

**Tooele City Council  
Tooele Redevelopment Agency and  
Tooele City Water Special Service District  
Joint Meeting Minutes**

Date: Wednesday, May 6, 2009  
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  
Doug Bayly, Assistant City Attorney  
Cary Campbell, Public Works Director  
Paul Hansen, City Engineer  
Glenn Caldwell, Finance Director  
Sharon Dawson, City Recorder  
Lisa Carpenter, Deputy Recorder  
Rachelle Custer, City Planner  
Milo Berry, Communities that Care Director  
Chief Ron Kirby, Chief of Police  
Randy Sant, RDA Consultant

**Others Present:**

Debbie Winn, Chamber of Commerce  
Shawn Milne, Planning Commission  
Chris Hogle, Holme, Roberts & Owen

Minutes prepared by Elisa Jenkins

Chairman Pruden called the meeting to order at 7:02 p.m. Chairman Pruden recognized Superintendent Lineras and Steve West from the School District in the audience.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Councilman Wardle.

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

Presented by Mayor Dunlavy, Councilman Wardle, Chief Kirby

Mayor Dunlavy welcomed all those in attendance. He said that it is his honor to come to City Council and recognize these special young people in the community. He feels that Tooele is the Greatest City in Utah because of the young people that live here and their efforts in the Community. He thanked the families for their support of these young people.

Councilman Wardle explained that each recipient will receive a goody bag with a certificate from the Mayor and some other goodies. Businesses from the Community have joined together to say “thank you” to these students.

Councilman Wardle then presented the Mayor’s Community Recognition Awards to the following students:

Braden Furgeson, Tooele Junior High School  
Brandon Passey, Clarke Johnson Junior High  
Shanna Frazier, Tooele Junior High School  
Michelle Aldrete, Clarke Johnson Junior High  
Casadee Tomboc, Tooele High School  
Amanda, Bento, Tooele High School  
Zoey Bridges, Tooele High School  
Allison Givens, Tooele High School  
Christine Lawless, Tooele High School  
Katie Lawless, Tooele High School

Mayor Dunlavy congratulated the students for their hard work. He thanked their parents for their support. He also thanked Mr. Berry, the Director of the Communities that Care. He said that the Communities that Care Program was a grant given by the University of Washington. The grant ran out and Tooele City decided to take over the program. It is a school based program. It helps young people cope with the day to day challenges that they have. There is also another program that is part of the Communities that Care that is called “Guiding Good Choices” which is a parenting program. This program is designed to help parents help their kids. If anyone is interested in these programs they can contact Mr. Berry. He congratulated the recipients again and thanked their families for their support. He hopes one day to recognize all the youth in Tooele.

### **3. PTA Teacher Proclamation**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy stated that it is his pleasure to present this proclamation for PTA Teacher Appreciation Week May 3-9 2009. He then read the proclamation. The proclamation is included with these minutes as Exhibit A.

A brief recess was taken for a picture with the Mayor and the recipients of the Mayor's Community Recognition Awards. Chairman Pruden also explained that the art work in the foyer is from students enrolled in the Tooele Arts Council sponsored art classes. He encouraged everyone to look at the artwork on their way out.

**4. Open Forum for Public Comment**

Chairman Pruden invited anyone from the public who would like to address the Council to come forward.

Karen Emery addressed the Council. Ms. Emery wanted to publicly thank the Mayor and the City Council for the opportunity she has had to be the Library Director. She feels that it has been a wonderful job and she will miss it but feels that it is time to move on and retire.

Chairman Pruden thanked Ms. Emery for all of her hard work at the Library.

Mayor Dunlavy also thanked Ms. Emery for her hard work and being on his staff.

Chairman Pruden closed the open forum at 7:28 p.m.

**5. Resolution 2009-22 A Resolution of the Tooele City Council Denying the Request of Maverik Country Stores, Inc. to Receive an Assignment of the Development Agreement for Overlake Project area Between Tooele City and Tooele Associates.**

Presented by Doug Bayly

Mr. Bayly explained that Maverik Country Stores, Inc. owns a lot in the Overlake Estates Subdivision Phase 1J. He said it is a rather large lot and they desire to subdivide that lot into three smaller lots. This particular lot is part of the Overlake project area which is subject to a Development Agreement (DA) between Tooele Associates and Tooele City. Because it is subject to the DA any development that has to be done in the area has to be undertaken by Tooele Associates. He stated that part of the DA allows assignment only if Tooele City agrees. The staff has recommended that this particular request by Maverik Country Stores to receive an assignment of benefits and obligations under the DA be denied. The Resolution explains extensively the reasons for the staff recommendation. Mr. Bayly indicated that Mr. Baker had suggested to Maverik Country Stores to go to Tooele Associates and have this lot removed from the project area, so they can develop under city ordinance, but Tooele Associates declined.

Councilman Johnson stated that the City is in litigation with Tooele Associates and it is scheduled to go to trial. He said that it is imperative that the Council be consistent with prior decisions they have made in fairness. He said that there are detailed findings in the Resolution and detailed documentation as to why this should be denied. It is his recommendation that this be denied. He stated however, that this lawsuit should be over

shortly and he would invite Maverik to come back to the City when the lawsuit is over. He said it is unfortunate that Maverik is caught in the middle.

**Councilman Johnson moved to adopt Resolution 2009-22, which denies Maverik Country Stores, Inc. to receive an assignment under the Development Agreement for the Overlake Project Area. Based on the reasons outlined in the Resolution, and all of the documentation attached to the Resolution, the reasons Mr. Bayly stated and the reasons that Councilman Johnson has stated. It would be without prejudice of Maverik Country Stores coming back after the conclusion of the trial and seeking to subdivide.** Councilman Wardle seconded the motion. All members present voted “Aye”.

Dan Paschal with Maverik Country Stores, Inc addressed the Council. He understands that the Resolution has already passed. He expressed his concern and frustration; he feels that Maverik has been stuck in the middle of the City and Tooele Associates. He has been told by Tooele Associates to work with the City and the City is telling him to work with Tooele Associates. It has taken them a lot of time to get answers from either party. He understands that there is a lawsuit between the parties. Maverik would like to get the most out of their property and they are frustrated. He asked for feedback from the Council.

Councilman Johnson apologized that Maverik has been caught in the middle. He indicated that because of the lawsuit the City has to take this position. The lawsuit is going to trial at the end of June and when it is over it will resolve the problem.

