

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, July 01, 2009
Time: 8:00 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
Glenn Caldwell, Finance Director
Lisa Carpenter, Deputy Recorder
Chief Ron Kirby, Chief of Police
Rachelle Custer, City Planner
Paul Hansen, City Engineer

Others Present:

Debbie Winn, Chamber of Commerce
Shawn Milne, Planning Commission

Minutes prepared by Elisa Jenkins

The meeting was called to order by Chairman Pruden at 8:00 p.m. He welcomed those in attendance to the meeting.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Rich Valdez.

2. Open Forum for Public Comment

Chairman Pruden invited anyone from the public who would like to come forward and address the Council to do so. No one came forward. Chairman Pruden closed the open forum at 8:02 p.m.

3. Presentation by Rocky Mountain Power

Mayor Dunlavy thanked all those in attendance for coming to this meeting and voicing their opinion on this issue. He likes to hear public input. He has strived over the last three and a half years to be very “transparent” and hopes that the public has noticed that. It is very important to him. Mayor Dunlavy said that this item was put on the agenda in a public hearing to get input from the public as well as from the City Council and himself. Mayor Dunlavy indicated that he personally opposes the route that Rocky Mountain Power has chosen to place the power lines. He understands that this is a process and there are other routes that they can look at. He wants it to be noted for the record that himself and the Council are in opposition of this route. He said that they are currently in negotiations with a property owner in this area to purchase 105 acres to preserve property as open space. This administration wants to preserve the hillside for future generations to enjoy. He also stated that he understands the need for additional power in Utah, and does not oppose that. Their opposition is the route that has been chosen when there are other alternatives. The City will be sending a copy of these minutes, the comments from the public, and a copies of the petitions as part of a packet to the Bureau of Land Management (BLM) as part of their opposition. He wanted to reiterate that the Council and he oppose this route. He appreciates everyone coming to voice their opinion.

Mr. Lee Brown, a consultant for Rocky Mountain Power addressed the Council. He is also a resident of Erda. He was asked to come to the Council meeting for the purpose of requesting a right-of-entry permit to allow the preliminary survey to determine if the proposed Mona to Oquirrh transmission line route through Tooele and the environmental impact statement are feasible, he stated that he is not here to do that at this meeting. Rocky Mountain Power and the BLM have heard the outcry from the citizens regarding this issue. They have been in contact with key members of the community that have organized their friends and neighbors to speak out against the proposed route. He is here tonight to let the public know that they have been heard and to tell them they want to work with them. The process simply required them to select various routes for consideration. When he was hired on with the company and saw this route, he told the company that they would have problems, so he was nominated to help deal with the problems. Mr. Brown indicated that many residents have read the draft environmental impact study which is over 500 pages and there are a lot ways it can be misinterpreted or to get it right and be opposed to the proposal.

Mr. Brown stated that the Mona to Oquirrh transmission line is part of a larger transmission system of Pacific Corp, (the parent corporation of Rocky Mountain Power). The purpose was to develop transmission lines across the west that would help deliver more power and more reliability to their customers. Pacific Corp has the responsibility of maintaining the power in the state of Utah. He said that that 75% of all the electricity consumed in Utah is consumed along the Wasatch front which includes Tooele. The system is predicted to grow at nearly 250 mega watts a year, which is more power than Tooele County consumes when you take out U.S. Magnesium. That is a lot of power that is added to the system every year, which requires building a generation or bringing it in through transmission. Transmission lines are like freeways across the Country, and there haven't been any new ones built in Utah for about 30 years. The transmission lines are getting near capacity and new ones have to be built. Marty Leo will talk briefly a little

