

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

Date: Wednesday, September 16, 2009
Time: 7:30 p.m.
Place: 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
Glenn Caldwell, Finance Director
Roger Baker, City Attorney
Sharon Dawson, City Recorder
Lisa Carpenter, Deputy Recorder
Rachelle Custer, City Planner
Cary Campbell, Public Works Director
Paul Hansen, City Engineer
Tim Fullmer, Code Enforcement Officer
Chief Ron Kirby, Chief of Police
Randy Sant, RDA Consultant

Minutes prepared by Elisa Jenkins

Chairman Pruden called the meeting to order at 7:30 p.m. Chairman Pruden welcomed Boy Scout Troop 203 who were working on their Citizenship in the Community merit badge.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Tim Fullmer.

2. Open Forum for Public Comment

Chairman Pruden invited anyone from the public who would like to address the Council to come forward.

Shirley Beagley, addressed the Council. Ms. Beagley commented that she appreciates the Friday's on Vine Street concerts, but says the stage is very dark and hard to see and asked if it would be possible to get some more lighting on the stage.

Mayor Dunlavy said that he and Ms. Bell are working on getting some more lighting for next year.

Chairman Pruden closed the Open Forum at 7:35 p.m.

Mayor Dunlavy informed the Council and the public that Charlie Brown, a former City Council member, passed away last week and sent his condolences to his family.

3. **Resolution 2009-46 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with MLH Automation for Automated Monitoring and Engineering Services Associated with the City Water Systems.**

Presented by Cary Campbell

Mr. Campbell explained that they would like to change contractors for the monitoring and engineering services associated with the City water system. This will give warnings to employees at their office and their home when something goes wrong with a well.

Councilman Johnson noted that the Resolution includes an hourly rate and asked if a maximum amount should be set. He asked how much this will cost?

Mr. Campbell indicated that it varies on a day to day basis. He said that most of the work should be done within a month.

Chairman Pruden asked if that was for installation?

Mr. Campbell said that it is not so much the installation but the programming that will take some time.

Chairman Pruden noted that with this new program it should save money in the long run.

Mr. Campbell said that when it is completed the City employees should be able to handle the situations. In rare times MLH might need to be called in for expertise.

Councilman Johnson asked if they are buying software and computers or services?

Mr. Campbell said they have bought software and computers and now they are trying to get them installed and running. This is a service contract. He also noted that this contract is \$10 an hour less than the previous contract and they do not charge for transportation. This is also a short term contract for one year.

Mr. Baker stated that he and Mr. Campbell had discussed whether this contract should have a ceiling when they put it together. Mr. Campbell was more concerned that the City should assign the tasks to be completed as opposed to giving the contractor free reign on tasks with a dollar ceiling amount. They thought it would be more appropriate to control what they had to do.

Councilman Johnson understands that reasoning but would like to see some maximum set.

Mayor Dunlavy stated that when they had problems with well #12 a few years ago, part of the problem was the readings that they were getting were wrong. The City needed the company's expertise to help fix the problem and they did not get the help they needed. The administration decided to switch to this new company in hopes to monitor the situation better. They did not put a maximum amount on the resolution because of emergencies that might arise. He indicated that it would be easy to put a maximum on it and come back and ask for more if they need it.

Councilman Johnson would feel more comfortable if they put a maximum on the resolution and administration came back and asked for more if they need it. He asked what would be a reasonable amount?

Mayor Dunlavy suggested \$50,000. He said that they will track the money and how it is spent.

Mr. Campbell indicated that the new company has already been working for the City. He feels that this individual is doing a good job and he has experience with the City's system and things are going well.

Councilman Hansen moved to approve Resolution 2009-46 with an amended maximum of \$50,000. Councilman McCall seconded the motion. All members present voted "Aye".