Mr. Paschal asked if the only recourse is to wait out the lawsuit, because they have a buyer. Their buyer is under time constraints and they do not want to lose the buyer. It would also give the City a new business in this location.

Councilman Johnson said that the City would like to see the property developed. They unfortunately can not do anything right now. He suggested that he talk to Mr. Baker or Mr. Hogle. He indicated that Mr. Paschal may only have to wait two months for the trial to be over and then they might be able to move forward.

Mr. Paschal appreciated the Council listening to his concerns.

6. **Resolution 2009-19 A Resolution of the Tooele City Council Authorizing the Mayor to Sign on Behalf of Tooele City a 5-Year Extension to the Grazing Lease with Settlement Canyon Land and Water Association.**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy said that this lease agreement has been in effect with the grazing organization since 1930. They have reviewed this lease extensively and resolved a few issues. He recommends approval. He feels that they are good caretakers of the City’s property. He recommends extending the lease another five years.

**Councilman Wardle moved to approve Resolution 2009-19, with one change on the back page that the term be changed from two years to five years.** Councilman Hansen seconded the motion. All members present voted “Aye”.

Councilman Johnson asked if there is a limitation on the number of head that they run on the land. He was concerned about overgrazing.

Gary Bevan, President of the Settlement Canyon Land and Water Association addressed the Council. He indicated that they own or lease 9,000 acres of land in the Canyon. They asked their members to tell them how many cows they wanted to put up there by May 1<sup>st</sup>. So far they have heard of 120 cows to put on the land, which is plenty of room. In the association by-laws one of the reasons for the association is to protect the water shed for Tooele City. They try to run one cow for every 50 acres.

7. **Change Resolution 2009-16 ( A Resolution of the Tooele City Council authorizing the Mayor to sign a contract with Jacobs Engineering Group, Inc., for final design of the 1000 North roadway project between 600 West and SR-112) to Resolution 2009-23.**

Presented by Doug Bayly

Mr. Bayly said this Resolution is simply being renumbered to keep the records straight.

**Councilman Johnson moved to change Resolution 2009-16 to Resolution 2009-23.** Councilman Wardle seconded the motion. All members present voted “Aye”.

8. **Resolution 2009-26 A Resolution of the Tooele City Council Authorizing the Mayor of Tooele City to Lease City Property to Tooele County.**

Presented by Doug Bayly

Mr. Bayly indicated that several weeks ago the Council approved a lease agreement on the west side of town so the County could have a trailhead for their trail system. The City owns approximately 11.33 acres property on the northwest corner of the intersection of Vine Street and Droubay Road. They are proposing that they lease this property to the County so they can develop a trailhead. The contract is similar to the contract the Council approved on the last Resolution incorporating the changes that the Council made. They did add a clause in the Resolution concerning the right-of-way at this intersection.

**Councilman Hansen moved to approve Resolution 2009-26.** Councilman McCall seconded the motion. All members present voted “Aye”.

Chairman Pruden turned the next agenda item over to Councilman Hansen who is the Chairman of the Redevelopment Agency.

9. **Resolution 2009-02 A Resolution of the Redevelopment Agency of Tooele City, Utah Authorizing the Conveyance of 8.3 Acres in the Tooele City Commercial Park to the Tooele County School District for a Tooele County Applied Technology Center.**

Presented by Randy Sant

Mr. Sant stated that the Tooele County School District has been in the process of acquiring 8.33 acres from the Redevelopment Agency in order to build their Tooele Learning Center. The Tooele Learning Center will become an economic development tool for the City as it provides training opportunities to students and others. He has met with the School District and talked to them about a few issues and he is confident as they move forward with the creation of redevelopment project areas the School District will be there to help. The agreement does require that in the event that the project is used for anything other than the construction operation of the Learning Center the agency may ask for the property back or be compensated for it

Councilman Wardle stated that he appreciates all the Mr. Sant and the Mayor have done to move this project forward. He feels that this will be a great project for Tooele. It will keep kids in Tooele instead of being bused into Salt Lake.

Councilman Johnson noted that typically when you give property away you do not have to pay half of the closing costs; he understands that it is probably not that much. He also agrees that this project will be good for Tooele.

Mr. Sant said that it is only a few hundred dollars.

**Councilman Wardle moved to approve RDA Resolution 2009-02.** Councilman Pruden seconded the motion. All members present voted “Aye”.

Mayor Dunlavy wanted to publicly thank Superintendent Lineras. He has been on the committee for this project for years and he said that there will be great advantages for Tooele when this center opens.

Superintendent Lineras addressed the Council. She wanted to publicly thank the Mayor and the Council Members for their support on this project. She feels it will definitely make a difference for students and adults in this community. She said that they graduate about 80 adults every year with high school diplomas but they do not have a skill when they are done. The center will help these adults learn a skill. On behalf of the Board of Education she wanted to thank all those involved in this project. She indicated that this would not happen without the City donating property.

10. **Resolution 2009-01 A Resolution of the Tooele City Water Special Service District Approving a Water Right Redemption Agreement with Castle Arch Real Estate Investment Company, L.L.C.**

Councilman Hansen indicated that his law firm represents Castle Arch Real Estate. He will not vote on this Resolution.

Presented by Paul Hansen

Mr. Hansen explained that in 2001 Tooele City entered into a contract to acquire certain water rights with Darrell and Barbara Nielsen. One of the provisions of that 2001 contract was that water rights certificates that were not redeemed by a certain date that any remaining water rights would be reconveyed back to the certificate holder of the water rights at that time. Castle Arch Real Estate Company L.L.C., holds those certificates so in accordance to the prior contractual agreement this Resolution will reconvey a portion of those water rights to Castle Arch for their use. It does not allow them to use water rights out of the City wells nor does it allow them to use the water out of the Cities water system. It will be their responsibility to move those through the appropriate state agencies and public process to an alternate location.

Councilman Wardle verified that on approval of this they will file a change application and they will not be coming to Tooele City.

Mr. Hansen said that was correct it will be their sole responsibility to process them.

**Councilman Wardle moved to approve Tooele City Water Special Service District Resolution 2009-01.** Councilman Hansen seconded the motion. All members voted “Aye” except for Councilman Johnson who abstained from the vote.

