

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, February 04, 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
Mike Johnson

City Employees Present:

Mayor Patrick Dunlavy
Glen Caldwell, Finance Director
Sharon Dawson, City Recorder
Paul Hansen, City Engineer
Lisa Carpenter, Deputy Recorder/City Council Liaison
Cary Campbell, Public Works Director
Rachelle Custer, City Planner
Randy Sant, RDA Consultant
Chief Ron Kirby, Chief of Police
Milo Berry, Communities that Care Director

Others Present:

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

Minutes prepared by Elisa Jenkins

The meeting was called to order by Chairman Pruden at 7:02 p.m. Chairman Pruden welcomed Boy Scout Troops 7513 and 795 who are working on their Citizenship in the Community Merit Badge.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Boy Scout Troop 7513.

2. Mayor's State of the City Address

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy delivered his State of the City address. The speech, in its entirety, is included with the minutes as Exhibit A.

3. Mayor's Community Recognition Awards

Presented by Mayor Dunlavy, Councilman Wardle and Chief Kirby

Mayor Dunlavy stated that it is his great opportunity at City Council meetings to express his appreciation and acknowledge some wonderful young people in the community. He expressed appreciation for the support these young people get from their families.

Councilman Wardle explained that each student will receive a bag of goodies. The bag contains a Certificate from the Mayor, a notepad from the Tooele County Chamber of Commerce, chap stick from the Tooele County Health Department, a free movie ticket, a pencil from Utah State University, a Mayor's Recognition Award wristband, a Tooele City pin as well as some other goodies.

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

Matt Thompson, Tooele Junior High School
Kalee Stowe, Clarke Johnson Junior High School
Shayla Shepherd, Clarke Johnson Junior High School
Matt Booth, Tooele Junior High School
Annie Butterfield, Clarke Johnson Junior High School
Chance Boekweg, Tooele High School
Ashley Lund, Tooele High School
Nathen Blas, Tooele High School
Jared Gutowski, Tooele High School

Mayor Dunlavy congratulated the recipients of this award. He believes that some of these young people will lead the City someday and that they will be wonderful leaders in the community. He expressed his appreciation to the families and the support they give these young people. He explained that these awards are part of a program called Communities that Care. The Communities that Care program is designed to help young people deal with problems and challenges they face everyday. These are school based programs that are taught in the classroom. There is also a program called "Guiding Good Choices" which is a parenting program designed to teach skills, and give parents support in raising their families. He encouraged anyone who is interested in these programs to contact Milo Berry who is the director for the Communities that Care. He thanked all those who came to support these young people.

A brief recess was taken for a picture with the Mayor and the recipients of the award.

4. Open Forum for Public Comment

Chairman Pruden invited anyone from the public who wished to address the Council to come forward and do so.

Sergeant Dennis Tracey, addressed the Council. Mr. Tracey read a letter requesting that Tooele City adopt Inclusion of Solar Access Protection Legislation. A copy of the letter that Mr. Tracey presented to the Council is included with the minutes.

Chairman Pruden asked Mr. Tracey to give his information to Mr. Baker.

Chairman Pruden closed the open forum at 7:45 p.m.

5. **Resolution 2009-008 A Resolution of the Tooele City Council Consenting to the Mayor's Appointments of Steve West, Vincent Olcott, and Tracee Burns as an Alternate Member and Re-Appointments of Roy Niskala and Kevin Shields, to the Tooele City Board of Adjustments.**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy explained that there have been some openings on the Board of Adjustments. He asked the Council to appoint Steve West, Vincent Olcott, and Tracee Burns as new members and re-appoint Roy Niskala and Kevin Shields to the Board of Adjustments.

Councilman Johnson asked the Mayor to explain for the benefit of the audience what the Board of Adjustments does.

Mayor Dunlavy explained that the Board of Adjustments hears the appeals of building code issues. He used as an example if someone wanted to build a garage and there were extenuating circumstances to do so; the Board of Adjustments would hear the appeal.

