

**Tooele City Council and Joint
Tooele City Redevelopment Agency
Business Meeting Minutes**

Date: Wednesday, July 15, 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
Sharon Dawson, City Recorder
Cary Campbell, Public Works Director
Chief Ron Kirby, Chief of Police
Shannon Wimmer, Assistant Finance Director
Tim Fulmer, Code Enforcement Officer

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.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Debbie Winn.

Chairman Pruden noted that today ended the application process for candidates for Mayor and City Council for the election this fall. He indicated that the Mayor candidates are Becky Bracken, Dan Egelund, Ryan Timmons, and Mayor Dunlavy. The candidates for City Council are Councilman Wardle, Councilman Hansen, Shawn Milne, Andy Free, Laura Liddell, Richard Mitchell, Tom Pointer, and Brian Parker.

2. Red Cross “Nominate a Hero” Program Presentation

Presented by Neva Christensen, Development Director

Chairman Pruden noted that Neva Christensen was not present.

Councilman Johnson moved to move this item to the end of the meeting.

Councilman Wardle seconded the motion. All members present voted "Aye".

3. Open Forum for Public Comment

Chairman Pruden invited anyone who wished to address the Council to come forward.

Mayor Dunlavy thanked those who have come to address the skate park issue. He appreciates the public's input and wants to hear their concerns. He indicated that he takes their comments seriously. He was not aware as a City that there were so many problems at the skate park, other than isolated instances that have taken place. He stated that as soon as he was aware of the situation he started addressing the problems by having meetings with the Parks Director and the Chief of Police. He said they are looking at the whole problem not just the skate park. He said that some of the citizens met with the Chief of Police last night and addressed some concerns. Mayor Dunlavy said they are looking at how to address this situation in a constructive positive way so that people's life styles in their neighborhood are protected. He stated that it is very important to him and the Council that the citizen's express their concerns they have so they have all of the information. He appreciated everyone who has come. He also wanted the audience to know that the reason they have an open forum at City Council meetings is so people can come and address their concerns.

Judy Garbett addressed the Council. Ms. Garbett stated that she lives directly across from the skate park. She indicated that she has had a lot of vandalism to her home. She said that there is a lot of foul language that happens at the skate park. Her grandson can't go to the skate park because of the bullies. Ms. Garbett also stated that there is a lot of graffiti that goes on in the park as well. She said that she can't put things in her yard because they get destroyed. She realizes that the police department is busy, but she said that her life and her neighbors' lives are being disrupted by the kids that hang out at the skate park. She is not sure if a fence would solve the problem, and she does not want to put undue expense on Tooele City. She does not know what will work to solve the problem.

Councilman Johnson asked if the problem is primarily at night or does it go on all day long?

Ms. Garbett said the problem goes on all the time. She has seen kids at the park smoking, cussing, making out, drinking, fighting and playing loud music.

Councilman McCall asked Mr. Garbett if she thought lighting at the park would help?

Ms. Garbett was not sure if lights would help. She doesn't think a fence would help; the kids would climb it or break it.

Councilman Johnson noted that the kids would probably move to a non fence part of the park if the skate park was fenced.

Ms. Garbett said she does not know what will solve the problem. She stated that she trusts the City Council's judgment of what to do. She would like to see something done.

Chairman Pruden stated that they are looking at the problem.

Ms. Garbett offered her services if there is anything she can do to help.

Councilman Wardle stated that he appreciates the neighborhood wanting to help with the problem.

Councilman Johnson noted that the Council discussed this problem at an earlier meeting. They discussed items such as, lighting, fencing, increased police presence, and changing ordinances. They would also like to make sure that the good kids are not deprived of the park.

George Robinson addressed the Council. Mr. Robinson lives on the south side of the church and he teaches at Settlement Canyon Elementary. Mr. Robinson feels like the skate park should not be there. He counted 38 graffiti tags when he walked through the skate park the day after school got out. He indicated that if the skate park was not there the problems would probably be elsewhere. He doesn't feel like a fence would solve the problem either. He said that they have tagged the church and the northern fence around the church as well. He feels like if the park is gone it would get rid of the gathering place of these kinds of kids. He indicated that it is not the City's responsibility to provide a gathering place for kids that are not uplifting one another.

Councilman Johnson stated that he does not want to punish someone just because they skate.

Mr. Robinson said that you can't look at the skate park and realize that it being there is going to outweigh the bad. He feels like there is more negative coming from the skate park than good. He has noticed kids turning water valves over so as cars drive over them it ruins the front end of their car. He stated that those are the kinds of kids at the skate park.