11. **Resolution 2009-24 A Resolution of the Tooele City Council Ratifying a Contract with Western Excavating for the Construction of the 2009 Skyline Drive Storm Drain Project.**

Presented by Paul Hansen

Mr. Hansen explained that this is a ratification of a contract that was previously entered into by the City and has been discussed by the Council at previous meetings. The contractor has acquired material and is presently doing a water line repair up Settlement Canyon culinary system. It is anticipated that he will begin work on the Skyline Drive storm drain project next week.

Councilman Wardle noted that the equipment is already there.

**Councilman Hansen moved to approve Resolution 2009-24.** Councilman Johnson seconded the motion. All members present voted “Aye”.

12. **Resolution 2009-20 A Resolution of the Tooele City Council Ratifying a Contract with Rocky Mountain Power for the Relocation of Power Poles Associated with the 1000 North Roadway Project.**

Presented by Paul Hansen

Mr. Hansen stated that this is also a ratification of a contract. Work on 1000 North is actively underway, there have been a few delays due to weather but they are currently on schedule. Staff has known for a few months that Rocky Mountain Power needs to relocate the power poles. This contract has been previously discussed with the Council.

Chairman Pruden asked what the timeline is.

Mr. Hansen stated that the contractor is planning to be on site and begin work on May 11<sup>th</sup>.

Councilman Johnson noted that when someone needs something from the City (i.e. Rocky Mountain) they expect it for free such as drilling test wells on the City property. When the City needs something they gouge them for everything they have.

Councilman Wardle asked if the poles will remain.

Mr. Hansen said the poles will be removed, and the lines placed underground.

**Councilman Johnson moved to approve Resolution 2009-20.** Councilman Hansen seconded the motion. All members present voted “Aye”.

Mayor Dunlavy stated that he agrees with Councilman Johnson. He called some officials at Rocky Mountain and expressed his dismay about the same thing. They have agreed to come and meet with him about that issue.

Councilman McCall asked if Rocky Mountain will pull the poles out of the ground or cut them off. He recalls the poles as the golf course costing quite a bit of money.

Mr. Hansen said he didn't think these poles would be long enough to use at the golf course. He did not know what Rocky Mountains plans were for the poles.

13. **Resolution 2009-21 A Resolution of the Tooele City Council Ratifying a Contract with Level (3) Communications for the Relocation of Fiber-Optic Cable Associated with the 1000 North Roadway Project.**

Presented by Paul Hansen

Mr. Hansen stated this is related to the 1000 North roadway project. He indicated that this fiber optic line that runs parallel to the railroad was in place when work began on 1000 North, however when they got to installing the storm drain pipe they found that the cable was shallower than originally indicated. To avoid delay costs which could potentially be claimed by the contractor the City chose to move ahead with this relocation. The cost of the relocation is \$12,594 and work has been completed at this

time. This is also a ratification of a contract which was discussed with the Council earlier.

**Councilman Wardle moved to approve Resolution 2009-21.** Councilman Hansen seconded the motion. All members present voted “Aye”.

14. **Ordinance 2009-06 An Ordinance of the Tooele City Council Amending Title 9 Chapter 4 to require Irrigation Hydrants to be painted black.**

Presented by Rachelle Custer

Ms. Custer explained that this request was brought to her by the Tooele City Fire Department. They have a concern right now that Middle Canyon Irrigation uses fire hydrants to drain their irrigation lines. Those fire hydrants are painted red, and their concern is if they have an emergency and connect to one of those irrigation fire hydrants that is not activated it could collapse the line and if it is activated it could damage their truck. They are requesting that the ordinance require those fire hydrants that are connected to the irrigation system be painted black.

Councilman Johnson said that would be a good Eagle Scout Project or the Sheriff’s prisoners to take care of.

Ms. Custer stated that the irrigation company will take care of painting the fire hydrants. She believes there are only two hydrants to be painted.

**Councilman Hansen moved to approve Ordinance 2009-06.** Councilman Wardle seconded the motion. All members present voted “Aye”.

15. **PUBLIC HEARING & MOTION on Ordinance 2009-10 An Ordinance of the Tooele City Council Amending the Tooele City General Plan, Land Use Element, for Approximately 20 Acres of Property Located from the Future 3200 North street to the Northern Tooele City Limit on the West Side of SR-36, Currently Medium Density Residential (MDR), to General Commercial (GC) and Mixed Use General (MU-G), and Prescribing Conditions.**

Presented by Rachelle Custer

Ms. Custer stated that she will introduce this item and it will carry over for the next three agenda items. Ms. Custer explained that they are required to do a general plan change in order to allow for the rezone that has been requested. She stated that right now the general plan allows for medium density residential on this 20 acre property. The rezone request is for 15 acres of that property to be general commercial and 5 acres to be mixed use general. The 5 acres they are requesting to be mixed use general is the 5 acres surrounding the existing home. They are requesting this change to allow for a commercial center and allow for a frontage road to go through the property. Staff is

recommending against the general plan amendment and rezone for the reasons in the memo that is included with the Council's packet.

Chairman Pruden stated that this was approved by the Planning Commission.

Ms. Custer stated that Planning Commission approved this with a vote of 5 to 2.

Councilman Johnson stated that in theory he did not have concerns for commercial in this area but it seems premature to be asking for commercial now when they do not have buyer. Typically when the Council rezones property there is a buyer lined up; they usually do not rezone property to make it more valuable. He is not sure why they are asking for this rezone.

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

Don Ballard, Executive Vice President of Home Savings Bank addressed the Council. Mr. Ballard distributed a folder to the Council containing his presentation prior to the meeting. This folder is attached to the minutes as Exhibit B. Mr. Ballard reviewed the information in this folder with the Council.

Mr. Ballard stated that he is the Executive Vice President of Home Credit Corporation, a bank holding company of Home Savings Bank, A Utah State chartered community bank. They are the petitioner requesting a general plan amendment and rezone change of approximately 15 acres to General Commercial (GC). Home Savings Bank has been involved in all types of real estate lending in the Tooele Valley for many years. Their most recent involvement with the members of this Council involved the refinance of the Central Park School project with the Tooele City Redevelopment Agency. Their ownership of the Eagle Bend Subdivision, also know as the Blue Water or Roberts's property was the unfortunate result of a Trustee's Sale which occurred on January 2, 2009. Mr. Ballard is also speaking tonight in behalf of Brian Cox and Dr. Blake Beazer, the members of Eagle Springs Development, LLC. Eagle Springs Development is the petitioner requesting a general plan amendment and rezone change of approximately 5 acres to MUG, which protects the existing use of a residence on their property. Exhibit 2 and 3 in the folder includes an aerial view and drawing of the petition property.

