

**Tooele City Council  
Business Meeting Minutes**

Date: Wednesday, August 6, 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  
John Hansen  
Scott Wardle  
Dave McCall

**City Employees Present:**

Mayor Patrick Dunlavy  
Glenn Caldwell, Finance Director  
Sharon Dawson, City Recorder  
Lisa Carpenter, Deputy Recorder/City Council Liaison  
Cary Campbell, Public Works Director  
Paul Hansen, City Engineer  
Roger Baker, City Attorney  
Chief Kirby, Chief of Police  
Milo Berry, Communities that Care

Minutes prepared by Elisa Jenkins

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Councilman Wardle

**2. Teen Employee Recognition Awards**

The Mayor explained that these awards recognize special young people and their parents. These awards were just started this summer and they recognize young people in the work place. It is his pleasure and the Council's pleasure to recognize these recipients.

Councilman Pruden explained that these students will receive a goody bag with a certificate from the Mayor, a gift certificate from Papa Murphy's and Iceberg, a day pass to Pratt Aquatic Center, a gift certificate for a bucket of balls to Oquirrh Hills Golf Course, a Tooele City Lapel Pin, a Mayor's recognition wristband along with some other goodies.

Councilman Pruden recognized the following students:

Mckenzie Kiser, Cinema 6 Theaters  
Gaven Neufeld, Cinema 6 Theaters  
Skyler Smith, Pratt Aquatic Center  
Michael Trujillo, Oquirrh Hills Golf Course

Mayor Dunlavy congratulated the students for a job well done. He also thanked their parents for the role they play in their lives. The Mayor stated that Tooele is the greatest City in Utah because of young people like these. He explained that Communities that Care is a Tooele City program that helps youth deal with problems of today. Milo Berry is the director and he and his staff do a wonderful job. They also have a great parenting program called "Guiding Good Choices". He invited anyone who would like to attend.

A brief recess was taken for a picture with the Mayor.

Chairman Pruden welcomed Boy Scout Troop 1552 and a parent who brought two scouts to the meeting; they are working on their Communications and Citizenship in the Community Merit Badges.

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

Chairman Pruden invited anyone from the public who would like to come forward and address the Council. No one came forward.

**Councilman Hansen moved to close the Open Forum.** Councilman Wardle seconded the motion. All members present voted "Aye". The Open Forum closed at 7:15 p.m.

### **4. PUBLIC HEARING & MOTION on UID James Way right of way dedication plat.**

Presented by Paul Hansen

Mr. Paul Hansen explained that James Way is located in the UID. James Way is on the northern end of the property and it extends from Industrial Loop Road to Garnet. This road dedication is not related to any current or proposed projects, it is simply a road dedication that is required as part of the conveyance. Staff has reviewed the plat and found it to be in compliance with City codes and ordinances. Planning Commission has made a favorable recommendation.

Councilman Johnson asked if the City is taking this road as it is.

Mr. Paul Hansen said "yes". He also stated that the development agreement on the perimeter roads requires that when development occurs that the road be improved at that time.

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

**Councilman Johnson moved to close the public hearing.** Councilman Wardle seconded the motion. All members present voted “Aye”. The public hearing closed at 7:18 p.m.

Councilman Johnson asked if the City takes over all maintenance on the road such as snow removal.

Mr. Paul Hansen said “yes”.

**Councilman Wardle moved to approve UID James Way right of way dedication plat.** Councilman Hansen seconded the motion. All members present voted “Aye”.

5. **PUBLIC HEARING & MOTION on UID Lodestone Way right of way dedication plat.**

Presented by Paul Hansen

Mr. Paul Hansen explained that this is another road in the UID. This road extends from the road heading to Grantsville (SR-112) to the eastern end of Industrial Loop Road. This road is being presented with the same criteria as James Way. Planning Commission has made a favorable recommendation.

Chairman Pruden stated that this is a public hearing if anyone would like to come forward and address this issue.