4. **PUBLIC HEARING and MOTION on Preliminary Plat Approval for Sunset Estates Phase 5 a 24 lot Single Family Residential Subdivision to be located at Approximately 400 W 2000 N by Hallmark Homes.**

Presented by Rachelle Custer

Ms. Custer explained that Hallmark Homes is requesting preliminary plan approval to develop Sunset Estates phases 5 & 6. This development will contain 55 single family lots. The zoning is R 1-8 with a minimum lot size of 8,000 sq ft. Staff recommends approval of the preliminary plat with the condition that Sunset Estates phases 5 and 6 join the North Tooele Special Service District or comply with the Tooele City double frontage lot standards. Planning Commission made a favorable recommendation with the condition that the subdivision join the North Tooele Special Service District. Ms. Custer

spoke to Mr. Nixon and he has not petitioned annexation at this time but does intend to do so.

Councilman Johnson spoke with Commissioner Dale prior to the meeting and he asked the Council to make sure Mr. Nixon has the annexation application on file before they approve the plat.

Mr. Baker indicated that staff will get the paper work to Mr. Nixon and get him to petition the North Tooele Special Service District and then staff will bring a resolution back to the Council for approval.

Ms. Custer stated that at the time that the North Tooele Special Service District annexed phases 1 through 4, Hallmark Homes was not the owner of this property, which is why it was not annexed at the same time.

Councilman Johnson asked if the Council should make sure phases 5 and 6 are annexed in before the plat is recorded.

Mr. Baker indicated that the City should get the petition as soon as possible, but it will take a few months to complete the annexation.

Ms. Custer indicated that this motion is for preliminary plat approval

Councilman Johnson asked the staff to get the annexation paperwork to Mr. Nixon and ask him to have it turned in prior to the plat being recorded.

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 McCall moved to close the public hearing. Councilman Wardle seconded the motion. All members present voted "Aye". The public hearing closed 7:45 p.m.

Councilman Johnson moved to approve preliminary plan approval for Sunset Phases 5 & 6 a 55 lot subdivision consisting of 16.9 acres located at approximately 220 West 2000 North with the condition that they join the North Tooele Special Service District or comply with the Tooele City double frontage lot standards. Councilman Wardle seconded the motion. All members present voted "Aye".

5. **PUBLIC HEARING and MOTION on Final Plat Approval for Sunset Estates Phase 5 a 24 lot Single Family Residential Subdivision to be Located at Approximately 400 W 2000 N by Hallmark Homes.**

Presented by Rachelle Custer

Ms. Custer indicated that the reason that she has requested tabling this item is because they have not petitioned for annexation and they do not have a signed Mylar.

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 Johnson would like his comments incorporated from the preliminary plat discussion with respect for final plat, as part of the public hearing.

Chairman Pruden closed the public hearing at 7:48 p.m.

Councilman Wardle moved to table final plat approval for Sunset Estates Phase 5. Councilman McCall seconded the motion. All members present voted “Aye”.

6. **Resolution 2009-44 A Resolution of the Tooele City Council Accepting Completed Public Improvements Associated with Construction at the Nix Residence Located at 603 West McKellar Street.**

Presented by Paul Hansen

Mr. Hansen stated that the Nix family has constructed an addition to their home at 603 West McKellar and they have completed the required public improvements in accordance to City Code. The improvements have been inspected and staff recommends acceptance.

Councilman Hansen moved to approve Resolution 2009-44. Councilman Wardle seconded the motion. All members present voted “Aye”.

7. **Resolution 2009-45 A Resolution of the Tooele City Council Authorizing the Mayor of Tooele City to Sign a Contract with the Cassity Family Revocable Trust for Disposal of Bio Solids.**

Presented by Paul Hansen

Mr. Hansen explained that the waste water treatment facility generates bio solids that can be disposed in a number of different ways. One means of disposal is for land application to agricultural land which is what they currently do on property owned by the Clegg’s. This resolution would be a similar agreement that would allow the City to land apply the bio solids to property owned by the Cassity Family Trust immediately west of the City’s waste water treatment facility. This contract will save the City in transportation costs. Through this contract the City will be responsible for spreading the bio solids. The City will be leasing the land from the Cassity’s.

Chairman Pruden asked if the City owns a spreader.

Mr. Hansen stated that the City owns the spreader that is used on the Clegg property.

Councilman Johnson asked how much the City is paying the Cassity’s.

