

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, September 5, 2007
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

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

City Employees Present:

Mayor Patrick Dunlavy
Glenn Caldwell, Finance Director
Lisa Carpenter, Deputy Recorder/ City Council Liaison
Paul Hansen, Contract City Engineer
Chief Kirby, Chief of Police
Cary Campbell, Public Works Director
Roger Baker, City Attorney
Rachelle Custer, City Planner
Terra Sherwood, Youth Program Director

Minutes prepared by Elisa Jenkins

The meeting was called to order by Chairman Bevan at 7:02 p.m. Chairman Bevan welcomed Boy Scout Troops 1432 and 153 to the meeting.

1. Pledge of Allegiance

The pledge of Allegiance was led by Brian Wilson from Boy Scout Troop 1432.

2. Open Forum for Public Comment

Mayor Dunlavy read a proclamation declaring September 9-15, 2007 as Family Week in Tooele City. (The proclamation is included in the minutes as Exhibit A.) He also acknowledged Terra Sherwood and her work in scheduling the activities for Family week. Mayor Dunlavy invited the public to participate in the activities. He asked Ms. Sherwood to tell the public what is planned for Family Week.

Ms. Sherwood stated that there are flyers located in the lobby for anyone interested. A Family Celebration will be held Monday, September 10th at the Veterans Memorial Park. Wednesday, September 12th there will be a Community Forum on Family

Communication at Tooele Junior High. Friday, September 14th there will be a Marriage seminar at the USU Extension Office and Saturday, and September 15th there will be a Family Splash at the Pratt Aquatic Center. They want to have a week where families can spend time together. Mayor Dunlavy thanked Ms. Sherwood for her hard work.

Chairman Bevan invited anyone with concerns to come forward and address the council. No one came forward.

Councilman Pruden moved to close the open forum. Councilman Hansen seconded the motion. All members present voted “Aye”. The public hearing closed at 7:08 p.m.

3. PUBLIC HEARING & MOTION on Preliminary & Final Plat Approval for Bolinder Subdivision, a 150.55 Acre Three Lot Subdivision Located at Approximately 1800 W Hwy 112.

Presented by Rachelle Custer

Ms. Custer reported that Bolinder Real Estate is requesting preliminary and final plat approval to subdivide their 150.55 acre property into three lots. Lot 3 is a 127.24 acre lot where the existing buildings and gravel pit are located, lot 1 is an 8 acre lot for the Geneva concrete plan and lot 2 is a 10 acre lot for future development. This area is zoned Industrial. Staff has received a letter from UDOT granting temporary access to all three lots. Planning Commission made a favorable recommendation on August 8, 2007. Staff recommends approval of the preliminary and final plan for Bolinder Subdivision.

Councilman Johnson noted in the Planning Commission minutes from August 8, 2007 that Mr. Hansen would like to include on the plat “Access to all lots will be permitted only upon written authorization by UDOT for access to SR-112, or upon review and approval by the Tooele City Public Works Director a competent transportation access/impact plan for these lots upon 1000 North and prepared at the expense of the developer of the property”. Councilman Johnson asked if Mr. Hansen would still like this wording to be included on the plat.

Mr. Hansen stated that he recommends that wording to be included on the plat. He also recommends including a deferral agreement with the developer for the completion of public improvements associated with 1000 North and the strip of road on the northern boundary. Because 1000 North is under design, the exact locations are yet to be determined so the alignments might change on the southern border. The road on the north doesn’t end or start anywhere at this time. There is no direct benefit to the city to require the developer to finish either of those roads until development occurs on the lots. Tooele City code does allow the council to allow the deferral with a recommendation by the City Engineer and Public Works Director.

Councilman Johnson asked Mr. Hansen to discuss the matter further. Mr. Hansen stated that this is a large piece of property. When property is subdivided under Tooele City Code it states that the developer is to fully construct the roadways that run within their

property. There are three principal roads on this property. There is one that runs on a diagonal that is a state highway. The future 1000 North will run along the southern boundary of Lot 2 and 3. There will also be a road that runs on the northern boundary of the property. The developer will dedicate at this time a 66 ft right-of-way for 1000 North. The city does not know how 1000 North will hook into SR112 at this time. If the 1000 North alignment changes the city could vacate the right-of-way that the city does not need and give it back to the owner. They are trying to protect their interests. There is also a 66 foot right of way on the north end of the property. It is Mr. Hansen's recommendation to the council that they allow the deferral of the public improvement on these lots until development occurs.

