on residents. The city has been looking into this issue of what other cities are doing and also the spade and neutering ordinances.

Mr. McCarthy asked about cats that run free. The Mayor stated that cats would only be taken if there was a health concern and there was a complaint against the animal.

Chairman Johnson stated that the city has to have rules. They have to have a way to control problems that arise.

Dean Chamberlain, 1019 N. Paulous, addressed the council. He has addressed the council before regarding the two pet limit ordinance he would like to see it increased. He wanted to thank the council for their quick work on this issue. Mr. Paulous believes that there are bigger issues that Tooele City needs to be concerned with. He has noticed other concerns in Tooele such as loose dogs, vandalism and junky cars in people's yards.

The Mayor stated that an enforcement officer was hired one year ago and is working on getting around the city. He also stated that the city administration will make a recommendation to the City Council on July 18 regarding the pet ordinance; they have been working with Marcie Wicks and the Tooele Animal Outreach Program.

Chairman Johnson stated that the reason that the pet issue has come up is because the city was contacted by Tooele Animal Outreach Program to change the ordinance.

Carol Webb, 472 Pioneer, addressed the council. She is concerned about having to give up a pet because of the city ordinance. She feels like her questions have been answered at this meeting. The Mayor stated that there are different reasons that pets are taken away and each case is looked at on an individual basis.

Councilman Wardle encouraged the public to call the council members and leave messages. He stated that public input is important to the council

Councilman Bevan moved to close the public hearing. Councilman Hansen seconded the motion. All members present voted "Aye." The public hearing closed at 7:23 p.m.

3. **Resolution 2007-36 A Resolution of the Tooele City Council Approving an Amendment of Exhibit B to the Development Agreement for the Overlake Project Area Tooele City, Tooele County, Utah by and**

**Between: Tooele City, Utah and Tooele Associates, Limited Partnership,
a Washington Limited Partnership**

Presented by Roger Baker

Mr. Baker showed the council a slide of the current Exhibit B and the proposed amended Exhibit B. He stated that Mr. Drew Hall and Tooele Associates planning/design consultant, Ray Whitchurch has met with Tooele City staff to discuss the proposed amended Exhibit B and resolve the concerns and issues that were raised previously by the City. Those discussions resulted in this proposed amended Exhibit B (on the slide). The two Exhibits (current and proposed) are very similar. Some of the things that have been accomplished are road infrastructure has been re-aligned and the school sites have been adjusted in consultation with the school district. Most of the City's suggestions have been incorporated in the proposed amended Exhibit B.

Mr. Baker would like to raise for the council a few questions that need clarification from Mr. Hall. The proposed amended Exhibit B has a new multi family residential area in one area, while the current Exhibit B shows single family, which raises the question about the development plan densities. It also shows a new single-family zero-lot line area and a new mixed use area. The proposed amended Exhibit B shows additional parks that are not currently in Exhibit B. The development agreement specifically states that there will be 150 acres set aside for parks. He would like to summarize by saying to say that this proposed amended Exhibit B incorporates all issues that were addressed by Ms. Custer in her e-mail to Mr. Whitchurch, except the issues just raised. He would like the council to have clarification on these few issues.

Chairman Johnson asked if all bullet points in staff memo have been taken care of. Mr. Baker stated that they had. Chairman Johnson would like Mr. Hall to address the following questions 1) Are they adding or subtracting parks or just rearranging? 2) He would like clarification on the multi family issue and 3) if the council approves this proposed amended Exhibit B, will it be used against them in litigation by claiming that approving the proposed amended Exhibit B is inconsistent with the City's positions that Tooele Associates has materially breached the Development Agreement and that the City should be relieved of having to comply with its terms.

Mr. Drew Hall addressed the council. Mr. Hall stated that this is a concept plan. There are no changes to the density or any uses in the proposed amended Exhibit B. They are trying to preserve the concept plan and re-align some things. This is a concept plan and it is subject to evaluation and review. It is not their intent to change one acre of usage.

Councilman Wardle asked about the parks that have been added and asked if they are still planning to have a regional park.

Mr. Hall stated that they are considering a big regional park and possibly adding a recreation facility to compliment the park. They are not promising this but they are very

carefully considering this possibility. The facility would contain indoor baseball and golf capabilities. This will affect the north east section of the regional park ever so slightly.

Chairman Johnson stated that this is a concept plan and he understands that they are moving things around. What happens if they move things around and there is too much mixed use in one area? Mr. Drew Hall stated that he is happy to talk about concerns and he encourages people to call him or come to his office and talk to him. The only zoning approved on the map is highway commercial, multi-family, single-family, zero-lot. The zoning for the rest of the map is P. He has no interest in diminishing the value of the rest of his property. He is interested in keeping the value of his investment. This plan needs to be viewed as a concept plan. This does not change the DA. He is not changing acreage or density.

