

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, November 4, 2009
Time: 7:30 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

City Council Members Present:

Steve Pruden, Chair
John Hansen
Mike Johnson
Scott Wardle
Dave McCall

City Employees Present:

Mayor Patrick Dunlavy
Roger Baker, City Attorney
Sharon Dawson, City Recorder
Lisa Carpenter, Deputy Recorder
Randy Sant, RDA Consultant
Michelle Pitt, Administrative Assistant
Paul Hansen, City Engineer
Chief Ron Kirby, Chief of Police
Rachelle Custer, City Planner
Milo Berry, Communities that Care Director
Jackie Sagers, Communities the Care

Others Present:

Debbie Winn, Chamber of Commerce
Shawn Milne, Planning Commission

Minutes prepared by Elisa Jenkins

Chairman Pruden called the meeting to order at 7:30 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Dunlavy.

2. Presentation by Mayor Patrick Dunlavy

Mayor Dunlavy explained that Milo Berry has been the director for the Communities that Care Program for the last seven years and he is now retiring. Mayor Dunlavy thanked Mr. Berry for all his hard work. He then introduced Jackie Sagers who will be the new

Communities that Care Director. Ms. Sagers and Mayor Dunlavy presented Mr. Berry with a special “thank you” retirement gift.

3. Mayor’s Community Recognition Awards

Presented by Mayor Dunlavy, Councilman Wardle, and Chief Kirby

Mayor Dunlavy welcomed all those who have come to support these young people. He said that it is his honor to come to City Council and recognize these special young people in the community each week. He thanked the families for their support.

Councilman Wardle explained that each recipient will receive a bag with a certificate from the Mayor, and some goodies from various businesses in the Community.

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

Kaden Clements, Clarke Johnson Junior High
Anastasia Poland, Tooele Junior High
Caitlin Martin, Clarke Johnson Junior High
Taylor Leavitt, Tooele Junior High
McKenzie Fait, Tooele Junior High
Metui Taitua’a, Tooele High School
Zachary Wilson, Tooele High School
Peter Wilson, Tooele High School

Mayor Dunlavy congratulated these young people for their hard work. He acknowledged their families and the important role they play in their lives. Mayor Dunlavy explained that the Communities that Care Program helps young people deal with the trials, struggles, and pressures of the world today. The program is in the schools and helps students learn important skills. There is also a program called Guiding Good Choices which helps parents be better parents. He encouraged anyone interested in these programs to contact the City. Mayor Dunlavy indicated the City also supports the “Most Don’t” program which is run through the Tooele School District. The “Most Don’t” program promotes the fact that most teenagers don’t drink. The program is run by Amy Bates and is targeted to teenagers.

Amy Bates gave a brief summary of the “Most Don’t” program. She encouraged all to look at the website which is mostdont.org.

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

4. Open Forum for Public Comment

John Archuleta, Tooele addressed the Council. Mr. Archuleta inquired of the status of the skate park on Timpie Road.

Chief Kirby stated that they are still monitoring the skate park. There have been increased patrols which have been helping.

Mr. Archuleta is concerned when the spring comes the problems will come back. He would like to see it gated.

Chairman Pruden indicated that they are still looking at the situation.

Chairman Pruden closed the open forum at 8:13 p.m.

5. Community Development Block Grant (CDBG) Application Sponsorship

Ms. Pitt stated that on October 21, 2009 there was a hearing to hear about potential projects that would like to apply for the CDBG grant. There were three projects that would like the City to sponsor their application. There was Valley Mental Health they are building a new building and they would like to apply for \$150,000 for their work rehabilitation program. The Utah Housing Authority would like to apply for \$100,000 for a down payment assistance program. Marnie Beacham would like to apply for \$300,000 for three years for a housing project for the disabled.

Chairman Pruden stated that the housing project for the disabled does not have their 501 (c) (3) yet, and the Council was not going to recommend them unless all the requirements are taken care of by the December 1st deadline. The Council decided that the Valley Mental Health Project and the Utah Housing Authority will be number one priorities and the Housing Project for the Disabled would be a number two priority if all the requirements are fulfilled by the deadline.

Councilman Johnson moved to approve Tooele City to sponsor Valley Mental Health's and Utah Housing Authority's application for the CDBG program, they will both be ranked as a number one priorities. The City will also sponsor the Housing Project for the Disabled as a number two priority if their 501 (c) (3) is approved and all other requirements are fulfilled. Councilman Wardle seconded the motion. All members present voted "Aye".

6. Resolution 2009-49 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Settlement Agreement with New Concepts Construction, Inc.