Chairman Johnson asked how the city makes sure that the obligation to finish the public improvements will be done.

Mr. Hansen stated that the developer will have to come back to the city for site plan approval. When the lots are developed that obligation is still there. He recommends making it part of the motion.

Mr. Bolinder addressed the council. He stated that is their intention to make the public improvements they just don't know where to put them yet.

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

Councilman Hansen moved to close the public hearing. Councilman Pruden seconded the motion. All members present voted "Aye". The public hearing closed at 7:15 p.m.

Councilman Wardle stated that he appreciated the discussions that he had with Mr. Bolinder. He also stated that depending on where 1000 North runs there could be a possible zone change in the future.

Councilman Johnson moved to approve the Preliminary and Final Plat for Bolinder Subdivision a 150.55 Acre Three Lot Subdivision located at approximately 1800 W Hwy 112, with the following conditions: 1) "Access to all lots will be permitted only upon written authorization by UDOT for access to SR-112, or upon review and approval by the Tooele City Public Works Director a competent transportation access/impact plan for these lots upon 1000 North and prepared at the expense of the developer of the property" be added to the plat and 2) The developer enters into an acceptable deferral agreement in respect to the road on the northern boundary and the road on the southern boundary of the property. Councilman Pruden seconded the motion. All members present voted "Aye".

4. **PUBLIC HEARING & MOTION on Final Plat Approval for Hawthorne House Subdivision, a Two Lot 7.45 Acre Subdivision at Three O'Clock Drive and Main Street.**

Presented by Rachelle Custer

Ms. Custer reported that the purpose of this subdivision is to dedicate Three O'Clock Drive to Tooele City. When this was constructed by the previous developer this portion was not dedicated. This subdivision will create a lot on either side of Three O'Clock Drive. The zoning in this area is Neighborhood Commercial. Staff recommends approval of the final plat for Hawthorne House subdivision. Planning Commission made a favorable recommendation on August 8, 2007.

Councilman Pruden asked if there are storage units going on one of these lots. Ms. Custer stated that there was some discussion in pre-development on storage units that would require a re-zone.

Ms. Custer also stated that they would like to defer public improvements on Three O'Clock Drive until Hawthorne subdivision is developed.

Mr. Hansen stated the purpose of this subdivision is to dedicate Three O'Clock Drive to Tooele City. He recommends deferring public improvements until Hawthorne subdivision is developed.

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

Councilman Pruden 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 Wardle moved to approve the Final Plat for Hawthorne House Subdivision a Two Lot 7.45 Acre Subdivision at Three O'Clock Drive and Main Street with the condition that the developer enters a deferral agreement with the city to complete the public improvements when developed. Councilman Hansen seconded the motion. All members present voted "Aye".

5. **PUBLIC HEARING & MOTION on Ordinance 2007-23 Assigning the General Commercial (GC) Zoning District to Land Owned by NETTBETT LLC, Located West of SR-36 and South of the Future 1000 North.**

Presented by Rachelle Custer

Ms. Custer reported that this ordinance has been recommended by city staff and administration to change the current zoning which is Light Industrial to General Commercial. The General Commercial zoning is consistent with the Tooele City General Land Use Plan and is consistent with the uses in adjoining areas. General Commercial is a better fit for the area.

Councilman Johnson stated that this is a favorable re-zone. He stated that the General Land Use Plan is about nine years old. He suggests looking at the plan within the next few months to see if any changes need to be made.

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

Councilman Pruden moved to close the public hearing. Councilman Wardle seconded the motion. All members present voted “Aye”. The public hearing closed at 7:24 p.m.

Councilman Johnson moved to approve ordinance 2007-23. Councilman Pruden seconded the motion. All members present voted “Aye.”

