

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, July 2, 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
Roger Baker, City Attorney
Sharon Dawson, City Recorder
Lisa Carpenter, Deputy Recorder/City Council Liaison
Paul Hansen, City Engineer
Cary Campbell, Public Works Director
Rachelle Custer, City Planner
Chief Kirby, Chief of Police
Milo Berry, Communities that Care

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. Chairman Pruden welcomed Boy Scout Troop 412 to the meeting; they are working on their Citizenship in the Community Merit Badge.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Debbie Winn.

2. Teen Employee Recognition Awards

The Mayor explained that these awards are given to special young people that work for different companies in the community. These awards are coordinated by the Communities that Care. The employers nominate these students for this award. The

youth is very important to the administration and the Council. The mayor stated that it is his pleasure to present these awards and give these students a “pat on the back”.

Chairman Pruden stated that these students will receive a goody bag with a certificate from the Mayor, a gift certificate from Papa Murphy’s, a gift certificate from Oquirrh Hills golf for a bucket of balls, a free swim pass, a Tooele City lapel pin, a Ty Herndon Concert Ticket, a Mayor’s recognition wristband along with a few other goodies. These students were recognized by Jolene Thurgood who is the store manager for Macey’s. Chairman Pruden presented the awards to Camarie Evans and Tucker Bohman.

Mayor Dunlavy congratulated the students for a job well done. He also thanked the parents for their support. He thanked Milo Berry for the great job that he does with the Communities that Care Program. The Communities that Care program is a great program that helps kids deal with today’s situations. They also have a great parenting program called “Guiding Good Choices”. He invited anyone who would like to attend. He also thanked the Board of the Communities that Care.

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

3. Open Forum for Public Comment

Ann Marie Fuller, 405 N Wrathall Circle, addressed the Council. Ms. Fuller stated that she addressed the Council last year regarding the pet limit laws and asked where the City was at making changes to the ordinance.

Mr. Baker said that his office has been working on making some amendments to the animal chapter of the City Code. They are very close to bringing a draft to the City Council for discussion. The ordinance is being enforced as it is written now. The proposal that they will bring will allow up to four animals and suggest a higher number with certain kinds of licensing and permits.

Councilman Johnson asked when the ordinance will be ready to present.

Mr. Baker said within six weeks.

Ms. Fuller said that enforcing nuisance laws is the biggest problem. She asked if there was a way to make the nuisance laws tighter.

Mr. Baker said that they feel that the ordinance is strong in regards to the nuisance law. It is a matter of allocating funds and resources for enforcement. He feels good about the way that it is written.

Nicole Cloward, 895 Poplar Lane addressed the Council. Ms. Cloward is with the Tooele County Showcase of Homes. This is the first year there will be a Showcase of Homes in Tooele, it is scheduled for September 11, 12, & 13th of this year. This event will be patterned after the Parade of Homes in other Utah communities. She hopes that this

event will grow each year. They would like to place directional's to guide visitors to the homes. They will have a map inside of the program guides, but she knows not everyone reads them. They are worried about people finding the homes. They will have 4-5 homes in Tooele City and they have a total of 18 homes right now throughout the County. She has spoken to Rachelle Custer regarding the signage. She wants to know what the next step is.

Chairman Pruden said that the Council did informally discuss this prior to this meeting and there is a process that must be taken before the signs can be put up.

Ms. Custer said that staff will review the letter and the pictures and then it will have a 10 day advertisement period and then will go to the Planning Commission for a public hearing. After the Planning Commission's recommendation it will then come to the City Council.

Councilman Johnson explained that the ordinance will have to be changed which will take some time. There will probably be some kind of permit process to put up the signs.

Chairman Pruden said that staff is working on the ordinance right now.

Councilman Wardle said that this will be good exposure for Tooele.

Ms. Cloward said that they are already advertising and they are getting good response.

Councilman Wardle asked how many tickets they are planning on.

Ms. Cloward said somewhere between 8,000 to 10,000 tickets.