later about the overall project and the 6 billion dollar investment in 2,000 miles of transmission lines and will relate it to the Mona to Oquirrh transmission lines which is what is the concern for Tooele. Mr. Lee stated that he is the personal consultant to the President of Rocky Mountain Power. He has explained to the president of Rocky Mountain Power, Mr. Walgee, that instead of acting like a utility company they should start acting like a public servant. Rocky Mountain Power is regulated by the public service commission and they should try to put forth an image of public service. As a private utility they have contracted with the State of Utah to take their natural resources and turn that into power and deliver it to their customers. Mr. Walgee believes that his company is responsible for public service. Mr. Walgee grew up in granger and has worked his way up to CEO and he is a good man. Mr. Lee explained that Rocky Mountain Power and Pacific Corp are regulated by numerous federal and state laws and regulations. They have the responsibility to provide low cost, reliable, safe, environmentally safe electric power in a non discriminating manner. It is a very difficult task and they take it very personally. They have heard the citizens in Tooele concerns and they want to work with them. Mr. Lee wanted to commend Brad and Kaye Pratt and their friends and neighbors for coming together and organizing themselves. Tooele has had a greater reaction for opposition then they have seen in Juab County, Utah County and Salt Lake County. Rocky Mountain and the BLM have heard the opposition. They would like to meet and work out the problems. He indicated that the problems can not be solved tonight, but they can listen to the concerns. They would like to get a working group of citizens who represent the consensus of views so they can work toward an alternative solution of what is being proposed. Hopefully this will allow the BLM to make a decision that appeases the majority of the citizens in this community and allows the company to move forward to build this line. It is one of his assignments as a customer advocate to come and see that people responses are heard. He hopes they will be able to provide low cost, reliable, safe, environmentally safe electric power in a non discriminating manner and still meet the needs of all the citizens.

Marty Leo, Customer Community Manager with Rocky Mountain Power addressed the Council. Ms. Leo is also a lifetime resident of Tooele. She appreciated the opportunity to speak to the Council. Ms. Leo explained that the environmental impact statement was released on May 15, 2009 which began the public comment phase of this project. This transmission expansion project is needed to meet customer electric needs. This project involves about 2,000 miles of line. In May of 2007 Rocky Mountain Power announced this transmission expansion plan and it was based on information that they have been gathering from growth and population since 2005. The reason they need this line is because of the growth in the intermountain area. She stated that it has been about 25 years since they have updated their infrastructure. They have noticed an increase of about 26% in the individual consumption of electricity. Rocky Mountain Power takes their responsibility very seriously as a provider of an essential public service. Ms. Leo referred to the overhead that showed the process that has been involved for permitting this line. The BLM is a significant owner of the land along the proposed route. The BLM reviewed the proposed route and determined that this would require a major federal action and an environmental impact study would be required. The BLM along with Rocky Mountain Power have been working to develop this route. They have met with

various City and County leaders and the first thing they asked for is to have individuals from planning or engineering staff to work on a community working group to apprise them of any long term infrastructure planning in the City or County. Cary Campbell with the City, worked with them in the community working group and he was very valuable. They are in the public comment period of this project and that will be over on August 12, 2009. Ms. Leo indicated that they are pleased to see this many citizens involved in the process. They are very aware that one particular segment of the line is unacceptable to most of the citizens, and they want to see if there is a workable solution to meet all of the needs. Ms. Leo indicated that the final line has not been determined, and when it is determined it has to meet a balance. They have to meet all of their requirements for engineering and technical and make sure they will meet all their customers' needs. They also have to make sure that they meet all mandates for reliability, economic criteria as well as social concerns, and they have to meet all safety guidelines. The Mona to Oquirrh transmission line will be built in sections. The first section that needs to be built is from the Mona substation to the Oquirrh substation in West Jordan. It is critical to get this additional power to feed into Tooele. They would like to find a workable solution to meet everyone's needs.

Chairman Pruden then invited those citizens that would like to speak to this subject to come forward.