Chairman Johnson stated that Mr. Hall has answered the questions that the council needed to know. He asked to hear from Mr. Bruce Baird regarding the last question.

Mr. Baird stated that he doesn't think he's in a position to stipulate to anything. This proposed amended Exhibit B is simply to get Mr. Hall back into the development business. The City raised two concerns in approving new subdivision phases, which were Exhibit B and incomplete public improvements. They have now addressed the Exhibit B issues. Also, they now have the City's redlines on the public improvements, and while they have some disagreement with some of the items, they will be moving forward on the other items so that Mr. Hall can do his development. They have read the resolutions; they will continue to honor the development agreement during litigation. This is not litigation tactics. Mr. Hall wants to get back into the development business. There has been a favorable recommendation from the staff and the planning commission regarding proposed amended Exhibit B. They will continue to perform in good faith.

Chairman Johnson stated that he is comfortable in approving this resolution.

Mr. Baker stated that the development agreement refers to Exhibit B specifically as the Overlake Development Plan. It is more than a mere concept. The exhibit needs to be changed based on the development proposed by Tooele Associates. Exhibit B is the only document in the DA that gives guidance about zoning and use areas; it is in essence the zoning map for Overlake.

Councilman Wardle asked about the area in teal on the map the highway commercial use. He asked where it was shifted to. Mr. Baker pointed it out on the map.

Mr. Baker stated that this map is not intended to convey the exact acreage. It might be better to take the acreage off the map. Mr. Baird indicated that TA would stipulate to that.

Councilman Hansen stated that he is satisfied with this proposed amended Exhibit B. It will get Mr. Hall back to developing.

Councilman Hansen moved to approve Resolution 2007-36. Councilman Bevan seconded the motion. All members present voted “Aye.”

Mr. Baker stated he will prepare a one page or one paragraph amendment that will be attached to Exhibit B, which will be signed by both parties and incorporated into the DA.

4. **Resolution 2007-32 A Resolution of the Tooele City Council Adopting the Tooele City Reuse Project Plan, dated April 2006, prepared by Caldwell Richards & Sorensen, for the Reuse of Treated Wastewater.**

Presented by Roger Baker

Tooele City and the Tooele City Water Special Service District have acquired ownership of the secondary water infrastructure constructed by Tooele Associates. The deficiencies in the infrastructure have been repaired, as far as they have been identified, and they have tested portions of the system to make sure it works. The whole system hasn't been tested all at once yet. Caldwell Richards & Sorensen prepared a master plan for the city and it was submitted to the State of Utah and it has been accepted. The Division of Water Quality accepted and extended the previous approval to reuse water to residential irrigation.

Chairman Johnson asked about the letter dated October 11, 2006 for Type 1 Residential. He asked when this will be put into place.

Mayor Dunlavy stated that they are hoping for spring of next year for the parks and schools. They are continuing to work on residential.

Councilman Pruden moved to approve Resolution 2007-32. Councilman Wardle seconded the motion. All members present voted “Aye.”

5. **Resolution 2007-33 A Resolution of the Tooele City Council Approving a Professional Services Agreement with Lewis Young Robertson & Burningham to Prepare Updated Capital Facilities Plan and Impact Fees Analyses for Tooele City's Culinary Water and Sanitary Sewer Impact Fees.**

Presented by Mr. Baker

Tooele City's current culinary water and sanitary sewer capital facilities plans and impact fee analyses were prepared in 2000 by Hansen Allen & Luce (HAL). This is a formal procedure to have the culinary water and sanitary sewer capital facilities plans and impact fee analyses updated. The city administration recommends the firm of Lewis Young Robertson & Burningham (LYRB) to move forward with the updates, in conjunction with HAL. HAL will continue to provide engineering expertise, including modeling, and LYRB will add its financing expertise.

Chairman Johnson asked why they don't look at other impact fees.

Mr. Baker stated that the capital facilities plans and impact fees analyses will include Transportation Impact Fees, Parks Impact Fees, and Public Safety Impact Fees. He stated that he recommends looking at this every five years. Councilman Wardle asked if this will be brought back in 4-5 months. Mr. Baker stated that LYRB has held off pending this resolution and approval of the contracts.

Chairman Johnson asked if they will be factoring in Kennecott.

Mr. Baker stated that the Kennecott water rights don't factor directly into the water capital facilities plan and impact fee analysis because water rights are not included in those documents. However, the water sources the City is planning to develop in connection with the Kennecott water rights will factor into the capital facility plan.

Councilman Hansen moved to approve Resolution 2007-33. Councilman Bevan seconded the motion. All members present voted "Aye."