Councilman Johnson said the Council has asked the Chief of Police to look into which kids are causing the tagging, vandalism and the problems. He stated that he lives by Parker Park, and they also have vandalism, tagging, and possible drug dealing. If it is the same kids that is one issue, but does not want to close the park because he does not know which kids they are.

Mr. Robinson said that he has talked to Kathy Bell, Mayor Dunlavy and Tim Fulmer and they have all agreed with him that the skate park should not have been put there. He said

that if a group of people made a mistake and put the park in, he feels that they should fix the mistake.

Councilman McCall said that based on what he is hearing there are a lot of children in this area. The City is trying to put parks in around the City so children have a place to play. He stated that Tooele is a small town and there are not a lot of places for children to go. There are a lot of children that go to the Boy's and Girl's Club, and the City needs a bigger place to meet. The City needs to have some place for the children to go. If all of the kids that went to the park were good kids, there would not be this problem.

Councilman McCall stated that anytime there is a large group of kids there will be some bad kids. The Mayor has directed the Chief of Police to try to keep the bad kids down so they do not graffiti and cause problems. Councilman McCall said they can not punish all the kids and shut down the park. If they close this park down for these reasons then soon all the parks would be shut down. They need to collectively come up with a solution to fix the problem. He understands that Mr. Robinson is frustrated. He said they need to find a way to fix the problem. The kids might be "misguided" not "bad"; this doesn't mean they should not have a place to play. He also said that all skaters are not bad kids.

Mr. Robinson suggested putting a baseball diamond in to attract good kids and families. This would be a much better environment.

Councilman McCall said that the kids that want to skate will still skate and they will go somewhere else.

Mr. Robinson said that there needs to be more enforcement at the park and the parents need to be more accountable. He said that the skate park is a gathering park for the undesirables. He would like the park gone. He stated that he used to live in Merino Valley, CA and they budgeted \$80,000 a year to take care of graffiti and a crew and there was not one skate park in the City. He feels that the City is not doing enough to keep the kids doing the graffiti out. He feels like the skate park is the breeding ground for these types of kids.

Councilman Wardle noted that the church in this area was broken into and tagged within the first three months it was built. He said he is hearing Mr. Robinson say that this is not a skating issue, it is a parenting issue and it is a hard challenge to legislate parenting.

Mr. Robinson agreed. He would like the City to get rid of the gathering place. If there was a baseball diamond there the good kids would come. This skate park should have never been put in the first place. He would like the skate park gone, and then the other issues can be dealt with independently.

Councilman McCall said unless you know the kid is a bad kid you can't say they are.

Mr. Robinson said that he is evaluating what the kids do. If you want to provide a place for the good skaters to go, there needs to be a good management system to prevent all of these things from happening. He can not find one good thing about the skate park. Mr.

Robinson asked who it was on the City Council that told the news that this was a nonissue.

Chairman Pruden said that he was misquoted. Chairman Pruden stated that the news called him and asked him what he was doing about the skate park problem. He said he wasn't sure what they were talking about. The news told him that he was sent letters, but he had not seen any letters through mail or e-mail. He said that until he knows all the facts it was not an issue he could comment on.

Councilman Johnson said that he and Councilman Hansen received an e-mail and they responded to it and the next day it was on the news. They did not have a chance to respond further. Councilman Johnson noted that just because the police know about a situation it does not always filter its way to the Council.

Mr. Robinson stated that he agreed with Councilman McCall, he does not judge but he does evaluate. He has not seen a management system yet for a skate park.

Councilman McCall noted that the skate park is a problem and there needs to be a solution.

Mr. Robinson said they do not want a Band-Aid they want a cure.

Tom Swick addressed the Council. He is a resident on Tempie Road. He indicated that he has had the same kind of vandalism to his house as Ms. Garbett spoke of earlier. He said that the skate park is a magnet to draw social interaction together with the youth. He would like to see the park removed. He would like to see the City get together and decide what they can do to help the youth that have too much time, and do not have parental guidance. No matter where a skate park is put it attracts the wrong crowd. He would like to see the residential area in the south end of Tooele be protected.

Hailey Huffner addressed the Council. Ms. Huffner lives kiddy corner from the skate park. She has concerns about the speeding that takes place near the skate park. She would like to see a stop sign put in. She indicated that her son plays at the skate park and he is aware of the gang members at the park. She heard that Taylorsville had this same kind of problem and their skate park and they put a fence around the park.

Councilman Johnson asked Ms. Huffner if she would like to see a fence around the skate park?

Ms. Huffner said she is not sure if it would solve the problem but she would like to see a fence. She also said that she has complained about the skate park before and her house got tagged and her kids were threatened.

