

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, August 20, 2008
Time: 6:00 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
Glen Caldwell, Finance Director
Lisa Carpenter, Deputy Recorder/City Council Liaison
Rachelle Custer, City Planner
Paul Hansen, City Engineer
Roger Baker, City Attorney
Cary Campbell, Public Works Director
Chief Kirby, Chief of Police

Other Present:

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

Minutes prepared by Elisa Jenkins

The meeting was called to order by Chairman Pruden at 7:03 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Lisa Carpenter.

2. Open Forum for Public Comment

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

Councilman Hansen moved to close the open forum. Councilman McCall seconded the motion. All members present voted *aye*. The open forum closed at 7:05 p.m.

3. Request to Build a Partial Street in Sunset Estates Phase 4

Presented by Paul Hansen

Mr. Paul Hansen stated that there is a memo in the Council's packet regarding this item. He explained that the plat for Sunset Estates phase 4 subdivision was approved in March of 2007, the memo says March of 2008. The City has an ordinance that the plat be recorded within a specified time period, which has not happened in the case of this plat. By Tooele City Code the plat is considered null and void. All of the improvements along 2400 North are in place for Phase 4 and they were put in principally when the Junior High was built, which is the lot to the south. There remains some work to be done on 400 West. The City is bringing this plat back to the Council in the next agenda item, for the Council's consideration. Before approval of the plat they are reaffirming that the Council grant an exception to the requirement that the developer build a full 400 West right of way. This is a process to reaffirm the rights of the plat. Administration recommends that the Council accept the developer from not having to construct the western half of 400 West for reasons stated in the memo.

Chairman Pruden asked if money is being retained to finish the street later on.

Mr. Paul Hansen stated "no". The developer on the west side of the road would finish that part. This developer would only be obligated for his side of the road (east half).

Chairman Pruden asked if 2200 N was open now. He noticed the church being built next to the Junior High.

Mr. Paul Hansen said "yes".

Councilman Johnson moved to allow an exception to allow a partial street in Sunset Estates Phase 4. Councilman Hansen seconded the motion. All members present voted "Aye".

4. PUBLIC HEARING & MOTION on Final Plat Approval for Sunset Estates Phase 4 a 13 Lot Subdivision 3.62 acres located at approximately 300 West 2200 North

Presented by Rachelle Custer

Ms. Custer stated that Mr. Paul Hansen explained this plat in the previous item. Sunset Estates phase 4 received a favorable recommendation from Planning Commission on May 9, 2007 and was approved by City Council on June 6, 2007. Due to the length of time since the City Council approval the approval has expired. The developer is re-requesting that the final plat be approved. Planning Commission made a favorable recommendation on August 13, 2008.

Councilman Johnson believed that there were conditions placed on the plat by the Planning Commission and City when it was approved in 2007, (e.g. matching lights to the North Tooele Special Service District (NTSSD)). He would like to make sure those same conditions will apply with this approval.

Ms. Custer said that 2200 North is the dividing line for the NTSSD. Anything north of 2200 North does not fall under the NTSSD.

Chairman Pruden recalled that they are not within the official boundaries of the NTSSD, but agreed to adhere to the standards of continuity.

Mr. Baker clarified that this phase is not within the NTSSD. The Council has had some discussion as to where the line should be drawn. It was generally thought that 2200 North should be the line. South of 2200 N would not be in the district either.

Chairman Pruden asked if they should have a discussion as to where the line would be.

Mayor Dunlavy said only if they desire to know where it would be.

Councilman Johnson said that this was approved last year with conditions by the Planning Commission and the Council and he suggests approving this with the same conditions.

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 Hansen moved to close the public hearing. Councilman McCall seconded the motion. All members present voted ðAyeö. The public hearing closed at 7:10 p.m.

Councilman Johnson moved to approve final plat approval for Sunset Estates Phase 4 a 13 lot subdivision 3.62 acres located at approximately 300 West 2200 North subject to all of the conditions that were imposed by City Administration, Planning Commission and City Council when this plat was originally approved on June 6, 2007, except for the issue of the west side of 400 West which was discussed in the previous agenda item. Councilman McCall seconded the motion. All members present voted ðAyeö.

5. **Resolution 2008-38 A Resolution of the Tooele City Council Authorizing the Mayor of Tooele City to sign a contract with Clegg Livestock, Inc., 7C Livestock Co., Clegg Grandchildren Trust, and Bruce Clegg for Disposal of the City's Bio-Solids.**

Presented by Roger Baker

Mr. Baker explained that the City has had an agreement for the past five years with the Clegg families for the City to deliver the treated Bio-Solids to them. The City also purchased a manure spreader. The Cleggs spread the bio-solids on the fields that they own. That agreement expired in April, and they need to renew it. They are proposing reducing the contract to a 1 year term instead of a five year term. They would like to re-evaluate it on an annual basis.