Mr. Baker stated that a classic example of a building code issue is in lots that were created fifty years ago or more and were created very long, very small or very narrow. These lots can't contain a typical house that is constructed today. The Board of Adjustments can give adjustments to the setbacks in the front, side, back of the lot or make height adjustments.

Councilman Hansen moved to approve Resolution 2009-08. Councilman Wardle seconded the motion. All members present voted "Aye".

6. **Resolution 2009-07 A Resolution of the Tooele City Council Authorizing the Mayor to Sign on Behalf of Tooele City a Contract with Hansen, Allen & Luce for a Well Siting Study Related to Development of the Kennecott Water Rights.**

Presented by Roger Baker

Mr. Baker said that the City views this resolution as an addendum to the water master planning effort that is underway. They have previously retained the firm of Hansen, Allen & Luce to do the water master planning. They look at a number of things from the obtaining of water rights from the state, which gives the City permission to pull water out of the ground, to planning the water pumping facilities, storage facilities and distribution facilities so the City can provide quality culinary water service to the residents. This resolution furthers the recent acquisition of water rights from Kennecott. He further explained that to put water rights to use they have to pull the water out of the ground so they can use it. This study is advantageous to the City because the closer they can find water today, perhaps on Kennecott property, the longer it will be before they have to go out of the valley to bring water through a pipeline to meet the City's need.

Councilman Johnson asked if this will tell the City where along the mountain would be the best place for a well.

Mr. Baker indicated that is part of it. It will not only identify potential water sources, but also to what extent wells in those locations will cause interference with wells that already exist (i.e. City wells and other adjacent wells.) It is a science mixed with an art to figure out what is happening underground with water. That is why they use water modeling. Water modeling takes all of the various available data and uses computers to help get a picture of what is happening underground.

Councilman Johnson verified that this will not exceed \$25,700.00

Mr. Baker said that is correct.

Councilman Johnson asked how long this study will take and when the City anticipates actually getting under construction.

Mr. Paul Hansen stated that the work associated with this study should be done within four to six months. The City is pushing it to get done as quickly as possible. In regards to Councilman Johnson's second question as to when wells could be constructed, that will be dependent upon the State finalizing the approval of the Kennecott water rights.

Chairman Pruden asked if they have all the access they need to start working on that.

Mr. Hansen indicated that this part is to address the well siting. They will not acquire access until they know where they will be drilling; they will work with property owners at that time.

Councilman Johnson moved to adopt Resolution 2009-07. Councilman Hansen seconded the motion. All members present voted "Aye".

7. **PUBLIC HEARING & MOTION on Preliminary Plan Approval for a 126 Acre Residential Little Mountain Estates PUD Subdivision to be Located South of Skyline Drive from Upland Drive to Canyon Road.**

Presented by Rachelle Custer

Ms. Custer explained that Patterson Development has proposed a single family home and town home development behind Little Mountain. A PUD ordinance was approved by City Council on February 2, 2007. The development is intended to cluster the housing and pull it off the top of the hill. The development includes condo and single family homes. The PUD addresses set backs, lot coverage, and other items that are different from normal zoning areas because it is a unique area. The PUD ordinance addresses a conservation easement to allow access to the top of the hill. The conservation easement allows for open space to be preserved for non-motorized access. The easement shall be maintained in perpetuity by the PUD homeowner's association. The developer will be installing a water system, tanks, booster pumps, and extending roads coming down to tie into SR-36 and Skyline Drive. They will be required to comply will all City ordinances. Planning Commission made a favorable recommendation on January 14, 2009. Staff recommends approval of the preliminary plan for Little Mountain Estates PUD with the following conditions: Storm drain easement, Booster tank agreement, Water line easement, and conservation easement be in place and recorded prior to final plat approval.

Chairman Pruden asked if the water system for this development will tie into the City's water system.

