

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, September 19, 2007
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Steve Bevan, Chair
Scott Wardle
Mike Johnson
John Hansen

Council Member Excused:

Steve Pruden

City Employees Present:

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

Minutes prepared by Elisa Jenkins

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Dave Faddis.

2. Tooele City Youth Council to Introduce Themselves

Presented by Allison McCoy

Ms. McCoy, the Youth City Council Advisor, explained that she has been involved with the council for about ten years. She stated that the Council this year consists of twenty five members from Tooele High School. Ms. McCoy then introduced Ms. Bird, a member of the Youth Executive Council.

Ms. Bird introduced the members of the Youth Executive Council.

Ms. McCoy further explained they will be working with the Communities that Care Program and the Chamber of Commerce this year. They will also have projects with the elderly, with kids and families as well as an outdoor project. A member from the Youth Executive Council explained the projects they have planned for the coming year.

Ms. McCoy also stated that this will be her last year as the advisor for the Youth Executive Council. She has enjoyed working with these kids and thanked the council for their support.

Councilman Johnson and Chairman Bevan expressed their appreciation to Ms. McCoy for her work with the youth.

Mayor Dunlavy stated that the Youth Executive Council is a wonderful program. He has been pleased to work with these kids. He applauded the council for their dedication and efforts and he hopes that they will carry this with them in their life. Mayor Dunlavy also wanted to thank Ms. McCoy for her work.

Councilman Wardle explained to the Youth Council that they have a great role model to work with this year and to absorb everything they are taught from Ms. McCoy.

Chairman Bevan called for a five minute break to take a picture with the Youth City Council.

3. Open Forum for Public Comment

Chairman Bevan turned the time over to Mayor Dunlavy to report his findings regarding the proposed sidewalk on 7th Street. Mayor Dunlavy stated that the PTA President from East Elementary brought to his attention the lack of a sidewalk on the East side of 7th Street for kids walking to East Elementary. He stated that she has done a wonderful job in organizing some people to do some construction and to donate materials. The Mayor stated that this falls on private property. Mr. Campbell went to the site and did some basic engineering so they would know what is needed for this sidewalk and because of the slope of this area a 30' easement will be required and a retaining wall will need to be built. They thought things were progressing when the property owner became hesitant in selling the property needed to build a sidewalk. The Mayor would like to meet with the property owner and discuss this with him personally and discuss the safety of the children.

Chairman Johnson explained that this is private property but, he feels that there needs to be a sidewalk on this street. If the Mayor's attempt to convince the property owner to sell fails he would vote for the city to use eminent domain, for the safety of the children, to obtain the property. Chairman Bevan and

Councilman Wardle stated that they would also support this action, but hope it doesn't have to come to this. Councilman Hansen stated that he hopes the property owner will be reasonable because if they have the use eminent domain to obtain the property it could take a long time.

Chairman Bevan then opened the meeting for public comment.

Ruth Dunn, Chairperson of East Elementary Community Council, addressed the council. She stated that this is a big safety concern for the children walking to and from school. She is grateful for the support and response from the City Council. She also thanked the principal and parents from East Elementary for coming to the meeting. She gave a map and a letter to the council regarding the issue. She thanked everyone who has helped with this project.

The Mayor stated that he hopes when he has a chance to sit down and talk to the property owner that they will be able to work things out.

Councilman Johnson asked when the residents could receive an answer. The Mayor would like to have an answer before the next City Council meeting. The Mayor thanked the PTA and Ms. Dunn for the way they have put this project together and their willingness to work with the city on this issue.

Tiffany Hawke, 1193 N 550 E, addressed the council. She is a concerned parent of a student at Middle Canyon Elementary. There is no sidewalk on 1000 North on the north side of the street between 600 east and 690 east.

Mayor Dunlavy has also been trying to address this sidewalk issue. The Mayor stated that this property is owned by the LDS Church. He has had a discussion with them concerning the safety of students walking to school. He has formally asked them for help. The Mayor believes that they will help with this problem. He is waiting to hear back from them. The Mayor was given the impression that they would help with this sidewalk this year.

Julie Steel, 1193 N 550 E, addressed the council. She lives in Overlake and she is concerned about the traffic near the Overlake Elementary (170 W 2100 N) there is no crosswalk in this area. They would like to see a sidewalk and possibly speed bumps. Ms. Steel stated that people have a tendency to speed in this area.

Councilman Johnson stated that speed bumps cause problems for snow removal but this problem can be looked at more closely to see what would work for this area. He then referred the speed problem to Chief Kirby and asked if he could help with this situation. Chief Kirby stated that he would make it a priority to help in this area. Councilman Johnson asked Ms. Steel to call Mr. Campbell to discuss her concerns regarding the lack of a crosswalk.

Melanie Hammer, 1883 N 120 W, addressed the council. She also has a concern with speeding in the same area as discussed above by Ms. Steel. She also would like to see more stop signs in Overlake. Councilman Johnson explained that there is a state manual that has to be followed for stop signs. Mr. Hanson responded to say that there are federal guidelines that have to be followed to place stop signs. Mr. Hansen asked Ms. Hammer to call him and discuss her concerns.

