

**Tooele City Council  
Business Meeting Minutes**

Date: Wednesday, January 02, 2008  
Time: 7:00 p.m.  
Place: Tooele City Hall Council Chambers

**City Council Members Present:**

Mike Johnson, Vice Chairman  
Steve Pruden  
Scott Wardle  
John Hansen  
Dave McCall

**City Employees Present:**

Mayor Patrick Dunlavy  
Sharon Dawson, City Recorder  
Lisa Carpenter, Deputy Recorder/City Council Liaison  
Roger Baker, City Attorney  
Glen Caldwell, Finance Director  
Paul Hansen, Contract City Engineer  
Chief Kirby, Chief of Police  
Rachelle Custer, City Planner  
Cary Campbell, Public Works Director  
Susan Howard, Administrative Office Supervisor

**Others Present:**

Debbie Winn, Chamber of Commerce

Minutes prepared by Elisa Jenkins

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Boy Scout Troop 1456.

Vice Chairman Johnson welcomed Boy Scout Troop 1456, who is working on their Community Service Merit Badge. He also welcomed Troops 3160 and 460 who are working on their Citizenship in the Community Merit Badges.

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

Mayor Dunlavy explained that these awards were started a couple years ago to recognize the students who are the best of the best. These students are recognized by their teachers and administrators for doing special things at school and at home.

He recognized Chief Kirby and Councilman Pruden for helping him with these awards tonight. He wanted to acknowledge Milo Berry, with the Communities that Care program. He believes that Tooele has the best Communities that Care program in the state thanks to Mr. Berry. The Mayor introduced Councilman Pruden to present the awards.

Councilman Pruden informed the students that they will receive a goody bag with a Certificate from the Mayor. They will also receive a gift certificate from Leatherby's and Papa Murphy's, a water bottle from the Chamber of Commerce, a Tooele Pin, a Mayors Recognition bracelet, as well as some other goodies. Councilman Pruden then presented the awards to the following students:

Daniel Garcia, West Elementary  
Kimberlee Volner, Northlake Elementary  
Kate Bryant, Overlake Elementary  
Megan Moulton, Middle Canyon Elementary  
James Gregson, Harris Elementary  
Anthony Keysaw, East Elementary  
Kelly Clonts, Copper Canyon Elementary

Mayor Dunlavy thanked the parents, grandparents and siblings of these students for playing a positive role in these students' lives. These students are very important to the City of Tooele.

A short break was taken for a picture with the Mayor.

### **3. Official Swearing in of New City Council Member**

Presented by Sharon Dawson

Ms. Dawson stated that she will be swearing in the newest City Council member Dave McCall, as well as Councilman Pruden and Councilman Johnson who were re-elected. Ms. Dawson then swore in Dave McCall, Michael Johnson, and Steve Pruden as Tooele City Council members. Vice Chairman Johnson invited Dave McCall to join them on the stand.

### **4. Election of Council Chair & Board**

Vice Chairman Johnson asked for a motion to appoint a Council Chairman and Vice Chairman.

**Councilman Wardle moved to elect Councilman Pruden as Chairman of the City Council and John Hansen as Vice Chairman of the City Council.**  
Councilman Hansen seconded the motion. All members present voted "Aye".

Chairman Pruden conducted the rest of the meeting.

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

Chairman Pruden invited anyone who wished to address the Council to come forward.

Danny Marz, 1075 Tinglewood addressed the Council. He explained that he is in process of developing a 110' long tunnel car wash on the corner of Macey's. Everything is moving along well, but is taking longer than he planned. He is having problems securing water rights for this development, he needs seven water rights. His car wash will be open for five months from 7:00 a.m. to 7:00 p.m. and the rest of the months from 7:00 a.m. to 9:00 p.m., it will be closed on Sunday. He will employ 2 full time employees and about 5 part-time employees and generate approximately \$400,000 a year which will generate taxes for Tooele. Mr. Marz is new to this area and is learning as he goes along. He has contacted many people trying to secure water rights, and he was told that the City has water and would like to purchase water rights from them. He has met with Mr. Campbell but is not sure how to proceed.

Councilman Johnson explained that the City has water rights but usually does not sell them to the developments coming into the City. They are very protective of their water rights, because water is such a precious resource and very expensive. The only time they sway from protecting those rights is if a large company comes in with a large sales tax generation and employs a lot of people. He is sympathetic to Mr. Marz, but the City does not traditionally make exceptions to this.

