

**Tooele City Council  
Business Meeting Minutes**

Date: Wednesday, April 02, 2008  
Time: 7:00 p.m.  
Place: Tooele City Hall Council Chambers  
90 North Main Street, Tooele, Utah

**City Council Members Present:**

Steve Pruden, Chair  
Mike Johnson  
Scott Wardle  
John Hansen

**City Council Member Excused:**

Dave McCall

**City Employees Present:**

Mayor Patrick Dunlavy  
Glenn Caldwell, Finance Director  
Sharon Dawson, City Recorder  
Lisa Carpenter, Deputy Recorder/City Council Liaison  
Rachelle Custer, City Planner  
Paul Hansen, City Engineer  
Michelle Pitt, Mayor's Assistant  
Milo Berry, Communities That Care  
Roger Baker, City Attorney  
Randy Sant, RDA Consultant  
Captain Steve Newkirk

**Others Present:**

Debbie Winn, Chamber of Commerce

Minutes prepared by Elisa Jenkins

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Captain Steve Newkirk.

**2. Mayor's Community Recognition Awards**

Presented by Mayor Dunlavy, Councilman Pruden and Milo Berry

The Mayor stated that it is his pleasure to recognize the great youth in Tooele every City Council meeting. This award goes to special students that are nominated by their teachers and administration. These students do special things that are not the “norm”. The Mayor would like to acknowledge the students parents, grandparents and siblings for the positive role they play in their life. Tooele is the best city in Utah because of the citizens of Tooele and these students’ efforts.

Mayor Dunlavy asked Mr. Berry to join himself and Councilman Pruden to present these awards. He introduced Mr. Berry with the Communities that Care. He stated that Communities that Care is a great program. They are involved in the schools and with students. They also have a parenting program for those that are interested. He thanked Mr. Berry who has made this program as successful as it is.

Chairman Pruden explained that these students receive a bag of goodies. The bag includes a pencil from USU, a gift certificate from Papa Murphy’s, a Tooele City lapel pin, a water bottle, a Certificate from the Mayor, as well as some other goodies. The Mayor has also included a purple wristband that says “Mayor Recognition Award”.

Chairman Pruden then presented the awards to the following students:

Alex Bailey, East Elementary  
Braxton Case, Middle Canyon Elementary  
Nathan Fisk, Harris Elementary  
Sarrah Chaddon, West Elementary  
Nathan Dale, Overlake Elementary  
Dillon West, Copper Canyon Elementary  
Peter Imlay, Northlake Elementary

A short break was taken to take a picture with the award recipients and the Mayor.

### **3. Open Forum for Public Comment**

Chairman Pruden welcomed Scout Troops 160 and 1085 who are working on their Communications and Citizenship in the Community Merit Badges.

Chairman Pruden invited anyone from the public to come forward and address the Council.

Melanie Hammer, 1883 N 120 W, addressed the Council. Ms. Hammer said that construction has begun on 2000 N and Berra Boulevard. She asked if this construction will lead to 400 W being completed.

Paul Hansen stated that that Tooele Associates is completing curb, gutter, sidewalk, and road widening on the south side of 2000 north from Aaron Drive to Berra Boulevard. As he understands they will move to finish the south side of Berra Blvd. Mr. Hansen has not yet heard from the developer when 400 West will be finished.

Councilman Johnson asked if they have a permit for the construction.

Mr. Hansen said that they do have a permit for the construction on 2000 North.

Dean Chamberlain, 1019 N Paulos, addressed the Council.

Mr. Chamberlain has some concerns about the snow plow drivers. On December 8, 2007 the snow plows threw snow against his fence and broke it in three sections. His wife was shoveling the snow on that day and she said that the snow plows were speeding. Middle Canyon School is in his back yard and he is concerned for the safety of the children with the snow plows going so fast. Mr. Chamberlain stated that Mr. Busico, who works for the City, came to his house on December 8, 2007 after his fence was damaged. Mr. Busico indicated to Mr. Chamberlain that his snow plow drivers tend to drive too fast because they work about 13-14 hours a day when it snows. Mr. Chamberlain stated that he previously read a letter from the Mayor stating that sidewalks must be shoveled for kids walking to school. If they are not shoveled the City will send someone out to shovel them and the resident would be billed. Mr. Chamberlain said that he plows his sidewalks and the snow plows throw the snow right back onto his sidewalks. He has stopped some snow plow drivers and asked them to slow down. His fence was also damaged on December 27, 2007. He feels that more snow plow drivers should be hired so they don't have to be in such a hurry.

Mr. Chamberlain also stated he has turned in a \$500 claim against the City for the damage to his fence. He stated that the claim was turned down by Mr. Baker. He asked Mr. Baker if the snow plow drivers made a statement.

Mr. Baker stated that he is not prepared to discuss the particulars of the investigation or determination of any claim in a public meeting.

Mayor Dunlavy said that they can look into it incident.

Chairman Pruden said that they can remind their snow plow drivers about safety. They are not going to be able to buy more plows or hire more drivers at this time.

Mr. Chamberlain stated that he has been discussing this issue with Mr. Campbell for three years.