Bryan Reger, 2186 N, 130 W, addressed the council. He lives near the Jr. High in Overlake. His concerns are also with speeding in the Overlake area. There is a gate at the back of the Elementary that kids use to cross the street and there is no crosswalk. Chairman Bevan stated that this issue will be looked into.

Councilman Johnson 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.

4. **Ordinance 2007-25 An Ordinance of the City Council of Tooele City, State of Utah, Adopting the Community Development Project Area Plan Entitled, “Broadway Community Development Project Area Plan” Dated August 2007.**

Presented by Randy Sant

Mr. Sant explained that a resolution was adopted regarding the same thing in the RDA meeting prior to this meeting. The RDA law requires that this be brought to City Council meeting and be adopted by ordinance. The public hearing was held in the RDA meeting not in the City Council meeting.

Councilman Hansen moved to adopt Ordinance 2007-25. Councilman Johnson seconded the motion. All members present voted “Aye”.

5. **Ordinance 2007-24 An Ordinance of the Tooele City Council Changing the Name of the Street Recorded as Elk Hollow Drive to Oakridge Drive.**

Presented by Rachelle Custer

Ms. Custer explained that there are quite a few homes on Oakridge Drive. Elk Hollow Drive is a new road in the Deer Hollow subdivision and does not have any construction completed at this point in time. All property owners on Oakridge Drive and Elk Hollow Drive were notified of the proposed ordinance. There is a new development that will connect Oakridge Drive to Elk Hollow Drive and it is staffs recommendation to change Elk Hollow Drive to Oakridge Drive.

Councilman Johnson stated that this is something that should be caught in development. Ms. Custer stated that is how they caught this change.

Councilman Johnson moved to adopt Ordinance 2007-24. Councilman Hansen seconded the motion. All members present voted “Aye”.

6. **Ordinance 2007-12 An Ordinance of the Tooele City Council Changing the Name of a Portion of the Street Recorded as Meadows Drive to Tamarack.**

Presented by Rachelle Custer

Ms. Custer apologized to the residents of Tamarak Drive and Meadows Drive she published an incorrect date in a letter that was sent to the residents. She thanked Ms. Shields for bringing it to her attention.

Ms. Custer explained that this Ordinance came before City Council two weeks ago and the recommendation at that time was to change the name of the full street from Meadows Drive to Tamarak Drive. Due to some circumstances of the amount of homes on both streets staff has re-evaluated and looked at this again with the residents of Tamarak and Meadow Drive. Paul Hansen, Cary Campbell the Mayor and Ms. Custer made personal visits to the area and come back with a recommendation to change the name at the Park Hill Drive intersection. East of Park Hill Drive will be Tamarack and west will be Meadows Drive. This will impact three existing homes on Meadows Drive. All residents on Tamarack and Meadows Drive received notices regarding the proposed ordinance.

Chairman Bevan noted that this is not a public hearing but asked if there was anyone in the audience who would like to address this issue.

Debbie Plante, from the audience told the council it didn't make sense to have a through street with different names. Chairman Bevan stated that this is a compromise. Ms. Custer explained that this change affected the least amount of residents. There will be signage on the road. The best place to change the name is at an intersection.

Councilman Johnson explained that this is the city's fault and it should have been caught sooner. He apologized and explained that they are trying to fix the problem. He also stated that proper signage will be placed on each street.

Councilman Wardle stated that it was good to take a closer look at this ordinance and make a compromise.

Councilman Hansen stated that public safety is always the Council's concern. He feels that the street should be named one or the other but in this case it was best to compromise and he supports the recommendation.

Councilman Wardle moved to adopt Ordinance 2007-12. Councilman Johnson seconded the motion. All members present voted “Aye”.

7. **Resolution 2007-44 A Resolution of the Tooele City Council Accepting the Completed Public Improvement Associated with Settlement Point Subdivision, Phase 6.**

Presented by Paul Hansen

Mr. Hansen explained for the benefit of the audience, when improvements are constructed within the city they are done by developers when a subdivision is developed. In this case Settlement Point Subdivision Phase 6 is the final phase within this residential development. He is then required to bring to City Council for formal approval. The final inspection on Phase 6 was completed last October but the paperwork that would formally commence the start of the one year warranty inadvertently slipped through the cracks. He is asking that the council accept the public improvements with the one year warranty retroactive to October 13, 2006.

Councilman Wardle noticed that there has been no work in this subdivision for about five months. He wants to make sure the developer gets things fixed that need fixing.

Mr. Hansen stated that the bond warranty covers what is publicly owned such as sidewalks. This was looked at last October and everything was completed. The city owns hold an approximate \$95,000 cash bond for repairs during that year.

Councilman Wardle stated that there is a potential for damage when things are under constructed and left sitting and he wanted to make sure that the city is protected. Mr. Hansen stated that the city still has the cash bond.