Brad Pratt, 743 Deer Hollow Road addressed the Council. Mr. Pratt thanked the Council for allowing the citizens to speak. He also thanked the citizens in this Community and the Committee members for alerting the citizens of this situation. He appreciates the comments from Mr. Lee and Ms. Leo. Mr. Pratt indicated that a few weeks ago they were informed by Rocky Mountain Power and the BLM, the preferred and alternate route for this transmission line expansion project. He is here as a local citizen and a representative of a committee that has been formed representing citizens of this community that are in opposition to the proposed routes and some of the alternate routes. It is their feeling that the proposed routes are unacceptable. They also feel that the routes are far too close to residents homes. They feel that Rocky Mountain Power and the BLM have not taken into consideration all of the welfare of Tooele City and many of the concerns of the County. They feel that there are industrial areas in the County and there is a lot of open space within the County that could be considered that would be more acceptable to providing this service. Mr. Pratt indicated that he is the chairman of this committee and he is here with a petition. Mr. Pratt presented this petition to the City Council and the Mayor. (A copy of this petition is included with these minutes as Exhibit A). Mr. Pratt also submitted copies of the comments from the citizens that will be addressed at this meeting. (A copy of these comments is included with these minutes as Exhibit B). The petition has approximately 1,000 names and there are petitions still circulating throughout the community. At the end of July he will collect the petitions that are still circulating and present them to the City Council and the Mayor at that time. Mr. Pratt stated that as a Committee and as citizens of this community he thanked the Mayor and the City Council for their care and support in this matter. He stated that as a citizen group they plan to stand up and not allow this proposed route to happen in its current place. They need to stand up and protect what is sentimental and sacred to the citizens of

this community. He believes that there is an agreeable solution; this project needs to move forward and this committee plans to meet with Rocky Mountain Power and the BLM and find the agreeable solution.

Marilyn Roundy, 770 Skyline Drive addressed the Council. Ms. Roundy indicated that she is not opposed to Rocky Mountain Power expanding this line but she is opposed to the route they have chosen through Tooele County and Tooele City. Ms. Roundy is opposed to Rocky Mountain Power taking their lines through one of the most beautiful places in Tooele. She feels that this route will affect all of the residents in Tooele. She is also concerned about the fire aspect of this project. Rocky Mountain Power has stated that “these lines increase the risk of fire during construction and during repair”. Tooele has strong winds that come through the canyons and they have a volunteer fire department. She feels that the fire department is not equipped to handle a wild fire on the proposed southeast route. There will be families that will live very near to these transmission lines, and she is concerned for their safety. She also indicated that Corner Mountain has wildlife that will be disrupted by these lines. The BLM is supposed to protect the land and the wildlife and they told her “the wildlife will relocate”. These lines will be visible as you look toward the southeast mountain. Rocky Mountain Power has said that they will build the lines to blend in, and she feels that they will not blend in with anything. Ms. Roundy is also concerned about property value decreasing. The maps that Rocky Mountain Power and the BLM are using are old and do not show much of the new growth in Tooele. These lines are being placed to close to residents’ homes and business. She indicated that Tooele County is 6,930 sq miles and Tooele City is only 21 sq miles and she feels with all of the open space that there must be a better route for these power lines.

Steve Hamilton, 896 Dear Hollow Rd addressed the Council. Mr. Hamilton is a local contractor and a land owner in the south east portion of the City. He indicated that he would take a financial loss if these power lines were built. He is more concerned about what the power lines would do to the mountain side. He understands that the proposed route is the shortest distance, but he is opposed to this route. He also understands that Rocky Mountain needs to upgrade their power. He feels that a better route would be to the west of Tooele where it is already industrialized. Mr. Hamilton does not understand why the BLM would put their preferred route across Settlement Canyon reservoir, across the “T”, and all the way up the most beautiful canyon that Tooele has. The BLM is supposed to be watching out for the lands. He asked Mr. Lee why the BLM chose this route?

Mr. Lee said that over the last two years as Rocky Mountain Power and the BLM began this process they have worked with numerous municipals, government agencies, and community working groups to narrow down the number of alternatives that would work for this route. They came down with 15 alternatives. He is not sure how they came up with this preferred route. He would like Mr. Hamilton to come to a working group where he could help to try and find a solution that would work for everyone.

Mr. Hamilton was at a meeting with the BLM and he asked them the same question as he asked Mr. Lee and they did not have an answer. He understands that Rocky Mountain Power needs the power but is against the route that they have chosen.

Mike Wells addressed the Council. He indicated that in 2006 the City Leaders started down a path to protect the open spaces in Tooele by creating a conservation easement. Those efforts are still going on today. He applauded the efforts of the City Council and Mayor Dunlavy for their foresight to protect open space in Tooele City. He said that on this agenda the City has made application for the LeRay McAllister Critical Conservation Program to acquire 105 acres of open space on the south east bench of Tooele. He said that it is not a just a few people or neighbors that are interested in protecting the southeast bench it is the entire City. He feels that protecting the southeast bench is very important for the future of the City and future generations. He is not opposed to the expansion of power in the Tooele area, but not at the expanse of these foothills.

