

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, December 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, Chair
Steve Pruden
John Hansen
Mike Johnson
Scott Wardle

City Employees Present:

Mayor Patrick Dunlavy
Sharon Dawson, City Recorder
Roger Baker, City Attorney
Glen Caldwell, Finance Director
Chief Kirby, Chief of Police
Cary Campbell, Public Works Director
Paul Hansen, Contract City Engineer

Others Present:

Debbie Winn, Chamber of Commerce

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 Councilman John Hansen.

2. Mayor's Community Recognition Awards

Presented by Mayor Dunlavy and Councilman Pruden

The Mayor welcomed all who have come to support the students who are receiving this award. It is his pleasure to recognize the students in the community for their outstanding efforts. He appreciates all the students and their families. These awards are for very special young people. He appreciates all those involved in this program. He then introduced Councilman Pruden to present the awards.

Councilman Pruden explained that Elementary students are recognized at the first City Council meeting each month. Councilman Pruden stated that the recipients are given a goodie bag with a certificate from the Mayor, a gift certificate to Leatherby's, a gift certificate to Papa Murphy's and some other goodies. A purple wristband with "Mayor's Recognition Award" is also included in the bag for the first time. Councilman Pruden then presented the Mayor's Community Recognition Awards to the following students:

Elijah Hancock, Middle Canyon Elementary
Joshua Orton, Harris Elementary
McKinley Kline, East Elementary
Lauren Wyatt, Northlake Elementary
Kendall Stevens, Overlake Elementary
Melody Callister, West Elementary
Ashley Glade, Copper Canyon

The Mayor congratulated all the students and told them to keep up the good work. He also thanked the teachers and family members for their support. He also thanked Milo Berry with the Communities that Care program. He stated that Mr. Berry does a great job with this program.

A short break was taken to take pictures with the Mayor.

Councilman Bevan welcomed Scout Troop 131 to the meeting. They are working on their Citizenship Merit Badge.

3. Open Forum for Public Comment

Chairman Bevan invited anyone who wished to address the Council to come forward.

Tom Spencer, with Fieldstone Homes addressed the Council. Mr. Spencer represents the Copper Canyon subdivision. He asked if the Council would consider allowing Mr. Cary Campbell authorization to issue building permits for Copper Canyon subdivision even if the public improvements are not finished. The public improvements should be finished in a few days but the Council does not meet for another couple of weeks and they are anxious to get started on their model homes. He said the subdivision was divided in to two sub-phases and they are working on 2A right now. Their punch list is completed and an inspection is scheduled for later this week. The street lights are standing but not completed, they should be done in a few days. The city is holding about \$3 million dollars in bond monies.

Councilman Johnson would like to defer this question to Mr. Baker.

Mr. Baker stated that the ordinance allows the city to reduce the amount of the bond, on portions of public improvements as they are finished. That does not need

City Council approval. Mr. Baker also stated that the City Council action is for the acceptance of public improvements once they are completed. The City Council acceptance is not a pre-requisite for building permits. As long as Mr. Campbell or Mr. Hansen certifies the public improvements are done Mr. Spencer should be able to move forward.

Mr. Spencer stated that all public improvements are complete except for the street lights. The street lights are about two days away from being completed. Mr. Spencer stated that in the City Ordinance it states that street lights do not have to be in for a certificate of occupancy.

Mayor Dunlavy stated that the Council does not approve building permits.

Councilman Johnson stated that as long as the administration says that the public improvements are done it is o.k. with them.

Mr. Baker stated that he is not familiar with the part of the ordinance regarding the street lights and would need to consult with Mr. Hansen and Mr. Campbell. Mr. Spencer asked if he could call Mr. Baker regarding this issue. Mr. Baker stated he would be happy to look into it.

Councilman Wardle asked if Mr. Spencer was concerned about 2A or 2B. Mr. Spencer stated that they are working on 2A right now.

Councilman Johnson asked Mr. Spencer to work with the administration regarding this issue.

Debbie Winn, with the Chamber of Commerce addressed the Council. Ms. Winn would like to thank the Mayor and the City Council for their support of the Santa Clause parade that was held last Saturday, December 1, 2007. She feels that it was a great success. She also stated that Kathy Harris and her staff did a great job decorating the rotunda at City Hall. She thanked the staff for allowing the children into City Hall to be out of the weather. She also thanked the police department and Chief Kirby with their help in the parade as well.

Councilman Hansen moved to close the open forum. Councilman Wardle seconded the motion. All members present voted "Aye". The open forum closed at 7:29 p.m.

4. **PUBLIC HEARING & MOTION on Preliminary Plan and Final Plat Approval for Childs Four Lot Subdivision to be located on the Corner of Birch Street and Fifth Street.**

Presented by Paul Hansen

Mr. Hansen explained that the reason that this small subdivision is being presented both with preliminary and final plat approval is because there is a small corner on the North East edge of the property that is being dedicated as a public right of way for the placement of a sidewalk. The subdivision consists of four lots. This subdivision is in an R1-7 zone and they meet all zoning requirements. Staff recommended to run the preliminary and final plat approval together due to the size of the subdivision and given the fact that the public dedication is important, but very minor. Staff recommends approval of the preliminary and final plats. Planning Commission made a favorable recommendation on November 14, 2007.

Councilman Pruden asked if Mr. Childs will be putting in the sidewalk.

Mr. Hansen stated that all public improvements required by City Code will need to be completed by the Developer.