Councilman Johnson stated that in respect to Mr. Chamberlain's claim, the City Council does not have the ability to override the City Attorney.

Mr. Chamberlain said that his main concern is with the children walking to school.

Councilman Johnson said that the snow plow drivers have to obey the speed limit laws.

Mayor Dunlavy stated that they have an ongoing safety program. He said that he will look into this and get back to Mr. Chamberlain.

Ron Clements, 248 E. Utah Avenue, addressed the Council. Mr. Clements said that he addressed the Council last month regarding a variance for his garage. He wanted the Council to know that he has not got it yet, but he has been in contact with the Mayor. Mr. Clements said that the Mayor told him that he is still trying to get a committee together. He just wanted the Council to know that he is still waiting. Mr. Clements said that the City has been working with him.

Councilman Johnson apologized and said that the Mayor his having a hard time finding people to serve on the Board of Adjustments.

**Councilman Hansen moved to close the Open Forum.** Councilman Wardle seconded the motion. All members present voted “Aye”. The Open Forum closed at 7:33 p.m.

4. **PUBLIC HEARING on Community Development Block Grant (CDBG)**

Presented by Michelle Pitt

Ms. Pitt explained that this public hearing is a second hearing which is required in order for the City to qualify for a CDBG grant. The first hearing was held in November. There was only one project submitted for a CDBG grant and that was for costs associated with off-site improvements for a low income housing project by Kevin Peterson. This project includes about 60 units in the Broadway area.

Ms. Pitt further explained that there was about \$250,000 available for Tooele County in CDBG grants. Tooele City was approved for \$150,000 to be used for these off-site improvements, to include installing new curb, gutter and sidewalk around the old Broadway Apartments.

Some of the projects that the City has done in the past are:

1. Playground equipment in parks.
2. Sewer line in Westland mobile parks.
3. Funding to help the Pioneer Museum
4. The Boy’s & Girls Club at the Dow James building.

Chairman Pruden said that this money is awarded if and when their project goes forward and meets the criteria.

The CDBG Public Hearing opened at 7:33 p.m.

Chairman Pruden invited anyone who wished to address the Council on this matter to come forward. No one from the public came forward.

**Councilman Wardle moved to close the CDBG Public Hearing.** Councilman Hansen seconded the motion. All members present voted “Aye”. The public hearing closed at 7:35 p.m.

Chairman Pruden asked what the next step is.

Ms. Pitt said that they have to submit the second part of the application. The public hearings are done.

**5. Resolution 2008-11 A Resolution of the Tooele City Council Authorizing the Transfer of Declared Surplus Property to Utah State University.**

Presented by Randy Sant

Mr. Sant stated that in December of last year the City Council held a public hearing and adopted a Resolution that declared approximately 300 acres as surplus property in the Tooele City Commercial Park. There was some discussion at that meeting as to what the next step was to transfer some property to Utah State University (USU).

Mr. Sant stated that the purpose of this resolution is the City Council declaring the intent to negotiate a contract with USU for the sale and the transfer of that property. This resolution gives the administrative staff the go ahead to negotiate with USU a contract for the sale of that property.

Mr. Sant explained that this resolution does not consummate a sale. It only allows them to proceed to negotiate a sell. The City is going to give a grant of approximately 30 acres to USU, and then USU will purchase 20 acres from Tooele City. There are many things that have to happen before this sell will take place. They are not limited to but include the following:

1. Negotiating a purchase agreement.
2. Complete subdivision planning requirements.
3. Get a legal description of the parcel and plot it so it is an available piece of ground that meets all planning requirements.
4. A schedule from USU. When will they begin improvements and what the time frame is for completion?
5. Discuss the installation of any required public improvements and who will do them.
6. Water right issues have to be addressed.
7. Approval and acceptance of this by USU administration.

Mr. Sant reiterated that all this resolution does is allow them to begin the negotiation process. He will come back to the City Council with the completed purchase and sale agreement for them to approve by resolution. After that is complete that actual transfer of land will occur. Mr. Sant would like to present this resolution to the president of USU.

Mr. Baker informed the Council that they need to sign an amended original resolution not the one included in the council packets.

Councilman Johnson stated that this has been the intent of the Council for years. He also said that this is a great thing for Tooele. It will take about 90-120 days for this process to be completed.

Chairman Pruden wanted to recognize Dr. Robinson, president of the USU extension, who is in attendance at this meeting. He also stated that this Resolution shows Tooele City's commitment to USU. Tooele City wants USU to be part of the community.

Councilman Wardle said he likes where the campus is going. This will become a Tooele School. This is a way that students can live in Tooele and go to school and not have to pay room and board. This is a great benefit for future of Tooele.

**Councilman Hansen moved to approve Resolution 2008-11.** Councilman Johnson seconded the motion. All members present voted "Aye".

Chairman Pruden wanted to recognize Debbie Winn with the Chamber of Commerce, Shawn Milne Chairman of the Planning Commission and Doug Redmond a former City Council Member who are all in attendance at this meeting.