Chairman Pruden asked where people will be able to purchase the tickets.

Ms. Cloward said they haven't talked to the Chamber yet but they would like to. She has spoken with Tooele County, Macey's, and Casa Del Sol in Grantsville and they have all agreed to sell tickets. They can also buy tickets at the homes.

Naida Parkinson, 178 W 700 N, addressed the Council. Ms. Parkinson also has addressed the Council before regarding the two pet limit ordinances. She would like to see the pet limit increased. She knows there are people capable of having more than two pets. Ms. Parkinson knows of a couple who recently got engaged and they each had two dogs. They are responsible pet owners. They got a ticket for having four dogs. They decided to move instead of getting rid of two of their dogs. She feels that these situations should be looked at on a case by case basis. She knows of so many animals that are abandoned and need help. She also knows that there isn't funding to help all the animals. She has spoken to the Mayor about funding and working with No More Homeless Pets in Utah. She feels that some people should be given special permits to deal with more animals.

Councilman Pruden said that Mr. Baker's office is working on this ordinance.

Councilman Johnson said that it is impossible for the City to do a sort of "home study" to see who can take more animals; they don't have the resources or the man power. He agrees that some people can handle more animals. He told Ms. Parkinson that the ordinance is being worked on to increase the limit.

Councilman Johnson moved to close the open forum. Councilman Hansen seconded the motion. All members present voted "Aye". The open forum closed at 7:30 p.m.

4. **Resolution 2008-24 A Resolution of the Tooele City Council Authorizing the Mayor of Tooele City to sign a contract with Paul Hansen Associates, L.L.C. for City Engineering Services.**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy said that it is his pleasure to come before the Council and recommend the continuation of Mr. Paul Hansen's contract. Mr. Hansen is an asset to him and to the Community. He thanked Mr. Hansen for the good job that he does. The Mayor is proposing that this contract be for two years instead of one. This proposal also has a 5% cost increase.

Councilman Hansen moved to adopt Resolution 2008-24.

Councilman Wardle asked Mr. Baker about a wording change on 3(d) to indicate the amount shown for the first year, and not for the total contract.

Mr. Baker said that he will make the change.

Councilman Hansen moved to adopt Resolution 2008-24 with the amendment as stated above. Councilman Wardle seconded the motion. All members present voted "Aye".

5. **Resolution 2008-28 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Hometown Plumbing, Curtis Electric and Turner Concrete for plumbing, electrical and concrete work related to the Tooele City Splash Pad.**

Presented by Paul Hansen

Mr. Hansen thanked the Council for their support. He will continue to work to earn their on going support.

Mr. Hansen explained that the Council authorized the Parks department to construct a splash pad at the Tooele City Pool. This contract formalizes the contracts with the three contractors that have been involved in the construction of the project, and which were

previously authorized by the Council to proceed with the work. The three contractors are; Hometown Plumbing, Curtiss Electric and Turner Concrete. The work is substantially complete at this time. There is some minor work that needs to be done under warranty, but which will be complete prior to full payment.

Councilman Pruden asked when it will be ready.

Mr. Paul Hansen stated that there is a leak. The contractors need to go back and look at it, but it is their hope to have it operational within the next couple of days.

Councilman Johnson said that he would like it ready by Friday the 4th of July.

Mr. Paul Hansen said that is their target date. It depends on what the contractors find.

Chairman Pruden explained to the public that this splash pad that will be accessible through the pool. He asked Mr. Hansen if he is happy with the work that has been done.

Mr. Paul Hansen said there is still some work that needs to be done under warranty. This is simply the contracts for the work, and not the invoices. The invoices will come for approval later. He will do everything in his power to have it ready by the 4th of July.

Councilman Johnson moved to adopt Resolution 2008-28. Councilman Hansen seconded the motion. All members present voted “Aye”.