Councilman Johnson asked if that included water rights.

Mr. Hansen said that it does include the requirement for dedication of water rights per City Code.

Councilman Wardle asked if these are double frontage lots.

Mr. Hansen indicated that there are no double frontage lots with this development, and reminded the Council that the City vacated the alley located to the rear of these lots previously. This new plat incorporates that property into the subdivision.

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

Councilman Hansen moved to close the public hearing. Councilman Pruden seconded the motion. All members present voted "Aye". The public hearing closed at 7:31 p.m.

Councilman Hansen moved to approve the Preliminary Plan and Final Plat Approval for Childs four lot subdivision to be located on the corner of Birch Street and Fifth Street. Councilman Wardle seconded the motion. All members present voted "Aye".

5. **Ordinance 2007-30 An Ordinance of the Tooele City Council Increasing the Highway and Public Transportation System Sales Tax within Tooele City, Utah from One-Quarter of One Percent (0.25%) to Three-Tenths of One Percent (0.30%) to Offset the Decrease in Transit Funding Caused by the Removal of Sales Tax on Certain Food Products.**

Presented by Roger Baker

Mr. Baker explained that this ordinance has been approved previously. The previous ordinance was prepared in model form for all Utah Cities by the Utah League of Cities and Towns. The tax commission came back and told the League that the model ordinance was deficient in the case of nine cities, including Tooele. Mr. Baker has attached the model ordinance with the redlines and made the necessary changes to the new Ordinance.

Councilman Johnson moved to approve Ordinance 2007-30. Councilman Hansen seconded the motion. All members present voted “Aye”.

6. **Resolution 2007-56 Declaration of Official Intent of Tooele City, Tooele County, Utah to Reimburse itself for Certain Capital Expenditures Relating to the Construction and Expansion of the Sewer Treatment Facility through the Issuance of Revenue Bonds.**

Presented by Roger Baker

Mr. Baker stated that the City has issued bonds to fund part of the Sewer Expansion Project. This Resolution will satisfy the bond requirements to allow the City to spend money now on certain aspects of the project. This will allow the City to reimburse themselves for those costs from the bond proceeds. They can only reimburse themselves for construction costs incurred not more than 60 days before tonight. So far the money spent to date is for preliminary engineering equipment, and design costs.

Mr. Hansen stated that the City Council authorized about \$3 million to be spent on this project. He stated that so far the cost spent has been \$10,000-\$15,000 including some excavation.

Councilman Pruden asked what the timeline is for the bond to be sold. The Mayor stated probably in the next three to four weeks.

Councilman Hansen moved to approve Resolution 2007-56. Councilman Pruden seconded the motion. All members present voted “Aye”.

7. **Minutes; November 7, 2007 City Council; November 19, 2007 Municipal Vote Canvass.**

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

8. **Invoices**

Presented by Sharon Dawson

Mr. Dawson presented the following invoices:

- Western Excavating for demolition of entire sewer lift station in the amount of \$17,390.00
- Price Waterhouse Coopers for Tooele Associates litigation for October 2007 in the amount of \$61,315.50.
- Lake City Trucks for a truck and auto crane for the water department in the amount of \$77,000.00.
- Tooele Chamber of Commerce for annual donation to fund yearly activities in the amount of \$8,000.00.
- Holme Roberts & Owen LLP for Tooele Associates Litigation for October 2007 in the amount of \$31,433.05.
- Clyde Snow Sessions & Swenson for Grantsville City Litigation for October 2007 in the amount of \$97,943.19.
- Fabian and Clendenon for services rendered through October 31, 2007 in the amount of \$10,754.64.
- Holme Roberts & Owen LLP for the Wikstrom report in the amount of \$21,852.00.
- R S Consultants for Capital Facilities Plan for U.I.D., CDA Project Creation, Capital Facilities Plan, Tooele Commercial Park Property in the amount of 20,270.00.
- Clyde Snow Sessions & Swenson for Granstville litigation for November 2007 in the amount of \$27,732.53.

Councilman Johnson asked Mr. Caldwell before the meeting for a total amount of professional fees that Tooele City has spent defending itself in the Granstville litigation. The amount since June 1, 2001 is nearly 2 million dollars. There is much the council could have done with the money to benefit the citizens of Tooele. He is sure that Grantsville has also spent a lot of money. This was a baseless lawsuit. All Tooele City did was defend itself in this case. This is an unfortunate incident and he wanted to voice his displeasure with this case.

Councilman Johnson indicated that the City should not pay Westlaw in the amount of \$1,345.84 in the last invoice presented for Clyde Snow Sessions & Swenson.

Councilman Hansen also stated that the he agreed with Councilman Johnson in the Granstville litigation. The City had to spend that money defending itself.

Councilman Pruden moved to approve the invoices as presented by Ms. Dawson with the subtraction of Westlaw in the amount of \$1,345.64 from the Clyde Snow Sessions & Swenson invoice. Councilman Johnson seconded the motion. All members present voted "Aye"

9. Mayor's Report

Mayor Dunlavy stated that he echoed the concern of Councilman Johnson in the Grantsville litigation.

The Mayor would like to remind and invite everyone to the TMinus5 Christmas Concert sponsored by the Tooele Arts Council on December 15, 2007. The cost is one can of food per person.

Councilman Hansen moved to adjourn the meeting. Councilman Wardle seconded the motion. All members present voted "Aye". The meeting adjourned at 7:44 p.m.

Approved this 19th day of December 2007

Chairman Bevan