John Hansen, 739 E Oakridge Drive addressed the Council. Mr. Hansen said that he is opposed to power lines running on the southeast bench of Tooele or running through Tooele City at all. He feels that these power lines should run through the west side of the valley to I-80 and then to Lake Point. He feels that the east bench route has many flaws including disrupting the wildlife, disturbing the two natural springs located in Corner Canyon, the negative impact on the visual resources, the negative impact on the earth's resources, increased risk of fire, and negative impact on property values. He appreciates the support of City leaders to stop the visual pollution of Tooele City. He wants his children and grandchildren to be able to enjoy the Tooele Valley as he has.

Richard Valdez, 685 Upland Drive addressed the Council. He indicated that he has been a teacher, a coach, and counselor at Tooele High School for 30 plus years. He is in opposition of these power lines and blocking the "T" on the southeast bench. He believes in the traditions of Tooele High School and the "T" on the bench is an important part of those traditions. The traditions such as whitewashing the "T", and lighting the "T", have gone on for generations. The power lines will distract from the beauty of the mountain and the "T".

Jim Webber, 784 Elk Meadow Loop addressed the Council. Dr. Webber is a physician in Tooele. He was asked to speak on some of the health concerns related to high voltage power lines. Dr. Webber is a radiologist at Mountain West Medical Center. He is responsible for radiation safety at the hospital. Dr. Webber indicated that electric and magnetic fields (EMF) are invisible lines that are associated with the production, transmission and use of electric power and are associated with high voltage transmission lines and secondary power lines. He stated that the National Institute of Environmental Health Scientists has concluded that there is an association between an increasing exposure to EMF's and childhood leukemia. He also stated that high level magnetic fields are associated with the doubling of the risk of childhood leukemia. He said that recently in a lawsuit filed by Rocky Mountain Power against the City of Willard, a consultant for the Willard City Council pointed out that in 1998 in the U.S. and 2001 by the World Health Organization International Cancer Agency for Cancer Research EMF's

have been documented for causing cancer causing agents. Researchers have concluded that EMF's disturb immune system function, and these effects result in damage to tissue repair processes and these disturbances increase the risk of cancer. These effects were shown to occur in exposure levels significantly below most current national and international safety limits. He is very concerned about the increased risk of leukemia of children in the area. Dr. Webber stated that he had a personal friend who lost a son who climbed a high voltage power pole. This risk will also be present for all children who are curious about power lines. He is not opposed to power, but he is opposed to the current proposed route and he suggests that an alternative route is found.

Maxine Grimm addressed the Council. Ms. Grimm stated that she was born in Tooele and her great great grandparents helped settle Tooele in 1849. Her roots run deep in Tooele. She feels it is her responsibility to keep the valley beautiful. She recalls when Tooele did not have any outside lights, and she had only one light inside in the middle the room. Ms. Grimm has traveled and lived everywhere, but Tooele is her home. Tooele is very beautiful and gives her a warm feeling and she does not want these power poles to disrupt this feeling. Ms. Grimm is very opposed to the route of these power poles on the mountain. She feels that there are other places to put these power poles that would not disturb the beautiful mountains.

Gary Swan, 1335 Brandy Lane addressed the Council. He indicated that most of his statement that is included with the minutes has already been addressed. He wanted to summarize the last paragraph of his statement. He stated that Rocky Mountain Power has a very effective marketing brand that says "Do the right thing". He said that this power line route is contradictory to that slogan. Mr. Swan said that this route will create a devastating blight on the very character of this community and a devastating blight on Rocky Mountain Powers good name upon the residents of Tooele for years to come. He feels there are many other open spaces in Tooele that would be better suited for these power poles and stated that this route is unacceptable.

Art Freiley, 1235 Brandy Lane addressed the Council. Mr. Freiley said that he has been a resident of Tooele for about one year. He is concerned that the placement of these power poles will decrease property values. He feels that there are alternative routes that would be better for these power poles. He feels that the southeast bench should be protected and hopes the Council will do all they can to help protect it.

