

**Tooele City Council  
Business Meeting Minutes**

Date: Wednesday, March 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  
Mike Johnson  
Scott Wardle  
Dave McCall

**City Employees Present:**

Mayor Patrick Dunlavy  
Sharon Dawson, City Recorder  
Lisa Carpenter, Deputy Recorder  
Glen Caldwell, Finance Director  
Milo Berry, Communities that Care Director  
Chief Ron Kirby, Chief of Police  
Roger Baker, City Attorney  
Cary Campbell, Public Works Director

**Others Present:**

Debbie Winn, Chamber of Commerce  
Shawn Milne, Planning Commission

Minutes prepared by Elisa Jenkins

The meeting was called to order at 7:02 p.m. by Chairman Pruden.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Councilman Hansen.

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

Presented by Mayor Dunlavy, Councilman Wardle and Chief Kirby

Mayor Dunlavy thanked all that had come to support these young people who are receiving this award. He feels that it is very important that young people in this community get recognized. He also recognized the families of these young people for the support that they give them. Mayor Dunlavy explained that the Communities that Care

program is a program that helps youth, helps parents, and helps make the community better.

Councilman Wardle explained that each student will receive a bag of goodies. The bag contains a bag from Gold's Gym, a free golf pass, a McDonald's gift certificate, chap stick from the Tooele County Health Department, A Mayor's Recognition Award wristband, a Tooele City Pin, and a Certificate from the Mayor as well as some other goodies. Councilman Wardle noted that they are appreciative to the businesses who have donated items.

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

Kyle Russell, Tooele Junior High  
Nick Mackay, Clarke Johnson Junior High  
McCall Voigt, Tooele Junior High  
Jena Wendt, Clarke Johnson Junior High  
Taylor Haskell, Tooele High School  
Scott Bishop, Tooele Junior High  
Aly Jensen, Tooele High School

Mayor Dunlavy congratulated these students again for their hard work. He thanked the families for their involvement in these students' lives.

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

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

Chairman Pruden welcomed Boy Scout Troop 458 who are working on their Citizenship in the Community merit badge.

Chairman Pruden invited anyone from the public who wished to address the Council to come forward and do so. No one came forward.

Chairman Pruden closed the open forum at 7:21 p.m.

### **4. Resolution 2009-14 A Resolution of the Tooele City Council Appointing Kenyon Mitchell and Reappointing Melanie Hammer to the Administrative Control Board for the North Tooele City Special Service District.**

Presented by Councilman Mike Johnson

Councilman Johnson explained that there is a North Tooele City Special Service District (NTSSD) in the Overlake area. The NTSSD makes the decisions for the budget, and takes care of some of the maintenance in Overlake. There is a seven member board and

David Manzione and Melanie Hammer's terms on the Board have expired and need to be replaced. Melanie Hammer would like to serve on the board again but David Manzione does not, they received an expression of interest from Kenyon Mitchell. The Board recommends re-appointing Melanie Hammer and appointing Kenyon Mitchell to serve a term of four years. Councilman Johnson noted that the Resolution says that Aimee Shuldberg is on the board but she is no longer on the board, Jed Winder took her place.

**Councilman Johnson moved to approve Resolution 2009-14.** Councilman McCall seconded the motion. All members present voted "Aye".

5. **Resolution 2009-12 A Resolution of the Tooele City Council Approving a Professional Service Agreement with Lewis Young Robertson & Burningham to Prepare Capital Facilities Plans and Impact Fees Analyses for Tooele City Impact Fees.**

Presented by Roger Baker

Mr. Baker indicated that this contract with Lewis Young covers four impact fees in addition to two other impact fees for water and sewer updates that they have already been hired to do. This contract would be for public safety, parks, storm water and transportation impact fees. The state impact fee statutes have changed since the last time this type of contract was brought before the Council, it requires that before they contract for a preparation of impact fees that they send notices to certain parties (i.e. home builders, realtors and others). They have mailed those notices and the next step is to have Lewis Young start working toward the preparation of these plans. They will present the plans to the City in a public hearing at a later date.

Councilman Johnson asked when the City anticipates Lewis Young to present their findings to the City.

Mr. Baker stated in about four months. He said that the water and sewer is nearly complete. Lewis Young have been waiting for the data they need from the Waste Water consultant. They should be receiving them very soon.

Councilman Wardle noted that the in the agreement with regarding these four new impact fees it indicates that the scope of the work should be completed in five months.