Shirley Beagley asked what a right of way dedication plat means.

Councilman Johnson stated that it becomes a public City owned street.

Mr. Paul Hansen stated that right now the public has rights to travel on that road to get to different businesses. By becoming a City right of way the City owns the property which secures the rights for the public. It protects the public interests to get in and out as well as the City to do improvements to utilities and other infrastructures on the road.

**Councilman Hansen moved to close the public hearing.** Councilman Wardle seconded the motion. All members present voted “Aye”. The public hearing closed at 7:20 p.m.

**Councilman Hansen moved to approve UID Lodestone Way right of way dedication plat.** Councilman Wardle seconded the motion. All members present voted “Aye”.

6. **Resolution 2008-32 A Resolution of the Tooele City Council Authorizing the Mayor to sign a Contract with Superior Excavating for Schedules**

**“A”, “B” and “D” of the 2008 Secondary Water, Culinary Water and Sanitary Sewer Projects.**

Presented by Paul Hansen

Mr. Paul Hansen explained that every year Tooele City has, as part of its approved budget, improvements to be made to the existing public infrastructure. Those obligations that the City has included are roadways, sidewalks, curb and gutter, sewer, water, storm drain as well as others. The City has put out work for the summer and fall that might possibly extend into next spring. The work has been divided out into five contractors. Each of these projects was put out for bid. The total value of the projects that City has put out and intends to award is approximately \$2.7 million dollars. That is a substantial investment into Tooele City’s infrastructure. It is paid through a number of existing funding sources with no additional increase in fees or taxes to the residents.

Mr. Paul Hansen stated that Schedule “A” of the Water, Sewer and Storm Drain Projects is for additional secondary water pipeline between the Overlake subdivision and the Glen Eagle Subdivision. It is not fully making the system operational with this project, but it brings the City closer to being able to use the secondary system. The value for schedule “A” is \$98,625.

Mr. Paul Hansen further explained that Schedule “B” is a combination of water and sewer improvements on 700 N in the vicinity of Park Way, to the east of Main Street (about 150 E). The City has had challenges with aging sewer lines, and they have authorized to put out for bid the replacement of a sewer line. This project will replace the sewer line and will also facilitate the City’s ability to provide sanitary sewer services to the existing seven lots on the north side of 700 N which are currently on septic tanks. The residents will be responsible to reimburse the City for the cost of laterals; the main lines are part of the relocation cost. Associated with “B” is also the replacement of water lines.

Mr. Paul Hansen stated that Schedule “D” is a sewer line repair project that is going on in various locations around the City. The reason that it was broken into various schedules is to try and get the best value for the City in terms of expedience, and also in cost. After they reviewed the bids they found that Superior Excavating was the lowest bid and they also have experience with the City. Mr. Hansen is recommending Superior Excavating for this contract. This contract is \$588,808.

Mr. Paul Hansen also explained that when working with water line projects it is not uncommon to find unknown obstacles that are below the road that are not seen. There are also times when the Sewer or Water Department will find a problem in the middle of the project and would like to fix it and solve it. Mr. Paul Hansen is asking for authorization to allocate an additional 5%, which would be an additional \$30,000, to be used at the discretion of the Public Works Department during the course of this project. It is not automatically added to the contract but it would be there to pull from if needed.

Chairman Pruden agreed that the 5% contingency is wise because there are often surprises when fixing problems of this nature.

**Councilman Hansen moved to approve Resolution 2008-32.** Councilman Wardle seconded the motion. All members present voted “Aye”.

7. **Resolution 2008-37 A Resolution of the Tooele City Council Authorizing the Mayor to sign a Contract with Western Excavating for Schedule “C” of the 2008 Secondary Water, Culinary Water and Sanitary Sewer Project.**

Presented by Paul Hansen

Mr. Paul Hansen explained that Schedule “C” was bid at the same time as the other projects. This is a water line replacement project. The two primary areas that this involves is 6<sup>th</sup> Street between Utah Avenue and Vine Street and also Glenwood. There are numerous breaks in this line and it is aging. The value of this project is \$193,515. He is also asking for a 5% contingency on this as well. It would be about \$10,000 if needed.