Dan Egelund, 1326 E 700 S addressed the Council. Mr. Egelund stated that he is the owner of REMAX Real Estate Company in Tooele and a resident of Tooele on the southeast bench. He indicated that if these lines are allowed to go through the proposed routes he feels that it would have a devastating effect on property values and tax revenue. He said as a real estate agent he has to deal with stigmas and eye sores. The way that you deal with eye sores and stigmas is you lower the price of the home until someone can overlook those things for the right price. He feels that the power poles have a lot of stigmas attached to them and they are an eye sore. He indicated that tax assessors are being mandated to make sure that assessed values reflect current market values. The assessed values are going to result in a loss of tax revenue. Who will pay the gap? He

also feels that this will hinder the growth of the vacant lots as well. The power poles will devalue property values. He also stated that the property that has already been purchased for open space will also be devalued if these power poles are allowed on the proposed route.

Kaye Pratt, 743 Deer Hollow Road addressed the Council. Ms. Pratt indicated that she is from Tooele and her roots also run deep. Ms. Pratt said that the power poles need to be placed in the City's industrial areas and not in residential areas where they will have negative impacts on human life and the environment. She also said that she is not opposed to power and appreciates Mr. Brown's assurances that Rocky Mountain Power will work with Tooele. She also appreciates the Mayor's support and the Council's support on this issue and allowing the citizens to speak.

Robert Wall, 62 W 780 S addressed the Council. Mr. Wall indicated that he represents the property owner of the 105 acres that is on the agenda. He has said that he has seen Rocky Mountain Power work in good faith and hopes that they will be attentive to the concerns of the citizens. He said that the Council is making a good decision to try and preserve open space. He said that once the property is gone it is gone.

Chairman Pruden then turned the time over to the Council for their comments.

Councilman McCall noted that he does not have roots in Tooele but has been here since 1993. He also agrees that the southeast bench should be protected. He will do all that he can to get these power lines moved to a different route. He appreciated all those who came to speak on this issue.

Councilman Johnson said that he understands the importance of this issue to the residents and thanked them for coming and speaking out on this issue. Councilman Johnson thanked Mr. Brown and Ms. Leo for coming as well. Councilman Johnson has worked with Mr. Lee before and he is an honest man and the residents should believe what he says. He thanked the residents for not attacking these individuals personally. Councilman Johnson is also from Tooele and is a graduate of Tooele High School. He also said that he will do whatever he can to make sure this proposed route does not go through the east bench. He noted that Tooele needs the power, jobs, and development and the future needs to be considered. He will do whatever he can to make sure this line goes through another location.

Councilman Wardle echoed Councilman Johnson's comments to Rocky Mountain Power for coming to this meeting. He has been to several meetings concerning these power lines and he is impressed that the residents want to protect the valley. The Council has fought to protect the east bench. He said that when Rocky Mountain Power comes for a right-of-entry permit he will be voting against that. He does not feel that this is the route they should take.

Councilman Hansen stated that he is also opposed to this route and would not vote for a right-of-entry permit. Councilman Hansen wanted Ms. Grimm to know that he met her husband a few times in the 1960's and he thought he was a good man.

Chairman Pruden noted that there are still petitions out for people to sign. He asked Mr. Pratt where someone could go to sign a petition.

Mr. Pratt indicated that there are petitions in Dr. Webber's office, Dr. Roundy's office, The Executive Plaza on Main and Vine, and the Tooele City Golf Course. He also has petitions with him if anyone would like to sign them after the meeting.

Chairman Pruden also thanked Mr. Brown and Ms. Leo for coming to the meeting.

Mayor Dunlavy offered City Hall for Rocky Mountain Power and the citizen group to meet.

Chairman Pruden thanked the public for coming and voicing their opinions and thanked them for the orderly manner in which they conducted themselves.

A brief recess was taken from 9:40 p.m. – 9:45 p.m.