Mr. Hansen indicated that the contract is set to pay them \$3,000, less the cost incurred by the City for the spreading. He estimates that to not exceed \$1,500 a month. There are three minor clarifications in the contract that Mr. Cassity has asked for. The first clarification is on page 2 of the contract, it states under 1 (b) to pay the Cassity's \$3,000 a month minus the spreading costs incurred by the City. It will be added to not exceed \$1,500. Mr. Hansen believes that the City can do it within that cost.

Chairman Pruden asked if there will be animals on the property.

Mr. Hansen said no, the property has been fenced. He also stated that the City will pay them quarterly.

Councilman Johnson noted that this summer the bio-solids were not being spread in sufficiently and it was very smelly. He had some calls from citizens regarding this issue as well.

Mr. Hansen stated that the City will be handling the spreading and they will do it more frequently so it will not pile up. This is the reason they are looking at this property to save costs and better manage the situation. Hopefully that problem will be resolved. Mr. Hansen also noted that the second clarification in the contract is under 3 (a) the word's City's interpretation will be taken out. He indicated that the City will apply it in accordance to government regulation. The third clarification is under paragraph 8; Mr. Casicity has asked the City to include fencing into the contract if it is damaged by the City, they would repair it. Mr. Hansen stated that Mr. Baker has already incorporated these changes into the contract. He also noted that in order for the City to apply the bio-solids it is also their intent to come back to the Council with a contract to lease a tractor. (That is not part of this contract).

Councilman Johnson asked if the existing employees will be able to handle this.

Mr. Hansen stated that the gentleman that works at the waste water treatment plant at night will be handling this as part of his duties.

Mayor Dunlavy stated that this does not preclude the City from continuing to apply for and seek for federal money for the expansion of the waste water treatment plant, which will handle the bio-solids. When that takes place this contract can be done away with.

Councilman McCall asked what the time frame is for the expansion of the waste water treatment plant.

Mr. Sant stated that the he will be coming to the Council's next meeting on October 7th with a community impact board application for grant and loan funds, which will need a public hearing. They will then submit the application which should take about 60 days. If it is given as a loan it will be less than what would be paid on the market for bonds. He is trying to get some of the money as a grant and some as a loan.

Councilman McCall noted that after the next expansion of the waste water treatment plant the bio-solids will be disposed of in house.

Mayor Dunlavy stated that is the intent.

Mr. Sant indicated that the expansion will build a bio-solid handling facility.

Councilman Hansen moved to approve Resolution 2009-45. Councilman Wardle seconded the motion. All members present voted “Aye”.

8. **Ordinance 2009-08 An Ordinance of the Tooele City Council Adopting an Updated Version of Title 4, Chapter 13, Flood Damage Prevention Ordinance.**

Presented by Paul Hansen

Mr. Hansen indicated that this Resolution is part of a federal mandate in order for Tooele City and its residents to be eligible to participate in a national flood insurance program. This is a program that is available to homeowners and businesses that live within the flood plains. He stated that there have been discussions over the last several months about updates to portions of the City’s flood plain mapping, which includes some newly designated areas. There have been some open houses where residents have been invited to come and learn more about the program and impact to their property. Those maps become effective in mid November. This ordinance is required by the federal government. Mr. Baker has made a few minor modifications to the ordinance because of some particular City issues. He asked the Council for adoption of this ordinance so the City and its residents will be eligible for the flood insurance program.

Councilman Johnson asked where the flood plains are in the City?

Mr. Hansen indicated that the zones that are delineated include the entire City. The entire City is in within a flood zone of some nature. He stated that most of the area is very low flooding and does not require special building provision if standard building codes are followed. He said that the principle areas where the City has to restrict zone flooding is along Settlement Canyon drainage, Middle Canyon drainage and the drainages that extend up into the south eastern corner of the valley (i.e. Deer Hollow, Loma Vista subdivisions). Within those areas that are designated to the higher classification it requires that the home either be set back from the flood zones or built to an elevation of such that it is higher than the flood elevation. He indicated it is important for residents to understand that there are homes that are now within flood zones that were not previously mapped by FEMA. It is their advantage to get flood insurance soon while they can quality for the lower rate. If residents choose to buy flood insurance their rate will be much higher after the maps become effective. He indicated he is mostly referring to the homes on the southeast bench.