Mr. Ballard explained that the primary purpose of their petition is to enhance the economic feasibility of the development of their entire property holdings. He indicated that a question was asked earlier as to why they are asking for the rezone? They are doing this primarily because of the infrastructure requirements that were required by the City Council on the Eagle Bend Subdivision, which caused that approval to be "dead on arrival". He stated that it is not economically feasible to develop that subdivision with the infrastructure requirements that were made. Ultimately the development of this property would result in water and sewer facilities to the northeastern city limits. He indicated that is a great benefit to the City. He referred to Exhibit 4 in the folder which shows the eastern portion of their property which is within North Gateway Overlay Zone.

The North Gateway Overlay Zone is a commercial designation. He feels the petition request is compatible with the Overlay Zone. He stated that the rezone is compatible with the city's pattern of commercial zoning along SR-36 from 700 South to approximately 3000 North. Only the north four blocks on the west side of this strip of SR-36 remains residential, which represents less than 6% of the total highway frontage and less than 3% is the petition property frontage. He said that the rezone is compatible with the City's and County's Cooperative SR-36 Corridor Agreements with UDOT. There were three agreements that were entered into. The first agreement was entered into by the County and the County stipulated that there would be a future light intersection at Cimmaron. Later in 2005 the City entered into an agreement with UDOT that said that the Cimmaron intersection would be moved to 3400 North because that was in the best interest of the City and the County. He also stated that in connection with that agreement they stipulated the creation of a frontage road system. In September of 2008 the County entered into another agreement with UDOT that changed the language to when the intersection is moved to the future 3400 North Parkway. He indicated that copies of those agreements are in the folder as Exhibits 5 and 6. He stated that their petition is compatible with the development of major lighted intersections. He said that it is good planning process to have commercial centers centered around lighted intersections. It is also compatible with the development of the frontage road west of SR-36. He stated that their petition is compatible and facilitates the design and development of the lighted intersection at 3400 North and SR-36 and the future 3400 North Parkway. He referred to Exhibit 7 in the folder, and stated that all of the four property owners on the corner have contracted with Ward Engineering for the design and development of this intersection, this aerial drawing is the latest drawing. He then referred to Exhibit 8 in the folder which represents the land swaps in connection with the intersection. They will be donating approximately one acre to the County in conjunction with this intersection.

Mr. Ballard referred to Exhibit 9 in the folder. This exhibit is a copy of the County's zoning map. He stated that their petition is compatible with the County's commercial zoning which extends from north of Erda Way to the south of the petition property on the east side of SR-36 and south of Erda Way on the west side of SR-36. Their petition is compatible with the desire of property owners directly north of the petition property on the west side of SR-36. They think this is an opportunity for the City to participate in a major commercial intersection and to create a gateway entrance to the City. They also think this is an opportunity to create a buffer for the remainder of the owner's MDR property to the west and avoid the future bisecting of a residential subdivision with a frontage road system. This will also eliminate residential property against SR-36 and the eventual need for sound walls. He stated that the petition is mitigated by 200' railroad right of way to the north, which will become the 3400 North Parkway, and will provide a buffer for the more rural lots north in the County. The petition is mitigated by the five acres size of the more rural lots north in the County.

Mr. Ballard stated that the staff's concern with an increase in commercial property inventory is discounted as the approval of the petition does not significantly increase the percentage of commercially zoned property in the city, much of which is not available on the market. The staff's concern with commercial viability for the area of the petition

property is certainly discounted by development that has already occurred north of the viaduct. The staff's concern with pulling commercial activity further north away from Tooele City's commercial core is certainly discounted by the obvious difference between the types of development best suited for the various commercial zones of the City. They do not feel the people that will utilize their property at the north end of the City will compete directly with users that can enter into the other areas of the City. He stated that the staff's concern with transition from city areas zoned commercial to the south into county areas zoned rural residential to the north is not shared by county government and does not take into consideration the content of this presentation. Mr. Ballard closed his presentation by stating since the approval of this petition at the Planning Commission meeting on March 25, 2009, they have made many contacts with Tooele City, Tooele County, UDOT, UTA, and the Wasatch Front Regional Council, property owners and others. They have learned much from these contacts and have clarified information regarding the development of the petition property and surrounding area. He would be happy to answer any questions the Council may have.

Kathy Franzwa addressed the Council. Ms. Franzwa has concerns that this area will become as busy and crowded as the 5600 West corridor in Salt Lake.

Councilman Johnson said that a rezone request is a pure legislative decision. The Council decides whether to rezone the property or not. He indicated that their decision is usually based on who wants to build on the property. If they rezone the property today they lose partial control on who will build there. Residents would like to see something like a Target in Tooele but they do not want to see another strip mall.

Mr. Ballard said that the Council has not held up rezone requests for other property owners on SR-36. This would be a new direction for the Council. He said that property would not be used for a strip mall because it is large and deep. It would be developed as some kind of a large single user use or a commercial center. They have put in two possible drawings of what this property could look like as Exhibit 10 and 11 in the folder. He said that the increase of commercial inventory in the City is not the Council's problem, the problem is with amount of commercial property that the County has already. The County already has a commercial center in this area.

Councilman Johnson indicated that the City has a culinary water system and sewer system and the County does not.

Councilman Wardle said that he spent a lot of time reviewing the Planning Commission minutes. He noted that there were a lot of innuendos in the minutes about what will or will not happen in the County. Councilman Wardle met with the County Planner, the Economic Development Director, the County Engineer and two of the Commissioners last week. Their comments to him were at this point in time, at this intersection there is no action and no imminent development. He said that Vern Loveless commented that the East side of 3400 North may develop and they are going to have a hard time rezoning some of the areas to make it a true commercial center. Councilman Wardle's concern was with the point Mr. Ballard stated that read "The staff's concern with transition from

city areas zoned commercial to the south into county areas zoned rural residential to the north is not shared by the county”. Councilman Wardle said that is not what the County told him.

Mr. Ballard stated that he has meet with Mr. Loveless over the last two weeks and he told Mr. Ballard that he is not opposed to the rezone of their property.