4. PUBLIC HEARING Regarding the Application of Tooele City for financial Assistance from the LeRay McAllister Critical Land Conservation Program to Acquire a Conservation Easement for 105 Acres of Hillside Open Space

Presented by Roger Baker

Mr. Baker stated that this item and the next item are related. The Resolution will follow the public hearing. He said that he enjoyed being at this meeting and having the public acknowledge what he has known for some time, and that is that Mayor Dunlavy and the City Council have established, as an important public policy, the preservation of open space, specifically the hillside located on the south end of town. This would preserve this space for future generations to enjoy. It has been mentioned earlier that the City is in negotiations with the owners of 105 acres of hillside on the south bench. He also noted that Tooele City already owns 1,700 acres adjacent to this property to the south of the City, mostly for the preservation of important water shed areas and open space. Mr. Baker stated that the State of Utah has a limited amount of funds available to help municipalities with the acquisition of critical lands for preservation from development. This is called the LeRay McAllister Critical Land Conservation Program. As part of the acquisition the City has agreed to work with the property owners to submit an application for whatever funds are available from this program to help them acquire the land and a conservation easement on the land. This public hearing and the Resolution to follow are required steps in submitting the application. He also asked the Council to expressly include the minutes of the prior item, and the written materials submitted to the Council from the citizen's committee, as part of the record of the public hearing on this item, so it

does not have to be repeated. He felt that the previous item was very relevant to the issue of the conservation easement from development of any kind.

Chairman Pruden agreed, and stated that this is a public hearing if anyone would like to come forward and address this issue to do so. No one came forward.

Councilman Hansen moved to close the public hearing. Councilman McCall seconded the motion. The public hearing closed at 9:52 p.m.

Mr. Baker indicated that because no one spoke at this public hearing it is not indicative of a lack of public interest on this item; the comments have already been made in the previous public hearing.

5. **Resolution 2009-38 A Resolution of the Tooele City Council Authorizing the Submittal by the Mayor of an Application for Financial Assistance from the LeRay McAllister Critical Land Conservation Program for Acquisition and Preservation of 105 Acres of Hillside Open Space**

Presented by Roger Baker

Councilman Johnson said that because there were several hundred people in the Council chambers which is the by far the largest gathering that he has been witness to, speaking about this very issue demonstrates to him the important public interest in the application. He supports the application.

Councilman McCall noted to Mr. Gillie, with the Tooele Transcript, that he should mention how much land the City already owns for open space preservation in the Transcript.

Mr. Gillie noted that one of the reasons given when they named the Mayor as the first person of the year was because of the efforts that he, the Council, and Mr. Baker have taken to preserve open space.

Chairman Pruden also noted that the City has purchased 13 acres on Skyline Dr that will someday be a park.

Councilman Wardle moved to adopt Resolution 2009-38, including the record regarding Rocky Mountain Power and the public comments made, to show public support for this application of open space. Councilman Hansen seconded the motion. All members present voted “Aye”.

Councilman Wardle noted that there are several trustees from the family present and he indicated that he is thankful for the work they have done and their willingness to discuss this.

6. **MOTION on Amended Plat for West Point Meadows Condominiums to Modify the Design of the Buildings to be Constructed Located at 600 North 680 West.**

Presented by Rachelle Custer

Ms. Custer explained that West Point Meadow Condominiums is currently an existing development within Tooele City at approximately 600 N and 680 W. They are amending the plat from 64 units to 63 units. The main reason for the amendment is to change the units from top to bottom units to side by side units; to do this the plat must be amended.

Chairman Pruden noted that the public hearing on this item was held two weeks ago at the last City Council meeting.

Councilman Johnson noted that at the public hearing there were objections made by one person. Since that public hearing the Council has been provided with information from the City Attorney's office, and he has also has done some research. The objection was that the City Council could not amend a plat without the signature of all affected land owners. He believes that Utah Code Section 10-9a-609 (1) clearly says that they can. Therefore he will vote to amend the plat.

Councilman Wardle mentioned that Mr. Martinez had an opportunity to submit comment after that meeting and he has not done so.

Ms. Custer said that she has not received any objection in writing from Mr. Martinez.

Councilman Johnson moved to approve the amended plat for West Point Meadows Condominiums to modify the design of the buildings to be constructed located at 600 North 680 West. Councilman Hansen seconded the motion. All members present voted "Aye".