Ms. Custer said yes.

Chairman Pruden noticed that there are flag lots in this development.

Ms. Custer stated that flag lots are allowed in the sensitive area.

Chairman Pruden asked if the south access entrance has been resolved.

Ms. Custer asked if Chairman Pruden was referring to Canyon Road.

Chairman Pruden said yes.

Ms. Custer indicated that the developer is proposing some changes to SR-36 to make the transition from Canyon Road safer and UDOT has approved the changes.

Chairman Pruden asked if the homeowners in this area are aware of the changes.

Ms. Custer said that the homeowners have been informed of the development and they will not be impacted other than traffic.

Councilman Johnson verified that houses will not be constructed until the public improvements are in place.

Ms. Custer said yes.

Chairman Pruden asked if this development will be gated.

Ms. Custer said no.

Chairman Pruden asked if the trails and parks will be maintained by the PUD.

Ms. Custer said that they will be maintained by the homeowners association.

Chairman Pruden asked if the City will have any say on the layout of the parks.

Ms. Custer did not know if the layout of the parks has been determined yet. She indicated the developer is in attendance if the Council has questions for him.

Ross Welch with Patterson Construction addressed the Council. He indicated that they are looking at this to be open space with trails.

Chairman Pruden asked about the “tot lot” and asked if there will be swing sets.

Mr. Welch said the parks will have swing sets.

Chairman Pruden asked if the parks will have pavilions and picnic tables.

Mr. Welch said they have not laid out the entire design for the parks yet.

Chairman Pruden indicated that he would like to see pavilions; they are a great asset to the City.

Councilman Johnson asked when Mr. Welch anticipates being under construction.

Mr. Welch said that they are not planning on moving forward until the economy changes. They would like to see some action before they invest.

Councilman Johnson asked what the ordinance says about how long the developer has to move forward.

Ms. Custer stated that between preliminary and final plat submittal the developer has one year.

Mr. Welch indicated that he is aware of the ordinance.

Mr. Paul Hansen wanted the Council to understand that in order for this subdivision to exist it is necessary for a waterline easement to be obtained across property that is currently owned by the Brockbanks. This waterline will tie this system into the water tank located up on the saddle between Middle Canyon and Settlement Canyon drainages.

The booster system is in place but there will be additional pumps that will need to be installed. There are provisions for all of this, but they will not bring this back to the Council for final plat approval until all of the easements and the plans are in place to make the system operational. There are two items that the Council will need to be willing to work with the developer as part of the final approval. The first item is related to storm water. The natural drainage for part of the development is towards Settlement Canyon. Under Tooele City Code, the developer will be required to detain his water on site but the City will need to accommodate him by allowing the developer a pipe line easement across the City's property (where the Wigwam is located) down to the Settlement Canyon drainage. He believes that the installation of a pipe would not be adverse to the City's property. The Council will need to convey that easement as a part of final plat approval. The second item is that there is a small portion of the road right-of-way, which extends eastward from Old Canyon Road, which would require dedication of City property to complete the full right-of-way width. This would allow the road to be built up the natural terrain without adversely impacting other geological and slope features. Staff will bring these items back to the Council as condition of final plat approval. It is not necessary for preliminary plan approval that they are in place at this time.

Councilman Wardle asked if the drainage will be going into the Settlement Canyon drainage pipe that was lined two years ago.

Mr. Baker said it will go into the natural drainage first and then flow into the pipe.

Mr. Hansen stated that this development will not be increasing the run off to the drainage tributary. The developer will be required to provide on-site detention. This development will not be making the run off worse than it presently exists today.

Mr. Baker said that they will need two documents before the final plat comes back before the City Council and the developer is aware of these issues as well. The first is the conservation easement document, which will preserve Little Mountain from development. The second is the agreement that memorializes the things that Mr. Hansen and Ms. Custer have mentioned with regards to the water line easement, the booster station pumps, etc. These documents will have to be finalized.