Councilman Wardle stated it is premature, that is what Mr. Loveless told him. The frontage road system has never been discussed with the City. The participation that Mr. Ballard’s group would be asked to participate in on the development of 3400 North has not been discussed. This area in its current state is not going forward at the rate that Mr. Ballard expressed at the Planning Commission meeting. He is troubled by the movement today on a premature issue, in his opinion, for the sake of Mr. Ballard selling the property and not developing it.

Mr. Ballard indicated that some of the comments made at the Planning Commission were not his.

Councilman Wardle stated that he was referring to the comments made by Mr. Ballard.

Mr. Ballard stated that some of his comments that he made at the Planning Commission meetings were comments he had heard first or second hand. He did state earlier in the meeting that since the Planning Commission meeting he has had an opportunity to talk to a lot of people. He does know that four property owners have incurred the engineering company to design the intersection, because he is one of them. He also knows that RSG has been engaged to prepare a traffic study. He knows that at some time there will be land swap and the design of an intersection. There is no money at this time from the County or UDOT for the improvement of this road. There has been some indication that three of the four property owners, excluding himself have expressed a desire to improve the north lane of the intersection from Droubay Road through SR-36 to the new Cimmeron Drive cut off point. That would be the only improvements that would be made and he thinks they wouldn’t be made for a few years. He indicated that he is not here representing that this intersection development is imminent. He is saying that in the near future it is not illogical to assume that there could be tenants that would want to move further north that could create a demand for property. There is something about large parcels of land that are cheap that bring people in. Mr. Ballard stated that his holding company owns the property because they made the last loan on the project so they own the title. They are not in the real estate investment or development business. They are in the lending business. They are trying to resolve this issue. They do not plan on being the developer on this site. It is more compatible to put businesses in this area than it is to put residential. He was told previously that the County was going to pay for this project and has been told since that they are not going to pay for it.

Councilman Wardle feels that it would make sense to wait until all the studies are done and the Council has a meeting regarding the frontage road system. He feels that acting

on this tonight would be premature. A few years ago Mr. Ballard's company backed a loan in this area for residential.

Mr. Ballard stated that the reason that the residential development did not go through was 1) because of the market decrease and 2) the development was "dead on arrival" with the requirement of the extension of the main line from Home Depot, and the drilling of the well and the water storage facility. It could not be developed. As a lender they are in a very difficult situation. They have property that they are stuck with and they feel this rezone is a possible way out.

Councilman Wardle stated that this is not about development this is a way out.

Mr. Ballard said that it is about getting them out of their problem. It is also about the City recognizing that this area is more compatible to a commercial zone than a residential zone and fits well with all the reasons that he has previously talked about.

Councilman Wardle stated that Mr. Ballard said that this petition will facilitate the infrastructure being done. He said that his company is not going to do it.

Mr. Ballard stated that he is not positive that they won't be the ones who do it, because they might have no other option. They would prefer not to do it.

Councilman Wardle said that he feels it would make more sense to wait until they have all of the information from the County and Mr. Ballard's company before moving forward on this issue.

Mr. Ballard said that he doesn't have the luxury of waiting.

Councilman Hansen stated that he does feel that this rezone is premature. He understands the infrastructure has been a problem from the very beginning. The water is also an issue. He has yet to see a request from anyone requesting authorization to hook into the sewer system. The City is very sensitive about anyone hooking into the sewer system. He is very uncomfortable rezoning a piece of property when they do not know who the user will be. Once they rezone this they lose a lot of control. He would not vote to accept this with the information that has been presented.

Councilman McCall said he is a visionary, he looks in the future. He thinks that this would be a good thing to do. He feels that they should not dictate where people want to build their businesses. He feels it might be a little bit too soon to rezone at this time.

Councilman Wardle said that he does feel that this will be a commercial corridor at some point. Studies have shown that Tooele will get one major commercial development, a big box somewhere, with stores surrounding it and then it will take awhile before other areas develop. They have large pieces of commercial property on the south side of 1000 North and the northwest side of 1000 North that is for sale. They also have a group of acreage

between Home Depot and the hospital for sale. Could Tooele support two large commercial developments?

Mr. Ballard said that their development could fit a small to medium box development. They do not have users at this time. If they do not get this rezoned they can not move forward with the development of the parkway. The parkway will be in the County. There is not an ability to do anything with the property on a residential basis. He does appreciate the Council's opinions.

Councilman Johnson asked if it makes sense to change the general plan but not to rezone the property.

Mr. Bayly said that it could be done. The general plan is a planning document. If commercial is the direction the Council wants to take they could change the general plan without rezoning the property.

Councilman Johnson said he feels that the Council should never have rezoned this property to R1-10 in the first place, it was R1-5. He is wondering if it makes sense to change the general plant but not rezone it at this time.

Ms. Custer said that once the general plan is amended it makes it difficult to control the rezone. Once the general plan is changed they have to change the infrastructure requirements.

Mr. Ballard said that from a petitioners stand they would not be opposed to that. It would be nice to have the framework to move forward. He would like the Council to consider that this is not suitable for residential. It fits within the overlay zone as well.

Melodie Waldron with REMAX addressed the Council. She feels that this rezone is a must. She has about six interested parties. The interest for them is the road to the Larry H. Miller Raceway.

Councilman Wardle stated that the road is not going to be completed at this time.

Ms. Waldron said that once the road is complete they won't be able to afford the property. When they did try selling this property as residential lots, no one wanted to live on the highway. She has the house listed on Cimмерon Way and it has not sold because it is right off the road. She feels that this property would be great for commercial.

Councilman Johnson told Ms. Waldron to bring one of the buyers to the City to meet with staff and then the Council can look at it and decide if they want to rezone the property. He feels that this is premature.

Brian Cox with Eagle Springs Development addressed the Council. (Mr. Cox owns the five acres with a home on the property.) He does not feel that a rezone would be

premature. There are few interested individuals in the property. He has an interested buyer that wants to have a mortuary on his property.

Councilman Wardle asked who would build the infrastructure?

Mr. Cox said that the infrastructure would have to be put in by the developer.

Councilman Wardle asked if it would be economically feasible.

Mr. Ballard said it would take a combination of the commercial owners to build the infrastructure.

Councilman Wardle said that it is not viable today to build the infrastructure.

Mr. Ballard said that it provides an opportunity to move forward.

Councilman Johnson is not concerned about who will build the infrastructure that would be the developer's problem. He is concerned with the control of who would build on the site. This is a hard item to decide on.