Councilman Johnson stated that if anyone is threatened to please call the police that is what they are there for.

Ms. Huffner said that it would be hard for her son if the skate park was removed, but it might be the best thing. She tried to complain to the City before and she was told that it was not their problem and was told to call the police. The police department told her that there is not enough police force in Tooele and asked her to get license plate numbers or take pictures if possible

Councilman Johnson said that Tooele does have limited resources but the Police department will do what they can.

Ms. Huffner said that a baseball field might be nice because it would bring families into their neighborhood. She is not sure what the solution to this problem is. It would be helpful for the kids to learn how to handle bullies. She does see the same cars around the park all the time. She would like her neighborhood to be safe and not have to live in fear. If everyone works together she feels that they can find a solution.

Stephen Springer addressed the Council. Mr. Springer lives across the street from the skate park. He has noticed a lot of speeding in front of the school. He has spoken to Chief Kirby about the speeding problem and he understands that it is the Utah Department of Transportation (UDOT) who decides where to put stop signs. He encouraged the Council to appeal to UDOT to install a stop sign on Timpie Road. He is concerned about the safety of the children. Mr. Springer indicated that he sent an e-mail to all the City Council members, the Mayor and the Chief of Police and he did not hear back from Councilman Pruden. Mr. Springer has a petition with over 85 signatures asking for help with the skate park. (This petition is included with the minutes as Exhibit A). He knows that the concerns about the skate park have come up in a Council meeting previously when Settlement Canyon Elementary was going to be built, so he feels the Council should have known about this problem before. He found minutes from 2006 regarding this issue.

Chairman Pruden stated that the Council was not sure about the school being put in this location, it was not their decision or their choice, but they worked through the issue. He indicated that when the Council hears about an issue they turn it over to the staff and when they do not hear about it again, they assume the problem is being addressed. Councilman Pruden stated that he did not receive an e-mail from Mr. Springer.

Mr. Springer appreciated those who responded to his e-mail.

Councilman Johnson asked Mr. Springer what his recommendation would be about the skate park?

Mr. Springer said that it is a tough choice. He is looking to the Council to gather all the information necessary to make a decision. He also suggested looking at other cities that have this problem as well.

Councilman Johnson stated that they will do that. There is a lot of tagging going on all around the City, even on Main Street at the old Sonic building. They are hoping they can

come up with a holistic approach. If they close the park and forget about it they will just be transferring the problems somewhere else.

Mr. Springer indicated that Tooele is growing and these problems need to be addressed before they get totally out of control. He feels that solutions need to be found.

Councilman Johnson said that Mr. Springer is being proactive or he would not be here. It is his understanding that the people doing the graffiti have a certain mark; he asked the residents take pictures and get them to the police. He said that it is hard to catch those doing the graffiti.

Mr. Springer indicated that they have gotten help with the executive side of legislation.

Councilman Johnson said that the Council is legislative. He said that they can earmark money, or pass ordinances to help with the situation. He has discussed with the chief the curfew ordinance and it might need to be changed.

Mr. Springer indicated that there is a sign on the park that says it closes at sunset. He stated that the police has had a stronger presence within the last two weeks since this issue has come up. He said it is the Council's responsibility to pass legislation to help solve the problem.

Councilman Johnson agreed with Mr. Springer.

Councilman Wardle indicated that it is becoming clear that this is a difficult problem that needs a comprehensive solution. It would be good to look at proactively involving kids in programs such as the Boys and Girls club. A comprehensive solution will take a little longer to solve. They are looking at other jurisdictions such as Taylorsville, Sandy and West Valley. As the Council has been looking at how to increase police presence and working with the graffiti specialist, they have noticed that there is not a lot of identifiable gang graffiti. He said there has been a lot of general graffiti. He said that this is a learning process for the Council.

Councilman Hansen stated that hopefully they can find a comprehensive solution to this problem. He said that it is a shame to be in this situation. Councilman Hansen said that not all kids that skate are bad. He would hate to see the skate park close because the good kids have no place to go and it would force them to go somewhere worse. He would like to help solve the problem.

Mr. Springer asked the Council to look at precedence. There are other small towns in the nation that have had to have similar problems. He encouraged the Council to talk to other City Council members and see how they have handled the same problem.

Councilman Johnson stated that they will do that.

John Archuleta addressed the Council. He lives right next to the skate park. He has lived there for 9 years and the skate park has been there 7 years. He said that there were a couple of solutions that were brought to the Chief of Police in their meeting last night. He said that by gating the skate park the problems would move. One of the solutions they suggested is to have the police ticket anyone who is in the park after it is closed. He stated that putting a skate park in a quiet residential neighborhood was the worst idea. He said when he bought his home the park was supposed to be a baseball field. He indicated that action needs to be taken right now. He also suggested putting an ordinance into effect now until they can figure out what to do with the park. Mr. Archuleta also indicated that the graffiti is gang related. He has noticed two gang signs that are recognizable.