Presented by Roger Baker

Mr. Baker indicated that in 2006 the City was sued by a developer. He explained that the developer had come under an existing zone and received approval for a number of apartment buildings on the corner of Utah Avenue and 1st Street. They obtained building permits for all of the buildings and paid a number of fees, but only built one of the buildings. Then the City changed the zoning. The developer had allowed his building

permits to expire and then came back to the City to renew the building permits and he was told that the zoning did not support that kind of density any longer. The developer filed a law suit. Mr. Baker stated that the City met with the developer to try and understand his needs and how many units he would need. They came to a resolution to settle the lawsuit. It took a few years to get everything settled. He is asking the Council to approve a settlement agreement that was negotiated between the parties three years ago which is now finalized. In the settlement agreement the density will be reduced from 26 apartments to 8 townhomes.

Councilman Hansen moved to approve Resolution 2009-49. Councilman McCall seconded the motion. All members present voted “Aye”.

7. **Resolution 2009-55 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Real Estate Purchase Agreement with TLI Development L.L.C, for a Fire Station Site**

Presented by Roger Baker

Mr. Baker stated that the fire department and the Mayor have been working together and identified a location that they would like to see for a future fire station #3. The purchase price is less than the appraised value. The developer will be responsible to make street improvements on the east frontage of the lot. The City will be making improvements to 1000 North as well.

Chairman Pruden indicated that the City will pay \$294,030 for the three acre parcel.

Mr. Baker stated that the price established is per square foot.

Chairman Pruden noted that the property is at approximately 150 E and 1000 N.

Councilman Wardle verified that this property will be paid for with impact fees.

Mr. Baker indicated that the property will be paid for with public safety impact fee revenues.

Councilman Hansen moved to approve Resolution 2009-55. Councilman Wardle seconded the motion. All members present voted “Aye”.

Mayor Dunlavy stated that the City has applied for a grant through the Homeland Security and if they get the funding the timing will be perfect to build the fire station.

8. **Resolution 2009-56 A Resolution of the Tooele City Council Regarding the Municipal Wastewater Planning Program Self-Assessment Report for Tooele City, 2008.**

Presented by Paul Hansen

Mr. Hansen stated that from time to time the City is required to file reports with the state referencing a financial, plant operations, and collections systems evaluation of the waste water process. In the collection system and plant system the City has taken steps which have reduced the penalty points against the City. The steps implemented have reduced the points from 95 to 25.

Councilman Johnson asked what was the purpose of this report?

Mr. Hansen indicated that it simply makes the City Council aware of the condition of the waste water treatment and collection process and status. The area that they are not in a changed condition from the last report is in the financial evaluation. This is primarily due to the fact the City is like the rest of the country in that new building construction is down due to the economy. All other report areas have seen substantive improvements from last year.

Councilman Wardle asked if it is best to have a low score?

Mr. Hansen said “yes”, the lower the score the better. The points that they had in processing are related to the handling of the bio-solids, and the fact that they are land applied. With the construction of the proposed solar drying beds, this score will be eliminated in the future.

Councilman Hansen moved to approve Resolution 2009-56. Councilman Wardle seconded the motion. All members present voted “Aye”.

9. Minutes: October 21, 2009; CDBG Public Hearing, and Business Meeting

Councilman Johnson noted on Page 2 of the CDBG hearing the last paragraph should say that \$100,000 will help 50 families.

Councilman Johnson moved to approve the minutes with the change as noted above. Councilman Wardle seconded the motion. All members present voted “Aye”.

10. Invoices

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Holme Roberts & Owen for professional fees in the amount of \$94,519.36.
- Holme Roberts & Owen for professional fees in the amount of \$21,544.00.

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

11. Adjourn to a Discussion:

Councilman Wardle moved to adjourn the meeting to a discussion meeting.

Councilman McCall seconded the motion. All members present voted “Aye”. The meeting adjourned to a discussion meeting at 8:30 p.m.

a) **Update on Rocky Mountain Power**

Chairman Pruden stated that the reason for this discussion meeting is decide what the City wants their definitive position to be with the power lines that Rocky Mountain Power are proposing for the Mona to Oquirrh transmission lines through Tooele.

Councilman Johnson indicated that the Council needs to decide if they want the power lines to run through Tooele City limits at all, which he feels the answer is still no.

Councilman Wardle indicated that their decision is pretty straight forward and they do not want the power lines running through Tooele City.

Mayor Dunlavy agreed that the City is opposed to the power lines.