Councilman Wardle stated that under 4-13-4 (a) in talks about an appeal board. He asked who the board will be? He asked if it will be the Board of Adjustments?

Mr. Hansen indicated that the appeal board should be established by the Community.

Councilman Wardle asked if that is something the Council needs to look at. He indicated that Council should recommend who the appeal board would be.

Mr. Hansen suggested it would be the City's standard board of appeals.

Councilman Wardle stated that would be the Board of Adjustments, which is what he would recommend.

Councilman Wardle moved to approve Ordinance 2009-08, with the amended clarification that the appeals board will be the Board of Adjustments. Councilman Hansen seconded the motion. All members present voted "Aye".

9. Resolution 2009-47 A Resolution of the Tooele city Council Authorizing the Mayor to Execute a Purchase and Sale Agreement and a Settlement Agreement for the Purchase of 101 Acres of Open Space and for the Settlement of Disputed Claims.

Presented by Roger Baker

Mr. Baker explained that he is presenting to the Council, after an effort of 11 years, two agreements. The purchase agreement would accomplish by the City, the purchase of 101 acres of hillside open space for \$1.5 million dollars from the Bevan/Wall family. The recent appraisal appraised this property at \$2.9 million dollars. He also explained that much of the value of the property comes from the annexation and development agreement that was approved in 2000 and some of the development agreement value is reflected in the purchase price. The second agreement, the Settlement agreement puts to conclusion commitments made by prior City Councils and Mayors from the early 1970's. This agreement provides water benefits in exchange for real property interests, such as easements. As part of the settlement agreement the annexation and development agreement that the City signed would go away. The entitlements and zoning that the City provided for the property would go away. The land would remain free from development forever. The City will be giving a water right certificate for 111 single family connections, which could be marketed to developers that are developing in Tooele City. The water rights will stay in Tooele City. This property is adjacent to 1,700 acres that the City already owns for wellhead and water shed protection.

Mr. Baker stated that there is one provision of this agreement that is unsettled. At this time the agreement states that the City will give the Bevan trust a certificate for water rights, and anyone who inquires of the City to purchase water rights, the City would refer the inquirers to the Bevan family so they can sell the water right certificates. They have asked the Council to consider an alternative. The alternative would be that since the City

is issuing the certificate, the City would sell the certificate to those developers looking for water rights and then pass the money to the Bevan trust. He indicated that the effect would be the same and it might dispose of the certificate more quickly and eliminate the City's obligation more quickly.

Chairman Pruden asked if there is a mechanism in place to track that.

Mr. Baker stated that it would be easy to track.

Chairman Hansen asked if the City would have to determine the cost?

Mr. Baker indicated that the Council has already established the cost at \$15,000 per share. It would not go up or down. The Bevan family has asked that the City sell the water certificates for five years and to not sell any others, so they would have first right.

Chairman Pruden noted that the City would sell the rights until they are gone or for five years whichever comes first.

Mr. Baker stated that the Bevan family discussed with him selling the certificates for three years and now they are asking for five. It would be up to the Council for how long they would be willing to sell, if at all.

Chairman Pruden asked if this should be treated as two separate issues.

Mr. Baker said that the agreements are two separate things but they are a package. Either both of them happen or neither one of them happens.

Councilman Johnson feels like the City does not need to be involved in selling the Bevan's water certificates.

Mr. Baker noted that if the Bevan family is given a certificate, their buyers would have to bring in a certificate to the City and the City would have to keep track of all of the different prospective buyers. He said that it might be easier to track and administer if there was only one certificate that the City holds and sell portions of it. Mr. Baker indicated that he has had some discomfort with the City selling something that they have given to someone else.

Councilman Hansen said that the City is really not selling the certificates they are more of a pass through. Mr. Baker confirmed that this is correct.

Councilman Johnson noted that there would be some administrative costs to administering the certificates and asked if there would be compensation?

Mr. Baker noted that the costs would be minimal. He would be the one to handle it.

Councilman Wardle noted that the City bases their water rate on an appraisal that is done every few years. If the water rate goes down, would they still sell the certificates at \$15,000 or would the Bevan family rather have the ability to sell them for what they want.

Mr. Baker noted that they want the City to sell the certificates for them.