Councilman Wardle noted that not all the tags are gang related, but some are.

Mr. Archuleta agreed that they are not all gang tags. The biggest tags are gang related. They do not want these gangs to move into their neighborhood. He does not feel that skate parks should be in residential neighborhoods. He suggested putting a skate park at Deseret Peak. They need some rules enforced now, until they figure out what to do with the park.

Councilman McCall asked where Mr. Archuleta would like to see a skate park?

Mr. Archuleta suggested somewhere on a Main Street where there is a lot of noise. There is a lot of foul language at the skate park. If kids are found after the park is closed they should be ticketed and hopefully parents will start to get the message as well since they will have to pay for the ticket.

Councilman Johnson stated that the rule will apply to everyone.

Mr. Archuleta said if the park is gated the whole things needs to be gated which includes the basketball courts and the restrooms.

Fred Williams addressed the Council. He indicated that is a minority of the kids that are causing problems, the majority of the kids that go to the skate park are good kids. He does not feel that the problems that go on at the skate park go on during the day, he feels that it is a night time problem. He said that his son and his friends love to go to the park and they are not over there causing problems. They are playing. He wishes that there was something like that in his neighborhood when he was growing up. He feels that a simple solution of kicking the kids out of the park when it closes might work to help solve some of the problems. This neighborhood is filled with children, if the park is moved how will the kids get to a new location such as Deseret Peak?

Councilman Johnson asked if Mr. Williams approach is to leave the skate park and enforce the closure of the park.

Mr. Williams said “yes”. He indicated that kids can not skate or ride their bikes at night, and there should not be anyone in the park at night. If the park is changed to a baseball field the kids would still be over there doing the same thing.

Councilman Wardle agreed that it is an enforcement issue.

Sam Woodruff addressed the Council. Mr. Woodruff feels that they should think about what Tooele City can do and not what has been done in the past. A curfew is something that can be enforced. If there is a problem at the skate park it should be addressed by putting a police presence there.

Merrill Louder addressed the Council. Mr. Louder lives on Timpie Road. He would like to see speed bumps put in on Timpie Road. He has witnessed a lot of speeding on this road. He is very concerned about safety in this area. He asked the Council who takes care of vacant homes in neighborhoods? He has one next to him with weeds that are out of control.

Councilman Johnson said that Tim Fulmer is the ordinance enforcement officer. He asked Mr. Louder to give Mr. Fulmer the address and he will take care of it.

George Robinson addressed the Council again. Mr. Robinson said that there has been some good recommendations made during this meeting. He worries that the Police Department doesn't have the resources to enforce the curfew or the park closing. He reiterated that the skate park has brought the wrong kids to the park. He suggested putting a skate park next to the police department. He also stated that these kids are experts at tagging. It is a parent's responsibility to monitor their own children, those parents are not here tonight. He said that they have put their neck on the lines complaining about the skate park.

Councilman McCall said that if someone is threatened to please call the police.

Mr. Robinson said they are doing something very painful for something that is right. He stated that the kids that are causing problems should be put away. He would like to see an end to this problem.

Councilman Pruden said that the Council will look at this and come up with a solution.

Chelsea Springe addressed the Council. Ms. Springe stated that she has heard a lot of concerns about the kids that are good. Her concern are for the kids that can not go to the park because they are scared and their parents are concerned for their safety. There are so many kids that go to this park that have no respect for adults. There are many kids that can not go to the park and that is a shame because they are missing out.

Chairman Pruden thanked all those who have come out to share their concerns. He stated that the Council commits to them that they will put together some ideas and plans that will help solve this problem.

Sam Woodruff, 733 S 330 West addressed the Council. Mr. Woodruff had a written statement that he read to the Council. The statement read: "Because of the long term history of ill treatment of his wife Candace Woodruff by Tooele City officials and Roger Baker in particular we will be filing within the next week a complaint with the Utah Labor Commission. This suit will be brought against Tooele City in general and Roger Baker in particular. Mr. Baker has been creating a hostile work environment for my wife since 2004. We have his every move very well documented from his tactics of intimidation to his looks, acts, and remarks of condescension. His acts and comments made this afternoon in the Attorney/Human Resource Suite were the last straw. His comments were an attempt at retaliation and intimidation. This was only one of many attempts by Mr. Baker to bully and intimidate my wife over the last five years. Mr. Baker has made conscious and deliberate efforts of intimidation over this period of time. In order to limit the City's liability in this case I would suggest that the City place Mr. Baker on immediate administrative leave so that an outside source can investigate the situation. Mr. Baker has personally created a legal liability within the confines of his own office space. He needs to be relieved of duty before he causes more legal action against Tooele City and more senseless loss of taxpayer money. You also have been privy to this information and you are on the list also. Thank You."

