

**Tooele City Council  
Business Meeting Minutes**

Date: Wednesday, January 07, 2009  
Time: 7:00 p.m.  
Place: Council Chambers  
90 North Main Street, Tooele, Utah

**City Council Members Present:**

Steve Pruden, Chair  
John Hansen  
Scott Wardle  
Dave McCall

**City Council Member Excused:**

Mike Johnson

**City Employees Present:**

Mayor Patrick Dunlavy  
Roger Baker, City Attorney  
Glenn Caldwell, Finance Director  
Lisa Carpenter, Deputy Recorder/City Council Liaison  
Lieutenant Jorge Cholico  
Paul Hansen, City Engineer  
Cary Campbell, Public Works Engineer  
Rachelle Custer, City Planner

**Others Present:**

Debbie Winn, Chamber of Commerce

Minutes prepared by Elisa Jenkins

The meeting was called to order at 7:00 p.m. by Chairman Pruden. Chairman Pruden stated that agenda items six and seven have been removed by request of the applicant.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Scout Troops 160 and 460.

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

Presented by Mayor Dunlavy, Councilman Wardle and Lt. Cholico

Mayor Dunlavy thanked those who have come to support the recipients of this award. He stated that the City Council meetings are held the first and third Wednesdays of each month and welcomed anyone who would like to attend. He said that Tooele City

Corporation is the most “transparent” form of government. Tooele City welcomes input from the public. He said that the Communities that Care program was created for the youth in the community to help them deal with problems of today. Mr. Milo Berry is the director of the Communities that Care and he does a great job. He appreciates the opportunity to honor these special young people. These students will be the future leaders of the City.

Councilman Wardle explained that the students will be receiving a bag of goodies. The bag contains a Certificate from the Mayor, a pencil from Utah State University, a McDonalds’ gift card, a Mayor’s Recognition Award wristband, a Tooele City pin and some various other goodies.

Councilman Wardle then presented the awards to the following students:

Bailey Dyson, Settlement Canyon Elementary  
Melissa Bell, Tooele Junior High  
Tajia Perkins, Tooele Junior High  
Abby Iorg, Tooele High School  
Dayana Arreola, Tooele High School  
Spencer Bunn, Tooele High School  
Jordan Biorge, Tooele High School

Mayor Dunlavy thanked the families of these students and the support that they give them. He hopes that that this recognition will help these students understand what great people they are. Mayor Dunlavy stated that the Communities that Care is a great program for the youth, and they also have a parenting program called “Guiding Good Choices”. This program can help parents who are struggling or parents who want to learn more. If anyone is interested in this program they can contact Mr. Berry.

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

Chairman Pruden welcomed Boy Scout Troops 160, 460, 1456, and 1607 to the meeting. They are all working on their Citizenship in the Community merit badge.

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

Chairman Pruden invited anyone who wished to address the council to come forward. No one came forward. Chairman Pruden closed the public hearing at 7:23 p.m.

### **4. Ordinance 2009-02 An Ordinance of the Tooele City Council Establishing the Dates, Time and Place of its Public Meetings.**

Presented by Mayor Dunlavy

Mayor Dunlavy explained that this Ordinance is a statutory requirement that the Council approve the meeting schedule for the year and that it is to be published in the

local paper. City Council meetings will be held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month. The meetings will be held at 7:00 p.m. in the Council Chambers.

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

5. **Ordinance 2009-01 An Ordinance of the Tooele City Council Vacating that Portion of 900 West Between 1000 South Street and Timpie Road**

Presented by Roger Baker

Mr. Baker stated that in September of 2008 the City Council, and the School District entered into an agreement signed by the Mayor allowing students at Settlement Canyon Elementary to use Rancho Park. Part of that agreement involves closing a short section of road on 900 West so children would not be crossing an active City street to utilize the playground facilities. The state code has very detailed procedures for closing public roads. This ordinance involves vacating part of 900 West between 1000 South and Timpie Road. This has been before the Planning Commission. The public hearing has been held previously.

Councilman Wardle said that he appreciates the Mayor and the School District working through this agreement. This is a great public partnership; it utilizes the best resources and saves tax dollars.

Chairman Pruden stated that this will make it much safer for the children.

**Councilman Hansen moved to approve Ordinance 2009-01.** Councilman Wardle seconded the motion. All members present voted “Aye”.

Chairman Pruden thanked Mr. Campbell, Mr. Paul Hansen, Mr. Baker and Mr. Bayly for working with the school district on this ordinance.