Chairman Pruden stated that this is a 16 month contract.

Mr. Baker said for this one that is true it goes through December 2009, and then it would be on a clean calendar year and would be re-evaluated.

Councilman Johnson said that this is beneficial to them and the City is paying them \$3,000 a month. He would like to see the City benefit from this and put it on property that the City owns or try to sell it.

Mr. Baker said that the City does not have sufficient property on which to apply the bio-solids except in the Vernon Sod Farm area. Because of the cost of transportation it is cheaper to give it to the Cleggs than to put it on the City's property. The City cannot sell it until it is treated to a certain level and the City does not have the capability of treating it to that level today. The City should be looking at alternatives because the Cleggs have indicated that this may not work for them forever. He has suggested that to the wastewater superintendent, who is aware of the situation and exploring options.

Councilman Johnson said that this agreement is in place and it seems easy to continue. He asked if other alternatives are really being looked at.

Mr. Baker said that he has looked into how well the current arrangement is working and what the problems are. There is a concern that the Cleggs are not distributing it often enough. It cannot be stockpiled. It has to be spread frequently.

Mayor Dunlavy said that they have been looking at other options, they are expensive but they are long term solutions. He stated that Cary and Dan have traveled to California to look at one of those solutions and review the process. They are looking at the phased expansion of the wastewater treatment plant and how to solve this problem. The reason they haven't done it yet, is because the processes that are available and effective are very expensive.

Mr. Baker said that they need to look for alternative locations.

Mayor Dunlavy said that the City used to use their truck to haul the bio-solids; they sealed the bed and delivered it to the landfill. The cost of doing that was so expensive that they looked at alternatives to that cost and this was the solution. The property which the Cleggs own is very close to the City. The cost to have them do it was much less than hauling it to the landfill.

Mr. Baker said that the County dump is no longer authorized to receive this kind of waste. It would have to be treated to a level that it can be used for compost before the City can deliver it to them. They don't have that capability.

Councilman Johnson wondered if the City had property where they could pay someone half of what they are paying the Cleggs for a part time position to spread it on City property.

Mr. Baker said that the City has a 20 acre parcel which is not large enough. This substance cannot be spread on the same property everyday it has to settle on the property and be worked into the soil. You need to have a few large parcels. In Vernon they have enough property but much of it is under cultivation. The other large property is mountain property that they can't get it to.

Mr. Campbell said that the City is not really paying the Cleggs to take rather they are paying them to spread it. That is very important. It can not be dumped anywhere it has to be researched on how to put it on the ground. Regulations are really picky on what is done with this.

Councilman Johnson asked why they have approval for a wastewater treatment plant and are not allowed to do anything with the bio-solids produced from that plant.

Mr. Campbell said that rules are getting strict. Soon it will have to be treated as a Class A product, and they won't be able to spread it anywhere. Mr. Campbell said that he visited the Seattle and the San Francisco area looking for alternatives. Those jurisdictions had to start selling the fertilizer instead of people coming to get it. It will be very expensive to get it dried out to be able to do that. They will have good places to put it such as the golf courses and parks.

Councilman Hansen said that it is good that they are doing a one year agreement in case things change.

Councilman Johnson said that he hopes that the City has an alternative plan when the Cleggs don't want to do it anymore.

Mr. Baker said that he wondered why Forsgren Associates did not design a plant that could better treat and better manage the waste products of the water treatment process.

Councilman Hansen moved to approve Resolution 2008-38. Councilman McCall seconded the motion. All members present voted *aye*.

6. **Minutes: Closed Session; Work Session; Business Meeting August 6, 2008**

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

Councilman Johnson asked if the letter to the editor in the paper was true that guys went and looked at someone's water. It did not sound like something that the City would do.

Mayor Dunlavy said that they were not City Employees it was a contractor. It has been corrected.

7. Invoices

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy presented the following invoice for payment:

- Clyde Snow Sessions & Swenson for July professional services for Lamb litigation in the amount of \$13,597.16.

Chairman Pruden asked if this is one of the last large amounts for this. The City won this lawsuit.

Mr. Baker said that they are preparing the orders for the judge to sign. They have to see if Lamb is going to appeal. If Lamb doesn't appeal then it is over.

Councilman Johnson told Mr. Baker he doesn't agree with them charging the City for Westlaw.

Mr. Baker said that although Lamb's case against the City has been dismissed, the City's case against Lamb remains. They are preparing a motion for summary judgment to award the City judgment based on the fact that the judge has thrown their case out.

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

8. Adjourn

Councilman Johnson moved to adjourn meeting and reconvene to the Discussion meeting. Councilman McCall seconded the motion. All members present voted "Aye". The meeting adjourned at 7:27 p.m.

Approved this 3rd day of September 2008

Chairman Pruden