Councilman Pruden reiterated that the City does have water but it is primarily for infill, because of the water shortage. Any business that comes to Tooele is responsible for securing water rights.

Councilman Hansen commented that water is very expensive. One of the problems is that people selling water rights are selling them in large amounts and is hard for people buying small shares. The Council was aware recently of a problem with a home that was on 1 acre of property and the property owner couldn't buy that small of a share of water to build the home. The Council changed the ordinance to help with this situation.

Mr. Marz explained that he has the money to do this project. He would rather buy the water rights from the City and start building this project.

Councilman Johnson stated that the City is working on an agreement with Kennecott so that people can purchase a share certificate of water and deed it to the city, but it is not quite ready yet. He also explained that if they sold seven water rights they would have to replace those rights.

Mr. Marz was under the impression that the City would sell fewer than 10 water rights to small businesses.

Councilman Johnson stated that this is on a case by case basis. This would require a substantial amount of sales tax generation and a large number of employees.

Mr. Marz asked if he was getting a “no” right now or a think about it.

Chairman Pruden said that the City can’t sell any of their water rights.

Councilman Hansen stated that he would need to work with Mr. Campbell.

Councilman Johnson reiterated that it is the Council’s policy to only make exceptions in the case of a high sales tax amount or a large number of employees.

Mr. Marz stated that he feels that is unfair because he is a little guy, bigger business owners would be treated differently.

Councilman Johnson stated that he can’t remember the last time they made an exception to this.

Mr. Marz stated that the purchasing of water rights is very complicated. It is hard to buy water and know how much that right is worth and if it is transferable. It might only be worth a half of water right.

Councilman Johnson said that to build a car wash the state might require a municipal water right. This might be worth half of a water right, he would need twice as much.

Mr. Marz stated that could become a financial burden.

Councilman Wardle explained that water is a public resource and they have to be good stewards over this public resource. They have to weigh a development of 100 jobs against seven jobs.

Mr. Marz asked if they are just waiting for a bigger company to come along.

Councilman Wardle said that they have new companies looking at locating to Tooele all the time.

Councilman Johnson stated that typically they don’t sell their water to anyone. All retail businesses have to secure their own water rights.

Councilman Hansen said that there needs to be a process followed. Mr. Marz should write all the facts down like the number of employees he would employ, and how much sales tax he would generate and submit it to the administration.

Everything should be in writing. The administration would come back with an answer. The answer might not be different than what is being said tonight.

Councilman Johnson said that the Council needs to avoid businesses coming back to them and saying that they made an exception for someone else why can't they make an exception for them. He asked Mr. Baker what the Ordinance says on this issue.

Mr. Baker explained that the Ordinance states that it is the discretion of the Mayor's staff to sell the City's water rights. There is a written policy on how the administration is to use that discretion. The City generally does not make their water rights available to high water users. He can go back to the written policy and see exactly what it says. The City Council has made their decision by passing the Ordinance. Every developer brings water rights to their development.

Councilman Wardle stated it is based on the criteria in the Ordinance.

Councilman McCall asked Mr. Baker if Mr. Marz secures the water rights would he then be able to proceed with his development?

Mr. Baker stated that was correct.

Mr. Marz stated that he will go through the written process with Mr. Campbell. He asked the Council if Mr. Campbell says yes than would be o.k. for him to move forward?

Councilman Johnson said it is Mr. Campbell's decision.

Councilman Wardle reiterated that the Council's decision is the written policy in the Ordinance.

Mr. Baker said that by Ordinance it is the Public Works Director decision and Mr. Marz needs to discuss this with him. There is not an appeal process.

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

6. **Resolution 2008-01 A Resolution of the Tooele City Council Appointing Sharon Dawson as City Recorder for a Term of Two Years**

Presented by Mayor Dunlavy

Mayor Dunlavy explained that it is his advice to the City Council to re-appoint Sharon Dawson as City Recorder for a term of two years. Under the new charter the Council appoints a City Recorder with the advice of the Mayor.

**Councilman Hansen moved to approve Resolution 2008-01.** Councilman McCall seconded the motion. All members present voted “Aye”.

Chairman Pruden thanked Ms. Dawson for her willingness to work with the Council and the City another two years.

7. **Ordinance 2008-01 An Ordinance of the Tooele City Council Establishing the Dates, Time and Place of its Public Meetings**

Presented by Sharon Dawson

Ms. Dawson said this type of Ordinance is done, by State law, every year. They kept the City Council meetings on the first and third Wednesday each month. The time will remain at 7:00 in the Council Chambers.