Councilman Wardle noted there is not secondary water running through this area.

Mr. Paul Hansen agreed that there is no secondary water in this area. Schedule “A”, “B”, “C” and “D” included all of those aspects. Schedule “C” only touches culinary water.

**Councilman Hansen moved to approve Resolution 2008-37.** Councilman Wardle seconded the motion. All members present voted “Aye”.

8. **Resolution 2008-33 A Resolution of the Tooele City Council Authorizing the Mayor to sign a Contract with Kilgore Paving for the 2008 Roadway Overlay Improvement Project.**

Presented by Paul Hansen

Mr. Paul Hansen stated that the City uses various methods to maintain their roads. Those roads that have more seriously deteriorated require more extensive work. They have put out for bid and Kilgore Paving was the low bid and the City also has experience with them in the overlay area. They are recommending Kilgore Paving be awarded the contract in the amount of \$1,148,910. He is not asking for contingency on this because it is already built in.

Chairman Pruden mentioned that they are not digging on this project.

Mr. Paul Hansen stated that they are not digging on this project. The contractor has indicated that they will still have oil and be able to get it this fall and be able to do the work for the City. Tooele City is faced by the oil crisis just like the residents. There are many cities that have had to cancel their roadway projects because of the lack of oil. It is

a significant issue. There are some things out of their control that they might have to extend into the spring.

Councilman Johnson asked Mr. Paul Hansen for the benefit of the public if he has a list of roads to be redone.

Mr. Paul Hansen indicated that there is Garden Street, Upland Drive from Skyline to 7<sup>th</sup> Street, a portion of 7<sup>th</sup> Street between Upland and 1<sup>st</sup> East, 1000 W north of Utah Avenue as well as some others. If anyone has specific questions he has a map that he could show them.

Chairman Pruden stated that as part of the contract with Kilgore they will also be taking care of a parking lot at Elton Park.

Mr. Paul Hansen stated that the Park Department using Park Impact Fees plans to construct a new parking lot at the southeast corner of Elton Park. It is currently undeveloped. This will help keep cars off the street. This was included in the bid to save money. The cost for the paving of that parking lot is \$43,200 which is part of the contract. The completion of the parking lot, including the grade and curb and gutter and other infrastructure is part of the concrete bid.

Chairman Pruden stated that parking lot will be a great asset to the park.

**Councilman Wardle moved to approve Resolution 2008-33.** Councilman Hansen seconded the motion. All members present voted “Aye”.

9. **Resolution 2008-34 A Resolution of the Tooele City Council Authorizing the Mayor to sign a Contract with Intermountain Slurry Seal for the 2008 Roadway Slurry Seal Improvement Project.**

Presented Paul Hansen

Mr. Paul Hansen stated that the reason the line was left blank on the notice was because they just opened bids yesterday. They wanted to get this to the Council quickly. Mr. Paul Hansen then explained that a slurry seal is asphalt that is applied to the surface of newer roads. The intent is to prevent water from getting under the asphalt, which is what destroys roadways. This is an inexpensive maintenance project. This project has many portions of town. He can provide a map to any resident that is interested. The value of this is about .16 cents a sq ft and the overlay is about \$1.50 a sq ft. If they can maintain the roads it is good for the City. The cost to the City has increased 50% over the last year because of oil. The cost of this contract is \$485,175.

**Councilman Johnson moved to approve Resolution of 2008-34.** Councilman Hansen seconded the motion. All members present voted “Aye”.

