

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, December 17, 2008
Time: 7:00 p.m.
Place: 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
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Sharon Dawson, City Recorder
Lisa Carpenter, Deputy Recorder/City Council Liaison
Paul Hansen, City Engineer
Cary Campbell, Public Works Director
Randy Sant, RDA Consultant
Milo Berry, Communities that Care
Chief Ron Kirby, Chief of Police

Others Present:

Debbie Winn, Chamber of Commerce
Shawn Milne, Planning Commission Chair

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 Randy Sant.

2. Mayor's Community Recognition Awards

Presented by Mayor Dunlavy, Councilman Wardle, and Chief Kirby

Mayor Dunlavy welcomed all those who have come to support the recipients of this award. He said that it is his pleasure in acknowledging these students and the positive role models they are in school and in the community. He acknowledged the support these

students receive from their families. The Mayor stated that the Communities that Care Program is under the direction of Milo Berry. He also stated that the Communities that Care program is a great program for the youth in Tooele. He said that it is his pleasure to present these awards.

Councilman Wardle explained that the students will be receiving a bag of goodies. The bag contains a Certificate from the Mayor, a notepad from the Chamber of Commerce, a Mayor's Recognition Award wristband, a McDonald's gift card and some various other goodies.

Councilman Wardle then presented the awards to the following students:

Chandler Staley, Tooele Junior High
Gabe Burnaby, Copper Canyon Elementary
Jesse Hopper, Cooper Canyon Elementary
Kenya Russell, West Elementary
Garrett Hamilton, Middle Canyon Elementary
Leah Taylor, Harris Elementary
Alexa Golden, Overlake Elementary
McKenna Allred, East Elementary

Mayor Dunlavy said that these students are the future of this community. He said that the Communities of Care program has been in Tooele for a few years. It was implemented by Tooele City and was put into the schools to help students deal with problems and the things they deal with everyday. It is a great program, it started with a grant from the University of Washington and the statistics they have gathered over the last few years has proved it to be very successful. He is grateful for Mr. Berry and his staff. He is also grateful to the teachers and their support of the program. He said that there is also a parenting support program called "Guiding Good Choices", which helps parents who are struggling or parents who just want to learn more. If anyone is interested in these programs he invited them to contact Mr. Berry. He thanked the families again for their support and congratulated the students.

A brief recess was taken to take a picture with the Mayor.

3. Open Forum for Public Comment

Chairman Pruden invited anyone who would like to address the council to come forward.

Joel Liddell of Tooele addressed the Council. Mr. Liddell would like to see a walking path where there is not a sidewalk around 2nd West and Vine Street. He said that it would be about a 1,600 ft path way. He said that there is a need for a walking path in this area and it could be funded using the PAR tax. Mr. Lidell would like to see a sand path; it is easier to walk on. He said that there are many places in Tooele that do not have sidewalks; he suggests putting in sand paths in those areas as well. He knows that

developers have to put in the sidewalks but a sand path would be nice to have while waiting for a sidewalk. He has presented this to the Mayor as well before this meeting.

Chairman Pruden stated that the City is in the middle of a budget cycle right now and the PAR tax has already been spent for this cycle. It would be impossible to implement this right now, but it is a great idea. Chairman Pruden indicated that they do not know how much this would cost. He suggested that Mr. Liddell talk with Kathy Bell, with the Parks Department and help her find out how much this would cost. When they know how much it would cost, that would help them in budgeting.

Councilman Johnson asked if this would go inside the perimeter or outside the perimeter.

Chairman Pruden stated that it would go outside the fence.

Councilman Johnson asked if there is enough room on the north side.

Mr. Liddell said that the north side would require moving the fence in for about 75' in the middle.

Councilman Johnson said that he echoes what Chairman Pruden said. If the cost is feasible it would be great to be able to do this. The next budget cycle begins July 1, 2009 and they start working on the new budget in March or April.

Mr. Liddell would like to see this started as soon as soon as possible.

Councilman Johnson said that the PAR tax is already allocated for this year. They could look at it next year.

Mayor Dunlavy stated that they are looking at this. There are a few drainage basins that would have to stay at this location and they would have to do some kind of bridge. They are going to come up with an amount to see how much this would cost.

Mr. Liddell stated that it would be nice to have sand paths and walking trails at other City parks.

Chairman Pruden said the new park that will be on Skyline Drive will have a walking trail around the perimeter of the park.

Chairman Pruden closed the public hearing at 7:35 p.m.

4. Recommendation for Arts Council Grant

Presented by Renee Milne

Chairman Pruden wanted to thank Ms. Milne, Ms. Sherwood and those that were involved in the concert with Thurl Bailey. It was a great concert and he has heard positive feedback from many people.

Councilman Hansen also echoed how great the concert was.

Ms. Milne said that she also echoed those sentiments. She also thanked Michelle Pitt and Terra Sherwood for their involvement in the concert and their hard work. Ms. Milne stated that they have gone through the grant process again this year. The Arts Council is coming before the City Council to ask for approval of the grant. The Council has the break down of the organizations, how much money they requested, how much they were awarded and for what types of activities. Last year they received over 30 applications, and this year they received nine because they made the requirements more specific. Ms. Milne stated that she will answer any questions the Council has.

Councilman Johnson stated that the LaForge Theater Company is a wonderful thing. He noticed that last year they asked for \$25,000 and this year they asked for \$21,000. Is it the hope that as they get more popular they will start taking more of the financial responsibility and relying less on the grant.