6. **Resolution 2008-35 A Resolution of the Tooele City Council Authorizing the mayor to sign a contract with TecServ, Inc. for consulting services and to perform computer network maintenance activities for Tooele City.**

Presented by Sharon Dawson

Ms. Dawson explained that this resolution will allow the Mayor to sign a contract with TecServ Inc. for the City’s computer network service. The contract is the same as last year except the price went down. The contract allows for a consultant to come out four hours a week.

Chairman Pruden said he is happy that it is less money than last year.

Councilman McCall moved to adopt Resolution 2008-27. Councilman Hansen seconded the motion. All members present voted “Aye”.

7. **Resolution 2008-16 A Resolution of the Tooele City Council authorizing the dedication of 0.24 Acres of Tooele City property for a public right-of-way.**

Presented by Roger Baker

Mr. Baker referred the Council to Exhibit C the area and right-of-way map attached to the resolution. He explained that on the lower left hand corner of the map is the current, temporary access Mr. Richman has been using to access his land locked property from 1000 West. This is an access that previous mayor's (Diehl, Pendleton, Roberts) have allowed and it originated quite some time ago. There are reasons that the access is not one the City would like to perpetuate; with the primary reason being that it is not a good location because of the curvature of the street, and it is not safe. The present access location could also limit future use and development of the City's property. Mr. Richman has proposed to replace the existing access with one further North. The City agrees that it is a better location. The City is requiring as a condition of recommending it to the Council is that it not just be a dirt driveway, but it be a full 60 ft right-of-way roadway section which will be constructed to City standards. When this property receives a building permit or is subdivided the applicant will be required to build the road at his expense.

Chairman Pruden reiterated that the road does not need to be built now, but when it is improved it has to be approved to City standards. He agreed that this is a better proposal.

Mr. Baker said that this is better for Mr. Richman and the City.

Chairman Pruden told Ms. Richman in the audience, on behalf of the Council, they are sorry that this has taken so long.

Councilman Johnson indicated that this will be a public right-of-way.

Mr. Baker said that was correct. It will be a public street. It will be a public right-of-way upon recording the dedication deed. It won't be used as a public street right now because it isn't going anywhere except to vacant property. The deed will reflect the language used in the Resolution to document obligations of the Richmond's.

Councilman Hansen moved to adopt Resolution 2008-16. Councilman Johnson seconded the motion. All members present voted "Aye".

Mr. Baker stated that he will now write a deed of dedication that will have to be signed by the City and by Mr. Richman and recorded against the property.

8. Ordinance 2008-08 An ordinance of the Tooele City Council amending Tooele City Code 7-16-4 (Table 2) to clarify landscaping requirements.

Presented by Rachelle Custer

Ms. Custer explained that Tooele City Code 7-16-4 Table 2 contains requirements for minimum required front yard landscape area, minimum required landscape area, and landscape requirements. The landscape requirement row in table 2 is blank except for the industrial and gateway overlays zoning districts. Note F1 addresses landscaping requirements at the end of table 2. Staff feels it was the intent at the time this table was

written that the “See Note F1” is placed in all columns except for the industrial column and “See Note F2” is placed in the industrial column.

Councilman Johnson asked what F1 says.

Ms. Custer read F1: *No plans for any building, structure of other improvements shall be approved by the Planning Commission unless a landscaping plan is submitted and approved by the Planning Commission and consistent with the requirements of 7-11, Tooele City Code.*

Councilman Johnson asked that any development within the City will have to go to the Planning Commission for landscaping.

Ms. Custer stated that it is just for commercial.

Ms. Custer continued: *Landscaping in accordance with the approved Landscaping Plan shall be installed within 30 days following the issuance of a Certificate of Occupancy, or as otherwise approved by the Mayor as seasonal conditions may dictate. It goes on to say that a. Where possible a 50/50 mix of deciduous and evergreen trees and shrubs shall be used. b. 60% of trees and shrubs with a minimum caliper of 2 to 3 inches with a minimum height of 5 feet shall be identified. c. Street trees with a minimum caliper of 2 to 3 inches shall be provided along all public rights-of-way.*

Mr. Baker said that this does not change the City’s practice. This just clarifies the ordinance.