Councilman Johnson stated that the findings will show whether the fees should go up or down, and then the plan would be a recommendation to adjust the impact fees.

Mr. Baker noted that there would be an adjustment of the two fees and implementation of the two new fees. He also stated that they will have discussions with the Council before the final plans are presented. The State law says that once the new impact fees are approved they do not go into effect for 90 days. This is so that the impact fees don't catch new home buyers by surprise, after they have closed on their construction financing.

**Councilman Hansen moved to approve Resolution 2009-12.** Councilman McCall seconded the motion. All members present voted “Aye”.

6. **Resolution 2009-13 A Resolution of the Tooele City Council Authorizing the Sale of an Easement across City Property for the UNEV Pipeline.**

Presented by Roger Baker

Mr. Baker stated that this has been discussed with the Council previously. There is a very small piece of property that the City owns that the UNEV pipeline will need to go through. This property is on the far southwest area of town, west of the railroad tracks near the Carlisle Syntec complex. He feels fortunate that the company offered \$40,000 per acre, with an easement value of 75% of the fee title value, or \$30,000 per acre. UNEV has offered to pay \$16,200 and the City has indicated that is acceptable.

Councilman Wardle noted on the first page of the document it says “For and in consideration of ten dollars”.

Councilman Johnson indicated that was standard legal terms.

Mr. Baker noted that often in private land transactions the buyer and seller often do not want everyone to know what was paid for a piece of property. Mr. Baker said that they used the standard format in this situation.

**Councilman Wardle moved to approve Resolution 2009-13.** Councilman Hansen seconded the motion. The vote was as follows:

Steve Pruden, “Aye”

John Hansen, “Aye”

Mike Johnson, “Nay”

Scott Wardle, “Aye”

Dave McCall, “Aye”

7. **Resolution 2009-15 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Superior Excavation, L.L.C., for Repair of a Reuse Waterline, and for the Construction of a Valve Box and Related Appurtenances on the Waterline at the Tooele City Water Reclamation.**

Presented by Cary Campbell

Mr. Campbell explained that at the Waste Water Treatment Plant they have water that takes the reuse water to either the upper or lower lakes. The present control valve is damaged. The replacement valve and box would allow them to divert the reuse water when it is necessary to perform maintenance on those various lakes. He is asking the Council to approve this so they can get the valve fixed.

Chairman Pruden noted that this contract is for \$32,350.

Mr. Campbell said that is correct.

Councilman Johnson asked if this money comes out of the sewer fund.

Mr. Caldwell said yes.

**Councilman Hansen moved to approve Resolution 2009-15.** Councilman Johnson seconded the motion. All members present voted “Aye”.

8. **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 500 West and SR-112.**

Presented by Cary Campbell

Mr. Campbell stated that a few weeks ago the Council approved \$35,000 for the Mayor to enter into an agreement with Jacobs Engineering to begin the design work for 1000 North between 600 West and SR 112. This is the first amendment to that agreement. They are asking for \$300,000. That is more than the \$291,930.98 requested by Jacobs Engineering. The additional is to cover geotechnical services staff was expecting. Just before this meeting staff received from Jacobs Engineering a second amendment for those geotechnical services that amounted to less than \$5,900. This cost of this amendment is included in the \$300,000 contract that he is asking the Council to approve.

Chairman Pruden indicated that the ordinance says that the bid is not to exceed \$300,000.

Councilman Wardle asked when it is anticipated that the plans will be complete.

Mayor Dunlavy stated that it has to be completed in 90 days in order to qualify for stimulus money.

Mr. Campbell said that Jacobs Engineering has already started on the design process.

Councilman Johnson asked if the second phase will be bid out. Prices have dropped since the original bid.

Mayor Dunlavy they have spoken to UDOT about that. They possibly could get the bid lower.

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

9. **Minutes: February 18, 2009 Closed Meeting; February 18, 2009 Joint RDA and City Council 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

- Holme, Roberts, & Owen for outside legal counsel for the Tooele Associates lawsuit in the amount of \$49,248.14.

**Councilman McCall moved to approve the Holme, Roberts & Owen invoice as presented by Ms. Dawson.** Councilman Hansen seconded the motion. All members present voted “Aye”.

11. **Adjourn**

**Councilman Wardle moved to adjourn the meeting.** Councilman Hansen seconded the motion. All members present voted “Aye”. The meeting adjourned at 7:38 p.m.

Approved this 18<sup>th</sup> day of March 2009

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Chairman Pruden