Councilman Johnson noted that the Council did not have a chance to respond to Mr. Woodruff because he left the meeting. He asked Mayor Dunlavy to look into the allegations.

Chairman Pruden closed the open forum at 9:25 p.m.

4. **Resolution 2009-39 A Resolution of the Tooele City Council Consenting to the Mayor's Appointment of Jami Carter as Library Director**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy indicated that the previous library director Karen Emery decided to retire. They have gone through the application process and at the conclusion of the interviews they felt like they had the right person for the job. He is presenting Jami Carter as the new Library Director. He feels that she brings enthusiasm and knowledge that will help enhance the Library. He introduced Jami Carter to the Council.

Councilman Hansen moved to approve Resolution 2009-39. Councilman Johnson seconded the motion. All members present voted "Aye".

5. **Resolution 2009-40 A Resolution of the Tooele City Council Authoring the Application for and Acceptance of Justice Assistance Grant Funding for Police Department Equipment**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy explained that this grant is for \$16,125.00 for equipment for the Police Department. The Council must by Resolution authorize the City to accept the grant.

Councilman Wardle moved to approve Resolution 2009-40. Councilman Hansen seconded the motion. All members present voted “Aye”.

6. **Resolution 2009-17 A Resolution of the Tooele City Council Authorizing the Mayor to Sign and Interlocal Agreement with the Tooele County and the Deseret Peak Special Service District for the Treatment of Wastewater from Deseret Peak Complex Facilities**

Presented by Roger Baker

Councilman Johnson noted that Mr. Woodruff left the meeting before the Council could respond to his allegations. Mr. Woodruff was a former disgruntled City employee who was forced to resign and has an axe to grind. Councilman Johnson has known Mr. Baker for 10 years, and although they must take all allegations seriously, he believes that Mr. Woodruff’s comments to be nothing but the comments of a former disgruntled City employee. He wanted that on the record.

Mr. Baker explained that this resolution will allow Tooele County for a short period of time, a three year maximum, to tap into sewer interceptor B and deliver the wastewater sewage from the Desert Peak facilities to the City’s treatment plant through the interceptor. For the reasons stated in the Resolution it needs to be a short term arrangement because the capacity of the interceptor has been reserved for other users. The City can accommodate them on a short term basis.

Chairman Pruden also noted that the City wants to be able to evaluate the situation periodically. The City is willing to help the County and the City wants to make sure things are working out.

Mr. Baker said that this agreement provides what fees the County will pay and what they have paid already. This agreement does not say that the City is only willing to help them for three years. They are only allowing them to use the interceptor for three years. If the County would like to discuss with the Mayor and the Council other ways the City could help them they could have those discussions with them. This is an important step to formalize the agreement.

Councilman Johnson said that they have talked about this before and he feels that his concerns were adequately addressed.

Councilman Hansen moved to approve Resolution 2009-17. Councilman Wardle seconded the motion. All members present voted “Aye”.

Chairman Pruden noted that no one from the Red Cross was present to address agenda item #2, it will be tabled to a future date.

7. **Minutes: June 24, 2009 Closed Meeting Minutes; July 1, 2009 Business Meeting and Closed Meeting Minutes**

Councilman Hansen noted on page 9 of the July 1st business meeting minutes that he also stated that he would not vote for a right-of-entry permit for the power lines.

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

8. **Invoices**

Presented by Sharon Dawson

- Carlisle Syntec Inc for Fiscal Year 2009 Tax Increment Payment in the amount of \$95,883.00. (This is an RDA invoice.)
- Intermountain Slurry Seal for Fiscal Year 2009 Road Contract in the amount of \$63,273.01.
- Superior Excavating & Hauling, LLC for irrigation valve box assembly in the amount of \$34,000.00.
- Harper Contracting Inc for Tooele Conduit Project for fiscal year 2009 in the amount of \$9,578.80.
- Western Excavating for demolition of hangers at old airport in the amount of \$10,172.00.

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

9. **Adjourn**

Councilman Johnson moved to adjourn the meeting. Councilman Wardle seconded the motion. All members present voted “Aye”. The meeting adjourned at 9:35 p.m.

Approved this 5th day of August 2009

Chairman Pruden