Councilman Wardle moved to approve Ordinance 2008-08. Councilman Hansen seconded the motion. All members present voted “Aye”.

9. Ordinance 2008-10 An ordinance of the Tooele City Council repealing Tooele City Code Chapter 7-14 Table 4 note regarding maximum garage size.

Presented by Rachelle Custer

Ms. Custer explained that this is another technical correction that staff feels needs to be made to the ordinance. She said currently on the bottom of Table 4 of Tooele City Code 7-14 it says: “Note: Detached Garages shall not exceed 750 square feet floor area.” In other areas of the same ordinance they control the size of accessory buildings through lot coverage. There is also a section of the ordinance that allows detached garages as a permitted use up to 2,500 sq ft, only after that is a conditional use permit required. This creates a conflict with the ordinance. Staff feels that 750 sq ft restriction needs to be repealed from the ordinance and let the lot coverage govern the size of the accessory structure.

Councilman Johnson stated that a 2,500 sq ft accessory structure is fairly large. He wondered if it should be smaller. He would like the Planning Commission to look at garages of this size and have an open forum if someone wants to complain about the size.

Ms. Custer said that if it exceeds 8% lot coverage the Planning Commission will still address it. If it exceeds 15 ft in height the Planning Commission will address it. This is for all accessory structures. All structures are allowed to cover 25% to 35% of the lot depending upon what zone they are in. An RR-1 zone allows for a 25% lot coverage the smaller zones allow for 35% lot coverage. In order to get a 2,500 sq ft garage they will need to have a fairly large lot.

Chairman Pruden said that the chances of a 2,500 sq ft garage in a normal subdivision are slim.

Mr. Paul Hansen stated that an 8% lot coverage with a 2,500 sq ft garage would require a ¾ acre lot.

Councilman Johnson just wants to make sure they are not changing the ordinance to allow for a large garage without having it to come through Planning Commission.

Ms. Custer stated they get the most complaints on the height of the garage. This does not change that. A 15' height garage is allowed but anything above that requires a conditional use permit with the Planning Commission.

Councilman Wardle mentioned that Planning Commission scrutinizes the detached garages when they are presented for conditional use permits. It is good that they do so.

Councilman Hansen agreed that the Planning Commission does a good job scrutinizing the detached garages.

Councilman Wardle moved to approve Ordinance 2008-10. Councilman Hansen seconded the motion. All members present voted “Aye”.

10. **Minutes; June 18, 2008: Closed Meeting and Business Meeting.**

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

11. **Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Turner Concrete, Inc. for concrete work on the splash pad at the Pratt Aquatic Center in the amount of \$24,254.00.

- Hometown Plumbing for plumbing work on the splash pad at Pratt Aquatic Center in the amount of \$22,200.00.
- Holme Roberts & Owen for professional services through May 2008 in the amount of \$34,560.75.
- Royal Wholesale Electric for well repairs in the amount of \$10,530.90.
- Quality Chevrolet for a Chevy Truck in the amount of \$18,000.00.
- Tesco/Williamsen for one dump bed in the amount of \$8,613.00.
- Backbeats – Drum and Backline for sound system delivery and pickup for Ty Herndon concert in the amount of \$12,595.00.

Mayor Dunlavy apologized for the few late invoices and indicated that they were negotiating costs on the truck and dump bed, and were trying to close out the budget.

Councilman Johnson moved to pay the invoices as presented and authorizes the administration to withhold whatever amounts they need to the contractors until the splash pad is finished. Councilman Hansen seconded the motion. All members present voted “Aye”.

12. Mayor’s Report

Mayor Dunlavy reminded everyone about the Ty Herndon concert on Saturday and the fireworks. He also wanted to acknowledge the police department and the fire departments involvement in the festivities this weekend, they do a great job and they will be stretched pretty thin. The Mayor reminded everyone about the Rodeo on Thursday and Friday. There are also events at the park on Friday along with the 4th of July activities.

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.

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Approved this 6th day of August 2008

Chairman Pruden