Councilman Wardle asked if the price would be whatever the market rate is?

Councilman Johnson has the same concern.

Mr. Baker said that the settlement agreement would set the price no matter what the appraised value of water rights is.

Councilman Johnson noted that the way the agreement reads is that the City would be obligated to sell the Bevan trust water certificates for a period of time before the City sell any of their own for \$15,000.

Mr. Baker said that is correct. He said that as part of the settlement they have agreed that the value of the certificate is \$15,000.

Councilman McCall asked what if before these certificates are sold the City decides to lower the price?

Mr. Baker indicated that the Bevan's water price would remain the same.

Councilman Wardle asked if the Council could approve the agreements and let the staff work through the language on the water certificate. He is uncomfortable with the fact that they have to sell their water rights for a certain rate when the water rate could dip or go up.

Mr. Baker indicated that the Trust is willing to accept the risk if the water rates go up.

Councilman Wardle indicated that he doesn't know if he is willing to tie the City's hands if the rate goes down.

Mr. Baker stated that it ties the Trust's hands more than it does the City's.

Mayor Dunlavy stated that if the water rate goes down developers will not want to pay \$15,000 and they will go somewhere else to acquire water rights.

Councilman Johnson asked if there was a map of the 40 acres of property that will be developed.

Mr. Baker showed the Council on the overhead where the 40 acres of property is located that will be developed and has been discussed in preliminary plan. They will be

developing 89 lots. Mr. Baker noted that it is east of Deer Hollow and south of Elk Ridge. Mr. Baker indicated that the Council needs to decide how long they will allow the City to sell the water certificates.

Councilman Wardle asked for clarification on the last item under #2 of the Settlement agreement. This does not give people to the east of the 40 acres hope that they will be annexed into the City.

Mr. Baker said no. That provision is intended to not limit the way that the 40 acres is configured and accessed.

Councilman Johnson noted that the agreement says that the City is vesting them with water and they can build 89 units on 40 acres. He asked if Mr. Baker has a picture of that plan.

Mr. Baker said he did not have the picture with him. He said that this plan has been discussed for about the last eight years.

Councilman Johnson asked if engineering has looked at the plan.

Mr. Baker said that the final engineering has not been done on the plat. They have done the review of the concept plan. The zoning is R1-12.

Councilman Johnson asked if the configuration causes concern.

Mr. Hansen stated that it has been awhile since they looked at it. The preliminary plan was submitted but has not been fully processed through the Planning Commission or City Council. He said he does not have concerns about the general layout and configuration.

Mr. Baker indicated that this is conceptual. He also stated that the agreement says they have to follow City Code subdivision approval process as it exists today.

Mr. Hansen also noted that the agreement states that the City would not sell its own water credits; rather, they would sell the Bevan's water credits should this proposal be accepted. It does not preclude the City from acquiring water rights from anybody else who has water rights for sale.

Councilman McCall asked if this agreement passes, does it set precedence for selling water credits for others?

Mr. Baker stated that this should not set a precedent of any kind. This agreement resolves 36 years of contractual obligations.

Councilman Wardle asked if the price for the water credit is \$15,000 and the price dips below \$15,000 does it preclude the City from selling the credit at a lower price?

Mr. Baker said that it would. It would be undermining the value the City has given to the Bevan Trust to do so.

Chairman Pruden indicated that if someone wants the convenience of buying water credits from the City, they will have to pay \$15,000.

Chairman Johnson noted that the agreement says a minimum of \$15,000.

Mr. Baker stated that if the Council passes this resolution the word minimum would be taken out if the City decides to sell the water rights for the Bevan trust. Mr. Baker also clarified that in the trial with Tooele Associates he was implicated as establishing the value of water rights for Tooele Valley. He stated that is not what he is doing. He is not a water rights appraiser, and he does not put a value on water rights. The City is not giving them water rights, but a water certificate. The City is allowing someone to access water rights that the City already owns, which is a very different legal quantity than a water right in terms of value.

Councilman Hansen indicated that they are resolving a problem that has been passed on to them. The City is trying to do the right thing. He said the only issue that the Council needs to decide is how long they want to sell the water certificates for.