Ms. Milne said as the theatre gets more popular and their ticket sales go up they could rely less on grant money. Ms. LaForge was disappointed in ticket sales last year, but there is only room for improvement. The space she rents will be less expensive than she had last year as well.

Chairman Pruden stated that when they had the open houses concerning PAR tax the number one request was theater. They are hoping that as her program grows she will rely less on the grant money.

Ms. Milne also stated that Carol LaForge was not at any of the meetings where the grant applications were discussed since she is a board member.

Councilman Hansen moved to approve the Arts Council Grant petition as stated in the handout. Councilman Wardle seconded the motion. All members present voted “Aye”.

Ms. Milne thanked the Council for their support.

5. Audit Report

Presented by Glenn Caldwell

Councilman Johnson moved to table this item. Councilman Hansen seconded the motion. All members present voted “Aye”.

6. **Resolution 2008-51 A Resolution of the Tooele City council Adopting the Natural Hazard Pre-Disaster Mitigation Plan as Required by the Federal Disaster Mitigation and Cost Reduction Act of 2000.**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy stated that this is part of the Council of Governments that he and Councilman Johnson are on. It is through the Wasatch front and it is required. If there is a natural disaster and the City does not have this adopted they would not be eligible for FEMA funds.

Councilman Johnson stated that this is an update; it was done five years ago.

Mayor Dunlavy said that it is updated every five years.

Councilman Johnson said that this is a pre-disaster mitigation plan and if the City wants money from FEMA it has to be adopted.

Councilman Hansen moved to approve Resolution 2008-51. Councilman McCall seconded the motion. All members present voted “Aye”.

7. **Resolution 2008-52 A Resolution of the Tooele City Council Consenting to the Re-Appointments of Shawn Mine and Bruce Pollei, and to the Appointment of Carolyn Nash to the Animal Control Appeals Board, Setting their Term of Service and Awarding them the Powers of the Office**

Presented by Police Chief Ron Kirby

Chief Kirby explained that at the end of 2003 and the beginning of 2004 the City Council established a new Animal Control Ordinance and it included the establishment of a new Animal Control Appeals Board, because of the appeals process that was established for potentially dangerous animals. Since that time there have been about 100 hearings and most of those have been declared dangerous or potentially dangerous. Out of those 100 hearings they now have one appeal. The terms on the board members have expired and because they were not getting any appeals they did not notice. They now have an appeal and the board needs to be re-established. Chief Kirby suggested that because it might be hard to maintain a full appeal board he would like to recommend that the ordinance is changed so they have a hearing officer instead. The three members they have recommended now are Shawn Milne, Bruce Pollei, and Carolyn Nash.

Councilman Johnson asked Mr. Baker if there is any requirement that the board members not sit on any other boards.

Mr. Baker stated that the ordinance does not have any parameters or guidelines in respects to the length of terms or staggered terms. He picked an arbitrary four years.

Councilman Wardle moved to adopt Resolution 2008-52. Councilman Hansen seconded the motion. All members present voted “Aye”.

8. **Resolution 2008-49 A Resolution of the Tooele City Council Accepting Completed Public Improvement Associated with Construction of the Walgreens Retail Store Located at 188 North Main Street.**

Presented by Paul Hansen

Mr. Hansen said that in accordance to Tooele City Code, the City is required to bring before the Council for the approval of the public improvements associated with the Walgreens retail store. The Council has a copy attached to the resolution of the certificate of completion. They would like to present this at this time. This would commence the one year warranty period.

Councilman Johnson noted on the form that there is a box checked that states that the public works element of the sewer is not required. He asked if that is because the structure was already there.

Mr. Hansen stated that is talking about the public infrastructure. They had to run their own sewer lateral, but that is not considered public.

Councilman Hansen moved to approve Resolution 2008-49. Councilman McCall seconded the motion. All members present voted “Aye”.

9. **Resolution 2008-50 A Resolution of the Tooele City Council Accepting Completed Public Improvement Associated with Construction of the Big 5 Retail Store Located at 152 North Main Street.**

Presented by Paul Hansen

Chairman Pruden asked if this includes the Sears building.

Mr. Hansen said it does include the Sears building. Mr. Hansen stated that this has the same representation as the previous item.

Councilman Hansen moved to approve Resolution 2008-50. Councilman Wardle seconded the motion. All members present voted “Aye”.

Mayor Dunlavy said that he received a call from the Corporate Vice President of Big 5 thanking the City for their cooperation in helping their building get built. They have had an overwhelming response to their store since it has been opened. He is personally responsible for 395 Big 5 outlets, and the Tooele City Big 5 was number nine in sales. The City is thrilled about the response from the community. He expressed a lot of gratitude.

Chairman Pruden stated that he talked to the manager at Big 5 and they were very happy to the response of the store. Chairman Pruden also talked to the manager at Sears and they are remodeling the layout of their store to meet the requests of customers. It is a wonderful addition to downtown.

10. Minutes; December 3, 2008

Councilman Hansen moved to approve the minutes as presented. Councilman McCall seconded the motion. All members present voted "Aye".

11. Invoices

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Dyer Waldbillig for outside litigation for Grantsville litigation for November 2008 in the amount of \$17,048.80.

Councilman Johnson moved to approve the Dyer Waldbillig invoice as presented. Councilman Hansen seconded the motion. All members present voted "Aye".

12. Adjourn

Councilman Wardle moved to adjourn the meeting. Councilman Hansen seconded the motion. All members present voted "Aye". The meeting adjourned at 7:48 p.m.

Approved this 7th day of January 2009

Chairman Pruden