**10. Resolution 2008-35 A Resolution of the Tooele City Council Authorizing the Mayor to sign a Contract with Turner Concrete for the 2008 Roadway Improvement Project, Consisting of Miscellaneous Concrete Work and Construction of the Elton Park Parking Lot.**

Presented by Paul Hansen

Mr. Paul Hansen explained that this project was opened yesterday as well. They received two bids on this project on the opening Turner Concrete was not the low bid, however in evaluating the bids and talking to the representatives they included something that wasn't supposed to be included and in making corrections it did make Turner Concrete the low bid on this project. The City has a lot of experience with Turner Concrete on this type of work. It is their recommendation to award Turner Concrete the contract in the amount of \$268,756. That price includes the concrete work and preparation work at the Elton Park parking lot. It also includes a retaining wall and sidewalk on 7<sup>th</sup> Street from Upland to East Elementary.

Councilman Johnson asked if that issue had been resolved.

Mr. Paul Hansen indicated that they are going to build a sidewalk in the existing right-of-way.

Councilman Johnson said that will make the parents that send their children to East Elementary very happy.

Mr. Paul Hansen said that there needs to be a barrier between the sidewalk and the road. It is a 12% grade on that road. He has concern that a car could slide or a child could slip and go onto the roadway. They will look at that and come back with a separate cost to provide a safe barrier between the sidewalk and the road.

Councilman Johnson asked if it would be completed by the time school starts.

Mr. Paul Hansen stated that is the primary focus. The retaining wall will have to be first. They will be on site by Tuesday. He can't guarantee it will be done when school starts.

Chairman Pruden said that it has taken a long time to get to this point and it will be great to have it finished.

**Councilman Hansen moved to approve Resolution 2008-35.** Councilman McCall seconded the motion. All members present voted "Aye".

**11. Resolution 2008-36 A Resolution of the Tooele City Council Authorizing the Mayor to sign the Cooperative Agreement, Preconstruction and Construction Reimbursement, with the Utah Department of Transportation for the Construction of the 1000 North Roadway Project Between SR-36 and 600 West.**

Presented by Paul Hansen

Mr. Paul Hansen explained that this is another step required that will help get to the construction of 1000 N. This construction reimbursement agreement takes the City through the actual construction of the project. The City has signed two previous reimbursement agreements on this project one for the environmental portion and one for design portion. This takes the City through the bidding, construction and construction management. The total cost on this project to date is estimated at just over \$5.5 million. Tooele City has received in federal grants approximately \$1.9 million of those funds. The City Council needs to authorize the balance of \$3,505,385.94. The City has been working with UDOT; they anticipate the final number to drop a little bit. There is one other condition they want to get into the agreement and that is when they have to make the final payment to UDOT. Mr. Paul Hansen needs to find out if they make the final payment upon the Mayor signing or do they have 30, 60 or 90 days. He doesn't want to hold up the project so they are asking for authorization for the Mayor to sign. They will need to get the final dollar figure and get clarification of when the payment has to be made and if they do not get clarity on those two things it is not his recommendation to sign until they can get funding in place.

Chairman Pruden asked if they are signing contingent on those factors.

Mr. Paul Hansen said that the Council is authorizing the Mayor to sign it when those factors are satisfied.

Councilman Johnson said he likes to look at the contract before he approves it. He did not get one in his packet.

Mr. Paul Hansen will get Councilman Johnson a copy.

**Councilman Hansen moved to approve Resolution 2008-29.** Councilman McCall seconded the motion. All members present voted "Aye".

12. **Resolution 2008-29 A Resolution of the Tooele City Council Authorizing the Purchase of Water Rights.**

Presented by Roger Baker

Mayor Dunlavy stated that they have received additional information about this transaction that they would like to review prior to presenting it to the Council. He asked the Council to table this for a couple of weeks so they have time to review.

**Councilman Wardle moved to table Resolution 2008-29, until the information can be reviewed and resolved.** Councilman Hansen seconded the motion. All members present voted "Aye".