**Councilman Johnson moved to approve Ordinance 2008-01.** Councilman Hansen seconded the motion. All members present voted “Aye”.

8. **PUBLIC HEARING & MOTION on Final Plat Approval for CK One Tooele Minor Subdivision a One Lot .88 Acre Subdivision to be Located at 1050 North Main Street.**

Presented by Rachelle Custer

Ms. Custer explained that Red Hawk Enterprises is proposing a development at 1050 N Main Street (old Koeven’s). The applicant is proposing an eight unit strip mall on the lot. A subdivision of the lot is required prior to development. Planning commission made a favorable recommendation. Planning Commission made the following conditions for final plat approval 1) UDOT approval must be received for the access on Main Street. 2) An offsite sewer easement must be obtained from the property owners to the North. Both items must be received prior to site plan approval.

Councilman Johnson asked Ms. Custer about the UDOT approval.

Ms. Custer stated that they have been given verbal approval but they need written approval before the final plat can be approved. The conditions must be met prior to site plan approval. A CUP has been approved by the Planning Commission for a drive through at this location.

Chairman Pruden asked Ms. Custer if they will be facing Main Street. Ms. Custer said that the development will face Main Street.

Councilman Wardle asked if UDOT could change their mind about granting access.

Ms. Custer stated that any access onto SR-36 they require UDOT to sign the plat. UDOT has given a general letter that they approve the plat as shown, but she has asked that they add the verbage that they approve access.

Chairman Pruden said that Red Hawk Enterprises does not take over Koeven's old drive.

Ms. Custer said that they are requiring a shared driveway.

Chairman Pruden asked Ms. Custer if they are aware of the water rights requirement.

Ms. Custer stated that the applicant is aware of the water rights.

Councilman McCall asked when UDOT approves access if they will approve a stop light.

Ms. Custer said that in the past they have required an island, there would be a right-in and right-out access.

Councilman Johnson asked if this will take care of the old buildings at this location.

Ms. Custer said yes, this will require site clean up, the development will go to Taylor's on the north.

Councilman Wardle asked Ms. Custer if Planning Commission wanted the letter in hand from UDOT before it was approved by the Council.

Ms. Custer stated Planning Commission wants the letter in hand from UDOT before the site plan is approved.

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

**Councilman Hansen moved to close the public hearing.** Councilman Wardle seconded the motion. All members present voted "Aye". The public hearing closed at 7:52 p.m.

**Councilman Johnson moved to approve the Final Plat for CK One Tooele Minor Subdivision a one lot .88 acre subdivision to be located at 1050 North Main Street subject to the conditions set forth by the Planning Commission that 1) UDOT approval must be received for the access on Main Street and 2) An offsite sewer easement must be obtained from the property owners to the**

**North.** Councilman Hansen seconded the motion. All members present voted “Aye”.

**9. Minutes: December 19, 2007**

**Councilman Hansen moved to approve the minutes as presented.** Councilman Wardle seconded the motion. All members present voted “Aye”, except for Councilman McCall who was excused by Chairman Pruden for not being on the Council at this meeting.

**10. Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- United Fence Company for chain link fence at reservoirs 3 & 7 in the amount of \$11,600.00.
- Broken Arrow for road salt for fiscal year 2008 in the amount of \$36,000.00.  
Ms. Howard said that they have already used this amount this year because of the snowfall in December. Mayor Dunlavy said that this is a co-op agreement with the county, this is not a one-time payment. Ms. Dawson suggested approving this invoice tonight and she will bring another invoice to the next meeting for more money.
- Sand Lot Hauling for truck for waste water plant in the amount of \$49,000.00
- Intermountain Cash Register for cash register system for Aquatic Center in the amount of \$9,127.00.  
The Mayor said this will help with the inventory and usage of the pool.
- Fatpot Technologies, LLC for police records management system (homeland security grant) in the amount of \$94,647.09.  
Chief Kirby explained that the total amount is about \$136,000, but the \$94,647.09 has been guaranteed in writing, they are still negotiating the other \$39,000.

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

**11. Mayor’s Report**

The Mayor congratulated Councilman Johnson, Councilman Pruden and Councilman McCall for their election to the City council. He looks forward to working with Councilman McCall. He looks forward to a great year in 2008. He thanked the Council for all that they do, he appreciates their support.

12. **Adjourn**

**Councilman Hansen moved to adjourn the meeting.** Councilman Johnson seconded the motion. All members present voted “Aye”. The meeting adjourned at 8:00 p.m.

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

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Chairman Steve Pruden