Councilman Johnson said that they should not take this lightly the City is paying the Bevan Trust \$1.5 million dollars for the land and another \$1.5 million dollars for value in water.

Councilman Wardle asked if at the end of the marketing term does the water certificates revert back to the Bevan trust?

Mr. Baker indicated that at that point it would be up to the Bevan Trust on how to market them. The City would no longer have an obligation to sell for them

Councilman Johnson asked where the \$1.5 million dollars is coming from.

Mr. Baker said that it is a combination of impact fees and enterprise funds.

Councilman Hansen noted that there is a variety of issues that will be resolved with this resolution.

Councilman Wardle stated that the City is paying for the right to not have homes on this hill.

Mr. Baker said that they are purchasing the protection of this land forever.

Councilman Johnson asked if a conservation easement will be granted?

Mr. Baker stated that it is his intention to grant a conservation easement to the Tooele City Water Special Service District. He does not know if that is an acceptable arrangement as of yet.

Councilman Hansen said that they still need to decide how long the City is willing to sell the water credits for. He recommended three years.

Councilman Wardle moved to adopt Resolution 2009-47 with the amendment based upon the language received by the Bevan Family Trust, that the City will sale water credits based upon \$15,000 an acre for a period of thee years. The Council also gives Mr. Baker the authority to massage the final language of that provision.

Councilman Hansen seconded the motion. All members present voted "Aye", except Councilman Johnson who was opposed.

10. Minutes: September 2, 2009; Business Meeting and Closed Meeting

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

11. Invoices

Presented by Sharon Dawson

- Holme Roberts & Owen for the Tooele Associates Lawsuit in the amount of \$75,000.

Councilman Johnson moved to approve the invoice as presented by Ms. Dawson. Councilman Hansen seconded the motion. All members present voted "Aye".

12. Adjourn to RDA Meeting

Councilman Wardle moved to adjourn the meeting to an RDA meeting. Councilman Hansen seconded the motion. All members present voted "Aye". The meeting adjourned at 8:30 p.m.

a) UID Update for RDA Board

Chairman Hansen called the RDA meeting to order at 8:35 p.m.

Mr. Sant received a request from Utah Industrial Depot (UID) to come before the RDA board and discuss some proposed projects and changes that will be coming in the next few months. He then turned the time over to their legal council.

Mr. Steve Whitehead, with Kirton & McConkie, addressed the Council. Mr. Whitehead is the legal council representing UID. He expressed gratitude from UID to be able to speak to the RDA Board. Mr. Whitehead stated that UID greatly appreciates the

relationship they have with the City. In reviewing the development of the depot one of the advantages that UID has is that they have existing infrastructure and they should be able to get businesses in rather quickly. In some cases there are little problems that come up. UID is committed to better communicate with the City and they have been looking at various issues that could cause delays when businesses want to come in. There is existing utility infrastructure within the UID that was developed by the US Army. One of the goals by UID to cooperate with the City is to address all the issues and obligations to try to get clarity. This way UID can go ahead and market to get businesses in to the City as quickly as possible. There is some competition coming in with Tooele County and they would like to get things taken care of as quickly as possible. UID would like to propose a master subdivision of the Depot. When they examined the utility infrastructure the location of those components formed natural subdivision lots within UID. It seemed logical to do a master subdivision which would solve the utility issues.

Mr. Whitehead referred to the map that he passed out to the Council (this is included with the minutes as Exhibit A). He noted on the map that there are gray lots are lots that have already been subdivided or will remain unaffected by the proposed master subdivision. The beige lots are lots that are proposed to be subdivided. The solid lines indicate where the existing utility infrastructure predominately is.

Councilman Johnson asked if this information has been shared with Mr. Sant and Mr. Hansen? He understands that this makes sense. He indicated that the Council looks to the staff for their expertise.

Mr. Whitehead indicated that he has been in two meetings where this has been discussed with Mr. Sant and Mr. Hansen. UID has also been in communications with the County surveyor.

Councilman Wardle asked if this is a proposal or if this is an informational meeting.

Mr. Whitehead stated that this is an information meeting.

Mayor Dunlavy indicated that this is a general proposal tonight.