**13. Resolution 2008-29 A Resolution of the Tooele City Council Authorizing the Conveyance of an Easement to Qwest.**

Presented by Roger Baker

Mr. Baker explained that attached to the Resolution in the Council's packet is a request from Qwest for an easement to provide improved service and broadband service such as fiber optics cables in the Copper Canyon area. Mr. Baker stated that he has worked with Kathy Bell and the Qwest representative so they know exactly what they are proposing. There is also a map and diagrams attached to the Resolution showing the boxes they will be putting in. This area is a sloped area, they are asking that they slope it down at the back so they don't raise the profile of these units right next to the street and park. Qwest will be paying \$3,000 for this 25'x15' easement.

Chairman Pruden asked how tall the boxes are.

Mr. Baker stated there are several boxes and the largest box is 75".

Councilman Wardle asked if the boxes will be screened.

Mr. Baker stated that screening was one of the City's concerns and they wanted the boxes to be screened by landscaping. Qwest is giving the City money so the City will have to landscape and screen the boxes.

Chairman Pruden asked if \$3,000 is enough money to fence the area.

Mr. Baker stated that he has not envisioned fencing the area. He has talked about landscaping the area for a buffer.

Councilman Wardle asked if Fieldstone knows about this.

Mr. Baker said that Fieldstone does not know about it. This is the City's property.

Chairman Pruden asked who would do the landscaping.

Mr. Baker said that it would be the parks director.

Councilman Wardle asked when the construction would be done.

Mr. Baker stated that Qwest has been getting a lot of calls from residents that their service is inadequate. Qwest wants to make the improvements immediately. Mr. Baker also stated that he doesn't know how much these easements are worth. This is what Qwest offered. At first, Qwest offered nothing. When the City indicated that some consideration was necessary, Qwest offered \$2,000 for the easement and \$1,000 for landscaping.

Chairman Pruden stated that he doesn't want this to become a graffiti board.

Mr. Baker said that it is right on the street and there is no avoiding that.

Chairman Pruden said he would like to see a chain link fence around the area.

Mr. Baker said this is not a done deal if the Council does not feel this is adequate they can ask for a fence and \$3,000.

Mayor Dunlavy suggested that they let Qwest begin construction and administration will look at this and bring a proposal back to the Council for some kind of screening either fencing or landscaping.

Chairman Pruden would like it not to be weeds.

Mr. Baker said that the boxes will be on a concrete pad so there won't be weeds on the easement.

Councilman Wardle has reservations; he will be looking forward for the proposal to come back on how this will be screened.

Mr. Baker said that they have spent many hours working on this easement and wanted to bring the best they could to the Council.

**Councilman McCall moved to approve Resolution 2008-31.** Councilman Johnson seconded the motion. The vote was as follows:

Chairman Pruden, "Aye"

Councilman Johnson, "Aye"

Councilman Hansen, "Aye"

Councilman McCall, "Aye"

Councilman Wardle, "Nay"

**14. Resolution 2008-30 A Resolution of the Tooele City Council Approving a Settlement Agreement with Hamlet Development**

Presented by Roger Baker

Mr. Baker stated that Hamlet Development is represented by Mr. Brodsky at this meeting. Hamlet Development has a long history in Tooele with the Gleneagles project, it goes back to 1996. For twelve years this property has been the subject of various rezones, planned unit development overlays, preliminary plans, revised preliminary plans, final plats and revised final plats. In the middle of that history the City Council voted to apply its water rights conveyance requirements retroactively with all developments that had not satisfied certain deadlines. Phases 4 and 5 of the Gleneagles preliminary plan did not satisfy those deadlines. It is the City's position that for Phase 4 and 5 of the Gleneagles Subdivision that water rights need to be provided for the

development. The City's position is being contested by the developer who believes that Hamlet is vested for water for a certain amount for Phase 4 and 5. The contention was put in writing to the City. It was the decision of the City Council to attempt to seek resolution to avoid any movement in the direction of litigation. The agreement states that the City will provide water rights for a revised plan of 100 single family lots. In exchange the developer will pay a portion of the value of those water rights. That portion is identified as \$750,000. There are some escalators built in if the developer waits to present the final plat his costs will go up by established percentages. The current preliminary plan anticipates and additional 390 units, comprised of apartments and townhouses Hamlet is reducing the currently approved density from 390 down to 100. They will be single family homes. There is a deadline to the obligation of the City to provide the water rights. They would terminate 5 years after 1000 North Phase 1 is completed, as evidences by written report.