Ms. Waldron said that if this property will be zoned commercial in the future why not do it now.

Councilman Johnson asked Ms. Waldron if the Council changed the general plan now, and if she has an interested buyer to make their offer contingent on a rezone. Have the buyer talk to the City and tell them what they want to build and then the Council could decide to rezone the property or not.

Ms. Waldron said buyers don't want to do that because they do not know how long it will take.

Councilman Hansen said that the infrastructure is still an issue to him. When the Council does not know what the entities are it is hard to approve the rezone. I

Mr. Paul Hansen stated that the property currently lies within the City limits so the City would be obligated to allow them access to the City's sanitary sewer system upon completion of infrastructure, payment of impact fees, connection fees, etc. They do not have service obligations for property outside the City limits. Mr. Hansen said he does not have a complete set of plans for drilling of the well, constructing a well house, constructing the water system, building a booster system, or installing a water line from the City. They have only provided conceptual drawings showing where the well will be located. He believes it is important for the life, safety, health and protection of the property where it is so disjointed from the City. That exaction requirement was a requirement that the Council put on the rezone, not on the subdivision, when it was rezoned from R1-5 to R1-10.

Councilman Johnson said that would be the developer's problem if they do not complete the infrastructure requirements they can not build.

Mr. Hansen stated he just wanted to clarify that it was not a requirement of the subdivision it was a requirement of the rezone. It is the developer's obligation to provide the infrastructure.

Councilman Johnson said that a developer will figure out how much this will cost and how much they will need to sell lots for and whether they can make money or not. If they can they will sell and if they can not they won't.

Councilman Hansen asked if there is well.

Mr. Hansen said that there is a private well on site with the home. That well would not be capable of providing all of the water required for the development. There would need to be a culinary grade municipal well drilled at the developers cost.

Councilman Hansen said that the Council's experience with drilling wells is it costs around one million dollars.

Mr. Hansen said that his best guess that the water system on site could cost 1 to 2 million dollars.

Mr. Cox stated that the rezone is what needs to happen for them to move forward.

Jeff Crowley, the architect helping the bank addressed the Council. He said that everyone needs to be a visionary, to forward think of what will happen in this area. UDOT has had the ability to say that SR-36 will be different than Bangerter or 5600 West because there are limited access points. Mr. Crowley has talked with UDOT, UTA, and the Wasatch Front Regional Council, Metropolitan Planning Organization, the Rural Planning Organization. He indicated that they are looking to Tooele to see how they are planning for the future. Tooele is part of the Rural Planning Organization because they are not big enough to be part of the Metropolitan Planning Organization. He feels that there needs to be an east/west crossroad access way in the future. He stated that making a zone change from residential to commercial makes sound planning practice. If it is going to be commercial someday why not make it now.

**Councilman Hansen made a motion to close the public hearing.** Councilman Wardle seconded the motion. All members present voted "Aye". The public hearing closed at 9:00 p.m.

Councilman Johnson said that this is a tough decision. This Ordinance changes the general plan and he has been persuaded by the presentation. This property is shown in the overlay zone which is in a commercial zone. He would prefer to see commercial there instead of residential.

**Councilman Johnson moved to approve Ordinance 2009-10.** Councilman McCall seconded the motion. The vote was as follows:

Steve Pruden, “Nay”  
Mike Johnson, “Aye”  
John Hansen, “Nay”  
Scott Wardle, “Aye”  
Dave McCall, “Aye”

**16. PUBLIC HEARING & MOTION on Ordinance 2009-11 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map, for Approximately 20 Acres of Property Located from the Future 3200 North Street to the Northern Tooele City Limit on the West Side of SR-36, Currently R 1-10, to General Commercial (GC) and Mixed Use General (MU-G), and Prescribing 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 Johnson moved to close the public hearing.** Councilman Hansen seconded the motion. All members present voted “Aye”. The public hearing closed at 9:04 p.m.

Councilman Johnson does feel that an actual rezone on this property is premature.

Councilman Wardle encouraged the realtor to meet with the staff and if they can put an infrastrurue plan together that answers the questions that he has had it would help his concerns. He does have a concern about moving commercial northward until there is a reasonable way to ensure infrastructure. He also has never heard about a frontage road system and he would like to know more about it.

Councilman Johnson would like more detail on how a rezone would affect the City’s resources. If they could answer those questions he would not be averse to rezoning.

**Councilman Johnson moved to deny Ordinance 2009-11, without prejudice to coming back later with a rezone request.** Councilman Hansen seconded the motion. All members present voted “Aye”.

**17. PUBLIC HEARING & MOTION on a rezone petition to Change 5 acres from R 1-10 to MU-G Located at 3200 North Hwy 36 Eagle Springs Development.**

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

Councilman Johnson asked how this property would be accessed.

Mr. Cox stated that when the rest of the development goes in the access would be off 3200 North or 3400 North.

Councilman Johnson said that it can currently be used now but he cannot increase the use. A commercial development cannot be put in there.

Chairman Pruden asked if the private well infrastructure is sufficient to support a business like a mortuary.

Mr. Cox said that the septic tank would not. He is not sure if the water would or not.

Chairman Pruden indicated that they have an ordinance in the City that against septic in the City. Mr. Cox's property is grandfathered in.

Councilman Wardle asked if this property was a mortuary could it be accessed under current City ordinance and is the infrastructure sufficient to take care of the user.

Mr. Hansen said that access would be controlled by UDOT. SR-36 is a state road; UDOT would look at the nature and use and establish the criteria. Infrastructure would be dependant on what the demands upon the system are. He would have to look at that with each specific applicant.

Councilman Hansen said that there would be a lot of cars in and out of this location if it was a mortuary.

Mr. Hansen said that traffic studies are one of the things that UDOT would look at.

Councilman Wardle asked if this development could be developed without the other property.

Mr. Hansen indicated that if this property was rezoned there would still be a requirement for the water system, fire protection and the other concerns the City has. The decision as to whether or not the cost of the infrastructure is feasible to proceed with the development would be up to the developer.

Councilman Wardle stated that if the previous issues could be resolved then the developer could come back and ask for a rezone.

Mr. Cox asked if it is up to him if it is feasible money wise. He would prefer the rezone to happen in conjunction with the other 15 acres so the improvements and infrastructure could be done together.

Councilman Johnson reiterated that if there is someone lined up to purchase the property and it is brought to the City to the Council they will get to as quickly as they can.