Councilman Wardle would like Rocky Mountain Power to go with the consensus letter that was sent to them on behalf of the City.

Councilman Johnson noted that they are still in the draft EIS stage and asked where the process goes from here?

Lee Brown addressed the Council. Mr. Brown indicated that he is not here at the request of Rocky Mountain Power; he came because it was on the agenda. Mr. Brown stated that Rocky Mountain Power proposed a preferred route and an alternative route and neither one was acceptable to the City. After public input Rocky Mountain Power came up with an amended preferred route which moved the route on the southeast bench ¼ mile further south. Rocky Mountain Power was told that the amended preferred route was also unacceptable. Rocky Mountain Power looked at some suggested routes by the City and concerned citizen group but they did not meet the criteria, and were too expensive. Several meeting have been held with the City, the concerned citizen group and the County. The City has indicated to Rocky Mountain Power that they were opposed to the power lines running through the City at all. Rocky Mountain Power is planning on filing a conditional use permit with the County for the amended preferred route, because that route is in the County not the City. Mr. Brown stated that this will eventually find its way to the Utility Facilities Citing Board which is comprised of a member of the Public Service Commission, a member of the Association of Counties, and a member of League of Cities and Town. The Utility Facilities Citing Board will make a decision. The final EIS takes comments that were received and is now working its way around the BLM for and administrative review. Then the final EIS will be issued to the public around the first of the year for public comment, and then a record of decision will be made. The BLM will tell Rocky Mountain Power where they can build the line on federal lands.

Mr. Baker indicated that it was his understanding that from a reading of the Utility Facility Review Board statute that a petition to the board to review a dispute between the company and local jurisdiction has to be filed before the company files a conditional use permit.

Mr. Lee believed that is not the case. He stated if there is a disagreement between the company and the governmental entity either one of them can file.

Mr. Baker asked Mr. Lee to verify that Tooele County could file a petition with the board after the company has filed its conditional use application with the County.

Mr. Lee stated that is his understanding. He stated that he could look into it.

Mr. Baker suggested that the statute be reviewed to make sure.

Mayor Dunlavy stated that his stand is that the power lines will not come through Tooele City.

Brad Pratt addressed the Council. He indicated that there have been many meetings with Rocky Mountain Power, and he feels that the discussions have just gone in a big circle. He had good faith that the company would listen to their concerns. The County has come out with a consensus letter with the directive that they would like to see on this project. The letter has been given to the Public Utility Commission and Rocky Mountain Power. Mr. Pratt is still concerned about the safety of these lines. The concerned citizen group has voiced their opinion that these lines should not go through the City. He asked that the Council and the City stay involved in the process.

Mr. Baker indicated that Tooele City owns 1,800 acres on the hillside. He asked Mr. Pratt if the amended southeast bench route crosses Tooele City property?

Mr. Pratt did not know.

Mr. Lee said he had been told that the route will not go on within the City limits. He does not know if the route goes on the City property. Mr. Lee suggests that the City and the concerned citizen group stay involved in the process.

Mr. Baker stated that he sent a letter to the Public Service Commission and they called and informed him that the letter is not considered a complaint or a request for review by the Utility Facility Review Board. They are two separate legal entities; they share the same membership but are governed differently. They are aware of Tooele City's objections, but Tooele City has not filed a complaint that they recognize as a request for a review of a dispute by the board.

Kaye Pratt indicated that the consensus letter indicated that they would like the sub station moved. The west route was a preferred route previously, and she does not know

why they will not use it now. She also indicated that comments need to be made to the Public Service Commission at the appropriate time.

Mr. Baker stated that he has spoken to the attorney for the Public Service Commission and he told him that letter was not a complaint recognized by the Board.

Councilman Johnson indicated that the Council will rely on Roger Baker and Doug Hogan to make sure the objection gets filed with the right body.

Mayor Dunlavy stated that if it is outside the City limits they may not have a standing with the committee.

Mr. Lee indicated that the Council can file a complaint with the Public Service Commission but the real authority for this line is with the Utility Facility Board. The Public Service Commission will have three people on that board. The company is requesting this route because they feel like they can defend it, get cost recovery, it meets all the requirements, and it can be done in the time frame required. They do not believe that the west route through Grantsville can be done.

Councilman Wardle asked where the cost recovery comes from?

Mr. Lee stated that the cost recovery is determined through the rate proceedings with the Public Service Commission. It is multi-state; he does not sure if it will be strictly cost recovery in the state of Utah.

The discussion meeting adjourned at 9:10 p.m.

Approved this 18th day of November 2009

Chairman Pruden