Mr. Whitehead stated that the one benefit of this proposal is to address the utility easement issue. The other benefit is when a business comes in; one big marketing benefit they will have is that they can come in quickly. If a master subdivision is done a lot of issues will be dealt with before the business is ready to come in.

Councilman Johnson wondered why this was not done a long time ago.

Mr. Baker stated that he and Mr. Hansen discussed a master subdivision plat for UID in 1997, with the then owners.

Mr. Whitehead stated that this idea has been around a long time but just has not happened yet. He indicated that this is an opportune time.

Councilman Johnson asked if UID has a company come in and negotiates acreage from them, they have to come to the Council to get a subdivision approval every time.

Mr. Whitehead says that is how it has been working. There is a natural time delay to get the issues resolved before the business can move in. Having a master subdivision will help resolve the issues beforehand and they will be able to bring businesses in much quicker.

Councilman Wardle asked what UID is asking from the Council tonight. Are they looking for the Council to get with the staff and get back to them?

Mr. Whitehead indicated that this meeting is for information so the Council knows what is going on. UID will get with the staff and work out the subdivision issues. UID's goal is to get this resolved hopefully by the end of the year.

Chairman Pruden stated that on the surface he does not have any problems with a master subdivision proposal. He asked if the UID is proposing to close Emerald Road?

Mr. Sant stated that Emerald Road is a private road.

Mr. Whitehead stated that one of the reasons for closing Emerald Road was to facilitate the transaction with a hot oil plant. The closing of the road was associated with that transaction.

Councilman Hansen stated that the by taking the time now to get UID subdivided, all the questions can be answered by the staff. Staff can help work out the problems. He commented that this is a great proposal.

Councilman Wardle indicated that he would like to see the UID develop and if they can have a higher turn around time it helps the City as well. He would like to hear from staff and hear their take on it and then get back to UID.

Councilman Johnson asked what other issues need to be addressed besides subdivisions and utility easements.

Mr. Whitehead indicated that under the MDA there is an article four and under article four there are about 10 issues and obligations that were imposed upon UID. A majority of those issues have been satisfied. There are a few that need to be resolved.

Councilman Wardle indicated that he is grateful to see UID want to develop this area especially with the competition is coming in from the County.

Councilman Johnson appreciates that UID wants businesses to come into the City.

Mr. Whitehead stated that it is in everyone's best interest to work together to get things resolved.

Councilman Johnson stated that the Council will look to Mr. Sant and Mr. Hansen to see if they are comfortable with the plan. If the staff is in agreement there probably won't be too many issues from the Council. He says that this makes perfect sense in concept.

Councilman McCall indicated that sometimes when companies come in they contact the existing companies to see how they were treated. Councilman McCall noted that he knows first hand that Carlisle Syntec was upset about Emerald Road. He wanted UID to be aware of that.

Mr. Whitehead noted that part of the planning of closing Emerald Road was that 1000 North would be completed as well as B Avenue and the extension of Industrial Loop Road.

Councilman McCall understands that will help with the closure of Emerald Road.

Mr. Whitehead understand that there have been problems that have arisen in the past, and he hopes with this master subdivision they can work through the problems so they won't have them in the future.

Mr. Whitehead thanked the Council for their time.

Mr. Sant stated that he and Mr. Hansen has met with UID, and he feels that they are all in agreement that a master subdivision makes a lot of sense. It will make things easier. He noted that the one downfall would be if they go through this process and get things subdivided and they have to come back and have to change a lot a foot they have to go through the process again. He encouraged them to make sure they get the subdivision right the first time. The real discussion item will be what public utilities will be the City's and what will be UID's.

Mr. Sant stated that Mr. Hansen is designing B Avenue right now. That project will probably not be done this year since fall is now here but the project should be ready for bid in the spring. They are also in the process of running a waterline down SR-112 to tie into West Loop Road. Those are the two major projects that were defined from capital improvements and they are moving forward.

Mr. Sant appreciates the cooperation from UID. He will continue to work with them and the indicated that administration is supportive of what they want to do.

Councilman Wardle moved to adjourn the meeting. Councilman Pruden seconded the motion. All members present voted "Aye". The meeting adjourned at 8:55 p.m.

Approved this 7th day of October 2009

Chairman Pruden