Ms. Waldron asked if the Council wants her to bring in the interested buyers to discuss their plans.

Councilman Johnson said that she should talk to the staff. Staff would be the ones that would suggest a rezone to the Council.

Mr. Hansen indicated that the City has a process called a pre-development meeting. They invite all developers, residential and commercial, to meet with City staff. There are representatives from Engineering, Land Use, Zoning, Public Safety, Fire, Police etc. Anyone wishing to develop within the City is invited to come in and discuss their development plans with the City. The City helps them to be aware of the requirements and the process which would be necessary.

Mayor Dunlavy stated that the questions that get asked in pre-development meetings are the same questions that are being asked tonight.

**Councilman Wardle moved to close the public hearing.** Councilman Hansen seconded the motion. All members present voted “Aye”. The public hearing closed at 9:13 p.m.

**Councilman Hansen moved to deny the rezone petition to change 5 acres from R1-10 to MU-G located at 3200 North Highway 35 by Eagle Springs Development, without prejudice to coming back later with a rezone request.** Councilman Johnson seconded the motion. All members present voted “Aye”.

A five minute break was taken from 9:15 p.m. to 9:20 p.m.

**18. PUBLIC HEARING & MOTION on Final Plat Approval for CABCO Tooele Business Condominiums. An eight suite condo Plat Located at 95 West 1180 North.**

Presented by Rachelle Custer

Ms. Custer explained that CABCO of Tooele has recently constructed a building at 95 West 1180 North. The building is being built for NAPA Auto Parts and Genesis Dental. There are other tenant suites available for other uses. The owner has decided to condo the building in order to sell the suites to the individual occupants rather than lease them out. The building and grounds will be under common ownership with each individual suite being owned by its occupant. Staff has reviewed the plat and found it to be correct and complete. Condo declarations have been received and reviewed. Staff recommends approval for CABO Tooele final plat. Planning Commission made a favorable recommendation on April 22, 2009.

Councilman Johnson verified that the owner was going to lease the suites in this new building but now has decided to sell them as condos.

Ms. Custer said that was correct.

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 Wardle seconded the motion. All members present voted “Aye”. The public hearing closed at 9:22 p.m.

**Councilman Hansen moved to approve the final plat for CABCO Tooele Business Condominiums. An eight suite condo plat located at 95 West 1180 North.**

Councilman Wardle seconded the motion. All members present voted “Aye”.

19. **PUBLIC HEARING and MOTION on Final Plat Approval for Utah Avenue Town Homes. An eight lot Town Home on 2.03 Acres to be Located at First Street and Utah Avenue by Lakepoint Development, L.C.**

Presented by Rachele Custer

Ms. Custer explained that Lakepoint Development is requesting a minor subdivision of 2.03 acres to create eight lots for a town home development. The subdivision is in an R1-7 zone. The lots will be clustered together and will range from 4,653 sq ft to 6,721 sq ft. The density does not exceed the allowed density for the zone. Staff recommends approval of Utah Town Homes final plat. Planning Commission made a favorable recommendation on April 22, 2009.

Chairman Pruden asked if this development is by Harris Elementary.

Ms. Custer said yes, it is next to Harris Elementary.

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 stated that Mr. Hunt has done a nice job on this development and it looks very nice.

**Councilman Hansen moved to close the public hearing.** Councilman McCall seconded the motion. All members present voted “Aye”. The public hearing closed at 9:25 p.m.

**Councilman Hansen moved to approve the final plat for Utah Avenue Town Homes. An eight lot town home development on 2.03 acres to be located at First Street and Utah Avenue.** Councilman Johnson seconded the motion. All members present voted “Aye”.

Chairman Pruden also agreed that the development looks very nice.

**20. PUBLIC HEARING & MOTION on Preliminary and Final Plat Approval for TLI Subdivision. A two lot 15.75 Acre Subdivision to be located at 100 East 1000 North.**

Presented by Rachelle Custer

Ms. Custer stated that Kevin Hunt is requesting preliminary and final plat approval to create two lots at approximately 100 East 1000 North. Lot 1 will be 3 acres and lot 2 will be 12.69 acres. The property is zoned Light Industrial. The subdivision requires .06 acres of right of way dedication along 1000 North. The plat reflects a 75 ft PU & DE along the eastern boundary. The easement is to set aside for future right of way for 100 East. Because of the right of way dedication both preliminary and final plat approval are required. Due to the subdivision being fewer than 10 lots staff is recommending that both preliminary and final plat approval be done at the same time. Staff recommends approval on both the preliminary and final plat. Planning Commission made a favorable recommendation on April 22, 2009.

Councilman Johnson asked why the property is zoned Light Industrial and not Commercial.

Ms. Custer indicated that this area to 1000 North is zoned Light Industrial.

Councilman Johnson indicated to Mr. Hunt that he might want to have this property rezoned from Light Industrial to Commercial.

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 "Aye". The public hearing closed at 9:29 p.m.

**Councilman Hansen moved to approve the preliminary and final plat for TLI Subdivision. A two lot 15.75 acre subdivision to be located at 100 E. 1000 N.** Councilman McCall seconded the motion. All members present voted "Aye".

**21. PUBLIC HEARING & MOTION on Preliminary and Final Plat Approval for Gateway Business Park Phase III. A one lot 6 acre Subdivision to be located at 2356 North 400 East.**

Presented by Rachelle Custer

Ms. Custer stated that Med West Holding, LLC is requesting preliminary and final plat approval for one 6 acre subdivision located at 2356 N 400 East. The lot is the site of the Northpointe Medical Center. The zoning on the property is Light Industrial. There are currently two buildings under construction on the lot. The subdivision dedicates .06 acres along 2400 North and .7 acres on 470 East. Because of the right of way dedication preliminary and final plat approval are required. Due to the size of the subdivision, staff is requesting that both preliminary and final approval be addressed at the same time. Staff recommends approval for Gateway Business Park Phase III on the preliminary and final plat. Planning Commission made a favorable recommendation on April 22, 2009.

Councilman Johnson stated that these buildings look very nice.

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

Dr. Blake Beazer addressed the Council. Dr. Beazer represents the seven physicians that are working together on this project. He thanked the Council, the Mayor, the staff and everyone who has helped in moving this project forward. They have received a lot of support from the City while working on this project. He hopes that it will provide a great benefit to Tooele.