Councilman Johnson asked if the conservation easement will benefit the entire general public and not just the people that will be living in this development.

Mr. Baker said that is correct. The property will be owned by the development, but the conservation easement will be for the benefit of Tooele City Corporation. It will be open to anyone who wishes to walk on it. There will probably not be improved trails. The easement will specify what improvements will be permitted. There will be no motorized uses of the property. A small portion of the property is owned by Wireless Beehive, they have an antenna in this location. The City will need to make sure that Wireless Beehive is also consistent with the conservation easement. The City did not know that ownership

existed at the time they re-zoned this property. Zoning applies to the Patterson property and the Wireless Beehive property.

Chairman Pruden asked if the people that put up the Christmas tree will be able to get up there.

Mr. Baker said that access will be preserved.

Chairman Pruden verified that the south exit that goes onto Canyon Road will have curb and gutter on each side and asked if it will be an improved Road.

Ms. Custer said yes.

Chairman Pruden asked if the people that live in that area have been notified of the changes.

Ms. Custer said that there was a meeting with Tooele City, Patterson Construction and the homeowners in that area. They are aware of the development. In the meeting they proposed alternate roadway alignments to allow connection of the main roadway to SR-36, and avoid impacting Old Canyon Road, but that proposal was not supported.

Councilman Wardle indicated that when the development commences construction on the Old Canyon Road the grade of the road will be a lower grade than it is now.

Mr. Hansen said that on the existing Old Canyon Road portion, the grade and the alignment where it intersects with SR-36 will be modified.

Councilman Wardle said it will be improved for safety.

Mr. Hansen said yes.

Chairman Pruden asked if the fire department is aware of the cul-de-sacs?

Ms. Custer said yes.

Chairman Pruden thanked the Patterson Development for backing the homes off the top of the mountain. They appreciate them modifying their plans.

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 Wardle moved to close the public hearing. Councilman Hansen seconded the motion. All members present voted "Aye". The public hearing closed at 8:04 p.m.

Councilman Johnson moved to approve the preliminary plan for a 126 acre residential Little Mountain Estates, with all of the conditions noted by the Planning Commission and the staff regarding storm drain easement, booster tank agreement, water line easement, and conservation easement be in place and recorded prior to final plat approval. Councilman Hansen seconded the motion. All members present voted “Aye”.

8. Resolution 2009-06 A Resolution of the Tooele City Council Accepting Completed Public Improvement Associated with the Remodel of the Standard Plumbing Supply Facility, 63 East 1100 North.

Presented by Paul Hansen

Mr. Paul Hansen explained that per Tooele City Code the City Council is charged with accepting public improvements, such as roadways, curb and gutter, sidewalks and other City infrastructure that the City will be responsible for when the development is complete. Standard Plumbing has completed their public improvements based on inspections on file in the public works department.

Councilman Johnson asked what public improvements Standard Plumbing put in.

Mr. Hansen stated that they did some road widening, installed curb and gutter, and installed sidewalk.

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

9. Minutes: January 21, 2009, (Work Session); January 21, 2009, (Business Meeting)

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

10. Invoices

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Lewis, Burningham, Robertson, Young for the waste water impact fees and capital finance plan in the amount of \$16,500.00.
- Holme, Roberts, & Owen, LLP for outside legal council for December 2008 for the Tooele Associates lawsuit in the amount of \$142,694.03. (Mr. Baker clarified that although this is the December invoice the expert witness fees are for August 2008 through December 2008.)

Councilman Johnson moved to pay the invoices as presented. Councilman Wardle seconded the motion. All members present voted “Aye”.

11. Adjourn

Councilman Hansen moved to adjourn the meeting. Councilman McCall seconded the motion. All members present voted “Aye”. The meeting adjourned at 8:10 p.m.

Approved this 18th day of February

Chairman Pruden