6. **Resolution 2008-12 A Resolution of the Tooele City Council Consenting to the Appointment of Richard Kroff to the Library Board of Directors; setting his Term of Service; and awarding him the Powers of the Office.**

Presented by Mayor Dunlavy

Mayor Dunlavy presented the name of Richard Kroff for appointment to the Library Board. He stated that Mr. Kroff is a long time educator and he is a man of integrity. Mr. Kroff will fill the unexpired term of Marcella Burden. He will serve out her term until June 30, 2008 and then begin his full term from July 1, 2008 through June 20, 2011.

Councilman Wardle agreed that Mr. Kroff is a good man for this position.

**Councilman Hansen moved to approve Resolution 2008-12.** Councilman Wardle seconded the motion. All members present voted "Aye".

7. **PUBLIC HEARING & MOTION on UID B Ave right of way dedication plat by Ward Engineering.**

Presented by Rachelle Custer

Ms. Custer stated that Utah Industrial Depot (UID) has submitted a plat for the purpose of dedicated right of way along B Avenue. Currently B Avenue is not a dedicated public

road within the UID development. Tooele City and UID have agreed that B Avenue is to be a dedicated public right of way. Staff recommends approval of the right of way plat and Planning Commission made a favorable recommendation on March 12, 2008.

Councilman Johnson asked if the City has received an agreement with UID about which roads will be dedicated public roads and which won't.

Ms. Custer stated they have received that, and they are coming in a plat at a time.

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

**Councilman Johnson moved to close the public hearing.** Councilman Hansen seconded the motion. All members present voted "Aye". The public hearing closed at 7:45 p.m.

**Councilman Johnson moved to approve UID B Avenue right of way dedication plat.** Councilman Hansen seconded the motion. All members present voted "Aye".

**8. PUBLIC HEARING & MOTION on UID Minor subdivision #9 a two lot two acre subdivision to be located at 440 – 470 South Jade Street by Ward Engineering.**

Presented by Rachelle Custer

Ms. Custer explained that this minor subdivision is subdividing two acres into two lots. The purpose of the subdivision is for the sale of the lots. Building 603 is where BAILAC Tires is located and they desire to purchase the property that their building is on. In order for them to purchase the property it must be subdivided. This is a minor subdivision because it is under 10 lots and there is not any road dedication. This plat does not require a preliminary plan because it is a minor subdivision. Staff recommends approval on this minor subdivision. Planning Commission made a favorable recommendation on March 12, 2008.

Chairman Pruden indicated on the overhead map the property that is being subdivided.

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

**Councilman Wardle moved to close the public hearing.** Councilman Hansen seconded the motion. All members present voted "Aye". The public hearing closed at 7:46 p.m.

**Councilman Wardle moved to approve UID Minor subdivision #9 a two lot two acre subdivision to be located at 440 & 470 South Jade Street.** Councilman Hansen seconded the motion. All members present voted "Aye".

9. **PUBLIC HEARING & MOTION on UID Minor subdivision #12 a one lot .690 acre subdivision to be located at 385 S Old Lodestone Way by Ward Engineering.**

Presented by Rachelle Custer

Ms. Custer stated that this minor subdivision is subdividing one 0.690 acre lot. The purpose of the subdivision is for the sale of the lot. This is a minor subdivision because it is under 10 lots and there is not any road dedication. This plat does not require a preliminary plan because it is a minor subdivision. Staff recommends approval of the Minor subdivision. Planning Commission made a favorable recommendation on March 12, 2008.

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

**Councilman Wardle moved to close the public hearing.** Councilman Hansen seconded the motion. All members present voted "Aye". The public hearing closed at 7:48 p.m.

**Councilman Johnson moved to approve UID Minor subdivision #12 a one lot .690 acre subdivision to be located at 385 Old Lodestone Way.** Councilman Hansen seconded the motion. All members present voted "Aye".

10. **Minutes: March 19, 2008**

**Councilman Wardle moved to approve the minutes as presented.** Councilman Hansen seconded the motion. All members present voted "Aye" except Councilman Johnson because he was not in attendance at the meeting.

11. **Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Holme Roberts & Owen for outside legal counsel for TA litigation for February 2008 in the amount of \$48,523.98.
- Tempest Enterprises to repair and relocate the 2" natural gas line at the waste water sewer plant in the amount of \$9,028.93.
- Kilgore Paving and Maintenance for the 2007 streets project in the amount of \$150,438.74.
- Price Waterhouse Coopers for the Wikstrom report for February 2008 for the Grantsville lawsuit in the amount of \$21,170.63.

- Clyde Snow Sessions & Swenson for Lamb litigation for February 2008 in the amount of \$33,919.20.
- Kilgore Paving and Maintenance for current year road projects in the amount of \$10,405.00.

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

**12. Mayor’s Report**

Mayor Dunlavy stated that he also supports USU and what they have done for the Community. He feels that a new campus will be a wonderful thing for Tooele. He appreciates Mr. Sant and his staff for their hard work on this project. He also appreciates the City Council for their input.

**13. Adjourn**

**Councilman Hansen moved to adjourn the meeting.** Councilman Wardle seconded the motion. All members present voted “Aye”. The meeting adjourned at 7:55 p.m.

Approved this 16<sup>th</sup> day of April 2008

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Chairman Pruden