6. **PUBLIC HEARING & MOTION on Ordinance 2009-03 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, Medium-Density Residential (MDR)( to General Commercial (GC) and Mixed Use General (MU-G), and Prescribing Conditions**

**Councilman Wardle moved to table item six and seven until further notice from the land owner.** Councilman Hansen seconded the motion. All members present voted “Aye”.

A copy of the letter from the new land owner asking that item six and seven be withdrawn from the agenda is included in the minutes as Exhibit A.

7. **PUBLIC HEARING & MOTION on Ordinance 2009-04 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-10, to General Commercial (GC) and Mixed Use General (MU-G), and prescribing Conditions**
  
8. **Resolution 2009-01 A Resolution of the Tooele City Council Accepting Completed Public Improvement Associated with Construction of the Addition to A-1 Sure Storage Located at 11 North 1100 West**

Presented by Paul Hansen

Mr. Paul Hansen explained that this item and the following two items are similar. He stated that under Tooele City Code developers are required to complete roadways, curb and gutters, sidewalks and other infrastructure that the public owns when they develop on their property. In this instance A-1 Storage has done some improvements to their property located on 1100 West just north of Vine Street. The inspections have been completed and are on file. He asks for the Council's support in accepting the public improvements and commencing the one year warranty period.

**Councilman Hansen moved to approve Resolution 2009-01.** Councilman Wardle seconded the motion. All members present voted "Aye".

9. **Resolution 2009-02 A Resolution of the Tooele City Council Accepting Completed Public Improvements Associated with Sunset Estates Subdivision Phase 2**

Presented by Paul Hansen

Mr. Paul Hansen explained that Sunset Estates Subdivision is located just north of 2000 North behind the Elementary School. It is a residential subdivision built by Hallmark Homes. There are four phases that are in various phases of construction. This is the second of four phases. It has the same representation as the previous item, based on the inspections on file by the public works department.

Councilman Wardle stated that Councilman Johnson sent an e-mail asking if the Tooele North Special Service District (TNSSD) is required to approve the public improvements.

Mr. Paul Hansen stated that he has not seen Councilman Johnson's e-mail. He stated under City Ordinance the TNSSD is not required to approve the public improvements. He was aware that the street lights had not yet been activated and it was his understanding from the City inspectors that the work has been completed and they are waiting for Utah Power and Light to activate the poles. This Resolution starts the one

year warranty period and these are items that will be followed up on before the warranty expires. He will review Councilman Johnson's e-mail and follow up on his concerns.

**Councilman Hansen moved to approve Resolution 2009-02.** Councilman McCall seconded the motion. All members present voted "Aye".

10. **Resolution 2009-03 A Resolution of the Tooele City Council Accepting Completed Public Improvement Associated with Sunset Estates Subdivision Phase 3.**

Presented by Paul Hansen

Mr. Paul Hansen said that this has the same representation as above. Mr. Hansen indicated that he will follow up on the street lights and review Councilman Johnson's e-mail concerning Sunset Estates Subdivision Phase 3.

Chairman Pruden noted that there were some citizens in the audience and their concerns are that the street lights are not yet activated.

**Councilman Wardle moved to approve Resolution 2009-03.** Councilman Hansen seconded the motion. All members present voted "Aye".

11. **Minutes: December 10, 2008 (Special Closed Meeting), December 17, 2008 (Business Meeting)**

**Councilman Hansen moved to approve the minutes as presented.** Councilman Wardle seconded the meeting. All members present voted "Aye".

12. **Invoices**

Presented by Mayor Dunlavy

Mayor Dunlavy presented the following invoices for payment:

- Holme Roberts & Owen for Tooele Associates litigation for November 2008 in the amount of \$126,053.66.
- Nelson Brothers for change orders and additional work at the waste water treatment plant in the amount of \$35,141.19.

Mayor Dunlavy indicated that the change orders to the waste water treatment plant contract were per the City's request and this amount is above the original authorized contract amount. There were a couple work items that were done by the original contractor (Lamb) which were found to be deficient and they have been corrected.

There was some question on the Council as to whether the payment was being made to Aqua Engineering. Mr. Paul Hansen stated that Aqua Engineering is the design engineer

that reviewed the invoices on behalf of the City and is recommending making payment to the contractor. The payment will go to Nelson Brothers.

- Broken Arrow for road salt in the amount of 10,934.45.

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

**13. Adjourn**

**Councilman Hansen moved to adjourn the meeting.** Councilman Wardle seconded the motion. All members present voted “Aye”. The meeting adjourned at 7:35 p.m.

Approved this 21<sup>st</sup> day of January 2009

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Chairman Pruden