Councilman Johnson asked what happens if a dump truck goes over the sidewalk and damages the sidewalk before the subdivision is complete. Mr. Hansen explained that if the damage occurs during the one year bond the city can use that bond to repair the sidewalk. If damage occurs after the one year period and it is not the fault of the developer in the construction of the subdivision it becomes the responsibility of the home owner.

Councilman Wardle asked if it will be re-inspected before October 13th of this year. Mr. Hansen stated “yes”.

Scott Stellman, 1081 E 1100 N, addressed the council. He represents the developer. He assured the council that the developer has not gone bankrupt. Ms. Stellman explained that work in the subdivision stopped for about four and half months ago because their lender made them go back and re-underwrite every

single buyer that they had. He stated that subs were in the subdivision last week and they hope to start construction again in the next ten days or so. Councilman Wardle stated that the model home has been vacant for about three months. Mr. Stellman stated that they have about four homes that they have not sold, and they can't sell the model until those are done.

Councilman Johnson moved to adopt Resolution 2007-44, with a retroactive date on the one year warranty to October 13, 2006. Councilman Wardle seconded the motion. All members present voted "Aye".

Mr. Hansen stated that he will make sure that retroactive date is correct. Mr. Baker asked Mr. Hansen to follow up with him to the correct date of the inspection report. Councilman Johnson stated that the motion should reflect the correct date found by Mr. Hansen.

8. PUBLIC HEARING and MOTION for Preliminary & Final Plat Approval on West Meadows Plat D Amended. Vacating and Amending West Meadows Plat D. Consisting of 21 Lots on 31.57 Acres Located at 700 South 1200 West by Titan Development.

Presented by Rachelle Custer

Ms. Custer reported that when West Meadows Plat D was recorded it was platted to have a Light Industrial and HDR. The developer has since come to the city because of some traffic concerns the Light Industrial development has been relocated to the Tooele Commercial Park. The developer has amended the plat to add 20 residential R1-8 lots in place of the light industrial lots. This plat vacates the easements on the light industrial lots. Staff recommends a favorable recommendation on the preliminary plan and final plat for West Meadows Plat D amended. Planning Commission made a favorable recommendation on August 22, 2007.

Councilman Wardle said the residents were happy to have residential homes instead of Light Industrial. Ms. Custer stated that this portion will be homes.

Chairman Bevan stated that this is a public hearing if anyone would like to come forward and address the council. No one came forward to address the issue.

Councilman Johnson moved to close the public hearing. Councilman Wardle seconded the motion. All members present voted "Aye". The public hearing closed at 7:55 p.m.

Mr. Baker stated that Lot 1 and Lot 21 are exempt from the water right requirement. The remaining lots are not exempt.

Councilman Johnson moved to approve preliminary and final plat approval on West Meadows D amended. Vacating and amending West Meadows Plat D. Consisting of 21 lots on 31.57 acres located at 700 South 1200 West by Titan development with the condition that they meet all water right requirement for lots 2-20. Councilman Wardle seconded the motion. All members present voted “Aye”.

9. PUBLIC HEARING and MOTION on Final Plat Approval for Copper Canyon PUD Phase 2b.

Presented by Rachelle Custer

Ms. Custer reported that Copper Canyon 2a and 2b were approved by City Council in July, 2007. The developer is resubmitting phase 2b for approval. There is a section of road on 200 W that falls on land that is not owned by the developer. The road is constructed and City Council has recommended that the road be excluded from the plat so that plat may be recorded. Planning Commission made a favorable recommendation on September 12, 2007.

Councilman Johnson said the council is aware of this.

Chairman Bevan stated that this is a public hearing if anyone would like to come forward and address the council. 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 7:57 p.m.

Mr. Baker stated that when this was discussed a couple weeks ago it was suggested that he not sign the plat until an indemnification agreement has been signed by the developer.

Councilman Hansen moved to approve the Final Plat for Copper Canyon PUD Phase 2b, with the condition that the plat not be signed by the city attorney until the indemnification agreement has been signed by the developer. Councilman Johnson seconded the motion. All members present voted “Aye”.

10. Minutes: City Council September 5, 2007; Closed Work Session 5:00 p.m. September 5, 2007; Closed Work Session 6:00 p.m. September 5, 2007

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

11. Invoices

Presented by Sharon Dawson

Ms. Dawson presented the following invoices:

- Motorola Inc. for maintenance and support for the Police Department in the amount of \$15,015.00
- Holme Roberts & Owen LLP for outside legal council in the amount of \$53,391.79.

Councilman Hansen moved to pay the invoices as presented by Ms. Dawson. Councilman Wardle seconded the motion. All members present voted “Aye”.

12. Mayor’s Report

The Mayor had nothing to report.

13. Adjourn

Councilman Hansen moved to adjourn the meeting. Councilman Wardle seconded the motion. All members present voted “Aye”. The meeting adjourned at 8:00 p.m.

Approved this 3rd day of October 2007

Chairman Steve Bevan