6. **Resolution 2007-34 A Resolution of the Tooele City Council Authorizing the Purchase of 12.4 Acres of Property Located on Skyline Drive for a Future Public Park.**

Presented by Mr. Baker

Mr. Baker stated that he is presenting to the council the purchase of 12.4 acres on Skyline Drive for a future public park. There is no park in the south east section of town. It is very important to this administration to provide that service to the residents of Tooele. This is the last and best opportunity to secure property for a public park. There is no other property that is not slated for development in this area. The purchase price was less than the appraised value.

Councilman Hansen stated that the city initially tried to purchase the property from Gary Griffith for a lesser price, but were unsuccessful. The property was eventually sold to McKay Development and the city had to pay a little higher price. He wanted to thank the Mayor for sticking with this, negotiating and getting this piece of property. This property is perfect for a park and will be great for the citizens.

Councilman Hansen moved to approve Resolution 2007-34. Councilman Bevan seconded the motion. All members present voted "Aye."

Chairman Johnson stated that he feels that this is a great move for the city. He asked if the council and administration could get together in August to discuss a Strategic Plan for parks in the city.

The Mayor stated that part of the analysis on impact fees is a five year capital financial plan. The Mayor stated that he is working on this now. When this is complete the council will know exactly the order of the projects to be worked on.

Councilman Wardle stated that he wanted to acknowledge Councilman Pruden and the Christensen family in making sure that the sale of this property happened. It is very important to preserve the open space in that area of town.

The mayor stated that he was a facilitator at the direction of the City Council. The funding will be through PAR taxes.

Councilman Pruden also thanked the Mayor.

Mr. Baker stated that the funding for this park will be through Park Impact Fees and PAR taxes. The city has been trying to acquire this property since 1999.

Mr. Baker stated that this does not affect the resolution, but the sale to Bowler Reality went through. The resolution recitals stated that it did not go through.

7. **Resolution 2007-35 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with TecServ, Inc. for Consulting Services and to Perform Computer Network Maintenance Activities for Tooele City.**

Presented by Sharon Dawson

Ms. Dawson stated that this resolution will authorize the Mayor to sign this contract with TecServ, Inc. The only change was that the price went up \$11 a month.

Councilman Bevan moved to approve Resolution 2007-35. Councilman Wardle seconded the motion. All members present voted "Aye."

8. **Minutes; June 13, 2007(Work Session) and June 20, 2007 (City Council)**

Councilman Wardle moved to approve the minutes of June 13, 2007 as presented. Councilman Pruden seconded the motion. All members present voted "Aye."

Councilman Bevan moved to approve the minutes of June 20, 2007 as presented. Councilman Pruden seconded the motion. All members present voted "Aye." Chairman Johnson abstained because he was not at the meeting.

9. **Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices:

- LECG, LLC for Lamb Litigation services rendered through April 30, 2007 in the amount of \$12,076.05
- LECG, LLC for Lamb Litigation services rendered through May 31, 2007 in the amount of \$31,433.43
- Clyde, Snow Sessions & Swenson for Lamb Engineering lawsuit May 2007 in the amount of \$17,158.04
- Quality Chevrolet for one Colorado Truck for Community Development in the amount of \$11,773.88.
- Quality Chevrolet for four Chevrolet Impala's for the police department in the amount of \$79,693.60.

Councilman Bevan moved to approve the state invoices. Councilman Wardle seconded the motion. All members present voted "Aye".

10. Mayor's Report

Mayor Dunlavy reported the following:

- He reminded the council of the 4th of July activities tomorrow.
- Friday - July 6 there will be a movie in the park.
- Saturday - July 7 is the Ty Herndon concert. Sales are low he hopes that they will pick up this week.

He wanted to thank the vision of the council in purchasing the property on Skyline Drive for a park. There is a need to preserve open space. He mentioned that on the north side of the park they want to put walking paths.

Chairman Johnson feels that Tooele City needs to do fireworks for the 4th of July. If there is competition with Grantsville and Deseret Peak maybe they could find a different night. The city should look at this for next year. The Mayor agrees with Chairman Johnson. He will begin to look into.

Chairman Johnson asked the mayor how the water situation is. The Mayor replied to say that like every other city in Utah there was no spring run off this year. Tooele residents are using too much water. Tooele is capable of providing inside water and water for landscaping if residents don't abuse. There may be some pressure problems. The water problems are usage problems not supply. He also stated that Well #9 should be on line in a few weeks.

Councilman Wardle asked if residents are watering when they shouldn't be. The Mayor replied that residents are watering too long and when they shouldn't be. Right now the water restrictions are voluntary but they might not stay that way if things keep going the way they are.

Councilman Pruden asked if it would be good to send the enforcement officer around on Sunday.

Councilman Bevan moved to adjourn the meeting. Councilman Hansen seconded the motion. All members present voted “Aye.” The meeting adjourned at 8:14 p.m.

Approved this 18th day of July, 2007

Chairman Mike Johnson