7. **Resolution 2009-36 A Resolution of the Tooele City Council Approving an Agreement with Lewis, Young, Robertson and Burningham, Inc., for Professional Services for Amending the Tooele City Annexation Plan, and Undertaking a Feasibility Analyses, Regarding the Annexation of Property into Tooele City.**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy stated that it is important to the City to meet the State Legislative requirements on updating the Cities annexation plan. This resolution is asking that they allow the firm of Lewis, Young, Robertson and Burningham to update the annexation plan. They are not looking at annexing any property into Tooele City at this time; they are simply updating the annexation plan to meet the States requirements.

Councilman Hansen moved to approve Resolution 2009-36. Councilman Wardle seconded the motion. All members present voted “Aye”.

8. Resolution 2009-37 A Resolution of the Tooele City Council Ratifying a Contract with Wind River Construction and Development for the Construction of the 200 South Storm Drain Project.

Presented by Paul Hansen

Mr. Paul Hansen said that there needs to be a correction on this Resolution it is not ratifying a contract, it is authorizing the Mayor to sign a contract. The contract has not been signed it is pending the Council’s approval. Mr. Hansen indicated that this is the second storm drain project the City has put out for bid this year. This is for a short section on 200 South across from the old hospital to mitigate some flooding that occurs there during large storm events. The project was put out for bid and they are recommending that the project be awarded to Wind River Construction at this time. They are asking for an additional \$6,000 contingency which may be used for changed conditions at the discretion of the Mayor. It will only be spent if justified.

Councilman Johnson noted that there were three bids and this bid was quite a bit lower than the other two and was concerned that they might have missed something.

Mr. Hansen said that this contract was about \$10,000 less than what his estimate was. He discussed this with contractor and the contractor showed him how he put his prices together to complete this project. Mr. Hansen noted that the contractor said his primary motivation that was to keep people busy not necessarily to make a lot of profit. He wants to keep his people working.

Councilman Hansen moved to approve Resolution 2009-37 as corrected. Councilman Johnson seconded the motion. All members present voted “Aye”.

9. Resolution 2009-35 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with Sunset Estates Subdivision Phase 4.

Presented by Paul Hansen

Mr. Hansen explained that in accordance with Tooele City Code when a developer completes public improvements within the City limits, the City is required to inspect those improvements and when found acceptable to bring a resolution to the City Council accepting the public improvements and commencing the one year warranty period. He recommends the acceptance of the public improvements associated with Sunset Estates Subdivision Phase 4.

Councilman Johnson asked if he or Mr. Campbell has made a visual on this property.

Mr. Hansen stated that he has and has taken pictures and they are in the file.

Councilman Johnson noted that this is not part of the North Tooele Special Service District but they are required to install some things such as lamp posts.

Mr. Hansen said they are part of the North Tooele Special Service District, and are required to do street signs and lights to the standard of the District.

Councilman Johnson asked if they were in compliance.

Mr. Hansen said yes.

Councilman Hansen moved to approve Resolution 2009-35. Councilman Wardle seconded the motion. All members present voted “Aye”.

10. Resolution 2009-34 A Resolution of the Tooele City Council Accepting the Completed Public Improvements associated with Gleneagles Subdivision Phase 3A.

Presented by Paul Hansen

Mr. Hansen indicated that this has the same representation as the previous item. This subdivision is located just south of 1000 North and west of 600 West. The inspections and photographs are on file. Upon acceptance of this resolution the one year warranty period will commence.

Councilman Hansen moved to approve Resolution 2009-34. Councilman McCall seconded the motion. All members present voted “Aye”.

11. Minutes: June 17, 2009; Closed Meeting and Joint City Council and RDA Business Meeting Minutes

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

12. Invoices

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy presented the following invoices for payment:

- Kilgore Paving & Maintenance for current road projects in the amount of \$259,328.55.
- Maric Sales, LLC for repairs to Vac-Don Sewer Truck in the amount of \$16,577.24.

- Superior Excavating and Hauling, LLC for water looping on 1000 North Project Phase 1 in the amount of \$56,113.32.

Councilman Johnson moved to approve the invoices as presented by Mayor Dunlavy. Councilman McCall 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 10:11 p.m.

Approved this 15th day of July 2009

Chairman Pruden