6. **Resolution 2007-47 A Resolution of the Tooele City Council Ratifying the Execution of a General Service Contract by the Mayor with Rocky Mountain Power.**

Presented by Douglas Bayly

Mr. Bayly reported that they are asking the council to ratify a contract that the mayor has already signed with Rocky Mountain Power. Tooele City has approved the Canyon Rim subdivision and the approved plans include installation of a pump as part of the water delivery system to the subdivision. The pump will become part of the City’s infrastructure upon the City’s acceptance of the subdivision’s public improvements. The developer approached Rocky Mountain Power to bring the power to the pump; they were unwilling to extend its line to provide power to the pump until the City entered into a General Service Contract. The developer will pay the city the present value of certain minimum monthly amounts the City would be obligated to pay Rocky Mountain Power for a period of five years after execution of the contract. The rates proposed are consistent with schedule six. The developer has paid the City the amount requested.

Councilman Pruden asked about #3 the last sentence says the customer is responsible for requesting a refund. Mr. Bayly stated that the first sentence states that the customer is eligible for \$0.00 in refunds. It is canceled out.

Councilman Pruden also asked about #8 regarding underground facilities. This is the City’s responsibility. Mr. Bayly stated that this is mostly an above ground facility.

Councilman Johnson wants to know why the city is helping to pay for this.

Mr. Hansen stated that this goes back to the booster pump station. This station serves this development and serves the city as a secondary water source and will become part of the City’s infrastructure. Titan Development is paying 1/3 of the cost, Patterson Homes is paying 1/3 and the city is paying about 1/3. Right now the contractor has paid all the costs the city hasn’t paid anything yet.

Councilman Hansen moved to approve Resolution 2007-47. Councilman Wardle seconded the motion. All members present voted “Aye”.

7. Minutes – August 15, 2007

Councilman Hansen moved to approve the minutes as presented. Councilman Wardle seconded the motion. All members present voted “Aye”.

Councilman Johnson abstained from voting because he was not in attendance at the meeting.

8. Invoices

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy presented the following invoices:

- Engineered Fluid, Inc. for water-shed booster pump station – Little Mountain Estates in the amount of \$333,537.00
- Pricewaterhouse Coopers for Grantsville litigation professional services for July 2007 in the amount of \$66,922.13.
- CEM Aquatics for two 4,300 Gallon tanks plus freight in the amount of \$10,776.42.
- Broken Arrow for roofing project for Dow James Building in the amount of \$31,830.00.
- Office Dept for 75 folding tables and 30 stacking chairs in the amount of \$10,800.60.
- Rotational Molding for pre-approval for garbage cans in the amount of \$70,000.00.
- Clyde, Snow Sessions & Swenson for July legal fees for Grantsville Litigation in the amount of \$27,664.01.

Councilman Wardle commented that the council also had an invoice for Great Western Parks/Playground for fourteen picnic tables plus freight in the amount of \$7,741.32 included in their packet. The Mayor stated that because it is less than \$10,000 it does not need the Council’s approval.

Councilman Pruden moved to pay the invoices as presented by Mayor Dunlavy. Councilman Hansen seconded the motion. All members present voted “Aye”.

9. Mayor’s Report

Mayor Dunlavy stated that there was a report in the paper regarding the problems with public pools around the state. There are some new requirements being made by the Health Department and they are complying. Most public pools were only super

chlorinating a couple times a month. The Pratt Aquatic Center Super chlorinates once a week, so they shouldn't have any problems.

Mayor Dunlavy stated that the Tooele City Arts Council is up and running and doing well. He encourages anyone interested in teaching classes to contact Terra Sherwood. He would like to thank the Arts Council for their hard work, especially Renee Milne. The Tooele City Art Council is a great asset to the community. He also acknowledged Councilman Hansen and Councilman Pruden who are on the board of the Arts Council.

10. Adjourn

Councilman Hansen moved to adjourn the meeting. Councilman Wardle seconded the motion. All members present voted "Aye". The meeting adjourned at 7:40 p.m.

Approved this 19th day of September 2007

Chairman Steve Bevan