Councilman Johnson asked when they expect to be open.

Dr. Beazer indicated that they hope they will be ready to open by July 1<sup>st</sup>.

Chairman Pruden thanked Dr. Beazer for his work on this project.

Mayor Dunlavy also expressed his excitement about the opening of these medical buildings. It will provide a great service to Tooele.

**Councilman Johnson moved to close the public hearing.** Councilman McCall seconded the motion. All members present voted “Aye”. The public hearing closed at 9:34 p.m.

**Councilman Wardle moved to approve preliminary and final plat approval for Gateway Business Park Phase III. A one lot 6 acre subdivision to be located at 2356 North 400 East.** Councilman Hansen seconded the motion. All members present voted “Aye”.

22. **PUBLIC HEARING & MOTION on Preliminary and Final Plat Approval for Tooele City Commercial Park Phase 6. A two lot 13.32 Acre Subdivision to be Located at 200 South Tooele Boulevard**

Presented by Rachelle Custer

Ms. Custer explained that Tooele City RDA is requesting preliminary and final plat approval for a two lot subdivision at 200 South Tooele Boulevard. The zoning is Light Industrial. Lot 1 is 1.174 acres and lot 2 is 8.322 acres. Lot 2 will be the future site for the Tooele City School District Community Learning Center. The subdivision dedicates right of way for Tooele Boulevard and 200 South. Due to the right of way dedication both preliminary and final approval are required. Staff requests preliminary and final plat is addressed together because the subdivision is less than 10 lots. Staff recommends approval for Tooele City Commercial Park Phase 6 on the preliminary and final plat. Planning Commission made a favorable recommendation on April 22, 2009. Ms. Custer asked that the subdivision be recorded prior to the deed.

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 Hansen seconded the motion. All members present voted “Aye”. The public hearing closed at 9:37 p.m.

**Councilman Wardle moved to approve preliminary and final plat for Tooele City Commercial Park Phase 6. A two lot 13.32 acre subdivision to be located at 200 South Tooele Boulevard.** Councilman Hansen seconded the motion. All members present voted “Aye”.

**23. MOTION on the Tooele School District – Tooele Learning Center Road Improvement Exception**

Presented by Paul Hansen

Mr. Hansen explained that under Tooele City Code developers can ask for an exemption to complete some of the road requirements on streets larger than 84’ in width, which would include Tooele Blvd. Future plans call for Tooele Boulevard to be a 106’ right of way. The School District is asking to complete curb and gutter on their side of the street only. They would have a minimum of 40’ in asphalt at this time, and as the property on the other side of the street develops the road would be widened. Mr. Hansen also explained that where 1000 West comes into 200 South will be improved by the developer in order for it to be a safer intersection. Tooele School District will also be putting curb and gutter on both sides of 200 South and it will tie into Tooele Boulevard. He also indicated that they will connect Melburn Drive into the property as well.

Councilman Johnson asked if this is a cost issue for the District not to complete the road.

Ms. Hansen indicated that cost is one of the bases for their request. The cost could be shared by the developer on the other side of the road when it develops.

Councilman McCall noted that if they allow the district this exemption than other developers could be allowed an exemption as well.

Mr. Hansen said yes. He also said that until there is more development to the south it is not in the best interest of the City to have this road fully completed at this time.

Councilman Johnson indicated that he has heard Mr. Hansen say in previous meetings that it is not good to have a road that is not completed on both sides with curb and gutter because water can get under the road base. He asked if the School District could complete the road at 40' in width and put curb and gutter on both sides and then when a developer comes in on the other side they could put in a condition of the developer to tear out the curb and gutter and build the road to full width with curb and gutter.

Mr. Bayly said that would be up to the discretion of the Council.

Chairman Pruden asked Mr. West if he knew the cost of developing this road.

Mr. West was not sure. He indicated that they lease a building on the other side of the road.

Councilman Wardle asked how wide Melburn Drive is?

Mr. Hansen indicated that Melburn Drive is a 60' right-of-way.

Councilman Johnson asked why they should do this for the School District. What if others ask for an exemption?

Mr. Hansen said they look at many items such as traffic flow, public safety and other things when considering and exemption to finishing the road.

Mayor Dunlavy indicated that the School District is fully improving 200 South, and taking care of some other issues. The ordinance says that they are allowed to come before a governing body and ask for the exemption. Staff has looked at different things concerning this road and decided that would be in the School District's best interest to not fully construct the road at this time. Staff would do the same kind of analysis for someone one else if they were asking for an exemption.

Mr. Hansen said that the School District has done a traffic study. If there were on street parking this would be different.

Councilman Johnsons suggested that they defer this motion to see what the cost is. He also suggested that the District could finish the road at 40' and put curb and gutter on each side. The curb and gutter on the other side could be taken out when the time comes to widen the road and put back in at full width.

Councilman Hansen said it depends on the cost. He would like to know the cost and then they could discuss further.

Chairman Pruden asked Mr. West if it would be o.k. to defer this so they could gather some further information.

Mr. West said that would not slow him down. They would like to get the hard surfaces in this summer.

Chairman Pruden suggested that Mr. West work with Mr. Hansen on this issue.

**Councilman Johnson moved to table the motion on the Tooele School District – Tooele Learning Center Road Improvement Exception until the June 3, 2009 City Council Meeting.** Councilman Hansen seconded the motion. All members present voted “Aye”.

**24. Minutes: April 1, 2009; Work Session, Business Meeting City Council and RDA.**

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

**25. Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Lantis Fireworks and Lasers for fireworks for the 4<sup>th</sup> of July in the amount of \$15,000.00
- A.P. Montano Enterprises for five, four post 10x10 gable pavilions for Tooele City Parks projects in the amount of \$12,000.00
- Nickerson Company, Inc. for a submersible pump and wire for well #9 in the amount of \$56,641.00.
- Holme Roberts & Own L.L.P. for outside legal council for Tooele Associates lawsuit for March 2009 in the amount of \$54,531.38.
- Back Beats for backline for Nitty Gritty Band for 4<sup>th</sup> of July concert in the amount of \$12,325.00.

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

**26. Adjourn**

**Councilman Hansen moved to adjourn the meeting.** Councilman Wardle seconded the motion. All members present voted “Aye”. The meeting adjourned at 9:51 p.m.

Approved this 3<sup>rd</sup> day of June 2009

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Chairman Pruden