Councilman Johnson stated that he read through this and he appreciates Mr. Brodsky's willingness to negotiate. He feels that it is a fair compromise. He doesn't have any concerns.

Councilman Hansen agreed with Councilman Johnson, he feels it is a good compromise.

**Councilman Hansen moved to approve Resolution 2008-30.** Councilman Johnson seconded the motion. All members present voted "Aye".

**15. Minutes: Work Session; Business Meeting; July 2, 2008.**

Councilman Johnson was left off the July 2, 2008 Work Session Meeting and needs to be added to the minutes.

**Councilman Hansen moved to approve the minutes with the one change as stated above.** Councilman Johnson seconded the motion. All members present voted "Aye".

**16. Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Western Excavating for Highland Drive P.R.V. Project in the amount of \$35,428.00.
- Western Excavating for 400 North Coleman P.R.V./Water Main project in the amount of \$38,949.10.
- Fred A Moreton and Company for commercial package insurance renewal annual term 2008-2009 in the amount of \$147,485.00.
- Holme Roberts & Owen for June 2008 Professional services in the amount of \$60,235.02.

- Clyde Snow Sessions & Swenson for June 2008 Professional services in the Lamb litigation in the amount of \$20,507.94
- Siemens for one Polyblend unit in the amount of \$8,488.00.

The following are pre-approvals:

- Turner Concrete for roadway projects concrete work and Elton Park parking lot concrete work in the amount of \$268,756.00.
- Intermountain Slurry Seal for roadway slurry seal projects in the amount of \$485,175.00.
- Kilgore Paving for roadway overlay projects and parking lot at Elton Park in the amount of \$1,148,910.00.
- Western Excavating for 2008-2009 waterline projects in the amount of \$203,365.00.
- Superior Excavating for 600 West secondary water line extension, 700 N & Parkway utility water line, 700 N & Parkway utility sewer line, and 2008-2009 sewer line projects in the amount of \$618,958.00

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

#### **17. Mayor’s Report**

Mayor Dunlavy stated that he is very excited about the construction projects that are about to get underway. He feels fortunate that Tooele City is one of a just a few Cities that will be able to have roadwork construction going on. He has spoken to a few other Mayors’ that will not be able to have their roadwork construction completed this year. He feels because of Mr. Hansen and others and the relationships that they have built with the contractors that is the reason Tooele City will be able to have their projects completed. He wanted to acknowledge Mr. Hansen, Mr. Campbell and the others for their work on moving forward with the construction projects. He wanted to acknowledge Mr. Baker and his office for their work in the ongoing lawsuits. He also thanked the Council for their support. Mayor Dunlavy said that there are lots of projects going on in City Hall right now; and they have lots of project they are trying to get done before the end of the year. He acknowledges the staff for all their hard work.

Chairman Pruden stated that on Pioneer Day they had a unique opportunity of hosting some ministers from other countries that were on a nationwide tour. There were five ministers from the Sudan, Montenegro, Morocco, Burma and the Island of Marishas. They spent two hours here talking about our form of government. These ministers visited Tampa, Vermont, Tooele, and Chicago. This was a very favorable thing for Tooele.

#### **18. Adjourn**

**Councilman Wardle moved to adjourn and reconvene in a closed meeting in the Large Conference Room.** Councilman Hansen seconded the motion. All members present voted “Aye”. The meeting adjourned at 8:02 p.m.

Approved this 20<sup>th</sup> day of August

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Chairman Pruden