**Tooele City Council and**

**Tooele City Water Special Service District**

**Business Meeting Minutes**

Date: Wednesday, August 20, 2014

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers

90 North Main Street, Tooele Utah

**Council Members Present**:

Brad Pratt, Chair

Steve Pruden

Debbie Winn

Dave McCall

**Council Member Excused:**

Scott Wardle

**City Employees Present**:

Mayor Patrick Dunlavy

Roger Baker, City Attorney

Glenn Caldwell, Finance Director

Michelle Pitt, City Recorder

Lisa Carpenter, Deputy Recorder

Jim Bolser, Public Works and Community Development Director

Chief Ron Kirby, Chief of Police

Paul Hansen, City Engineer

Chief Ron Kirby, Chief of Police

Minutes prepared by Elisa Jenkins

Chairman Pratt called the meeting to order at 7:00 p.m.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Shirley Beagley.

1. **Roll Call**

Brad Pratt, Present

Scott Wardle, Excused

Dave McCall, Present

Steve Pruden, Present

Debbie Winn, Present

1. **Public Comment Period**

Chairman Pratt stated that this is a public hearing if anyone would like to come forward and address the Council to please do so. No one came forward.

Chairman Pratt closed the public comment period at 7:02 p.m.

1. **Resolution 2014-38 A Resolution of the Tooele City Council Accepting the Public Improvements in Overlake Subdivisions 1B, 1C, 1D, 1E, 1F and 1G.**

Presented by Roger Baker

Mr. Baker explained that as part of the recent settlement agreement with Tooele Associates to settle all matters of disputes between them, the City has agreed to accept the public improvements in these phases of the Overlake Subdivisions, even though some of the improvements they are accepting are not completed or are deficient in some way. In some of the phases some of the deficiencies are relatively small, such as a cracked sidewalk, warranty issues, or a water valve that was asphalted over. The most glaring deficiency is the state of 400 West. Under the settlement agreement the City has agreed to complete the public improvements on 400 West. The main reason for completing the public improvements is because in the judgment of the district court the judge awarded money to Tooele City in the amount of 1.8 million dollars to compensate the City for Tooele Associates breach of the development agreement for not completing 400 West. Unfortunately that amount is merely an offset against a much larger amount against the City. The settlement agreement leaves with the City the discretion as to the extent to which they complete the public improvements. It is in their ability to alter the design, for example if a water valve was not installed and today is deemed not necessary they may decide not to do it, or decide not to do it now. Those improvements that they decide to complete will be complete by the end of 2015. A portion of 400 West will be completed before June 30, 2015, because they anticipate a new subdivision will be approved on the west side of the street that will utilize that street. To a certain extent the City is accepting these public improvements under protest but it is a protest that they have waived, from which they have moved on, and they will not have to worry about a dispute regarding these public improvements again.

**Councilwoman Winn moved to adopt Resolution 2014-38.** Councilman Pruden seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

Mr. Baker indicated for the benefit of the public, that the public improvements that are associated with the Cove at Overlake project which is in phase 1G is covered under a separate bond agreement with an unrelated party and under the resolution that bond agreement remains in place as well as the obligation to finish those public improvements; they are not the responsibility of the City. The resolution also states that if there is any further development in the existing phases that triggers the requirements of public improvements they have to be completed, they are not the City’s responsibility.

1. **Resolution 2014-02 A Resolution of the Tooele City Water Special Service District Approving and Ratifying a Water Lease Agreement with Metro Ready Mix**

Presented by Paul Hansen

Mr. Hansen stated that this is a resolution of the Tooele City Water Special Service District of which the Council is the Board that constitutes that body. He explained that Tooele City owns certain water rights in various locations of Tooele Valley and Rush Valley. The water rights associated with this resolution are some the City acquired as part of the Barrick/Mercur mining operation that was shut down a few years ago. The water rights were acquired for future use within the City, but the City is not in a financial position to bring them at the present time, or in need to bring them to the City in the immediate future. The District was approached by Metro Ready Mix who is opening a gravel pit by 5 Mile Pass, because part of their operation requires a water source for the preparation of their product. They approached the City about leasing, on an annual basis, some of the water rights for that use. The said use would not require any infrastructure on the part of the City; rather-it is a paper transfer allowing Metro Ready Mix to use the water rights out of a well that they have drilled on their property at their expense. The City has reviewed this request and we are of the opinion that there is no jeopardy to the City’s water rights for allowing this use. The terms of the agreement are for a one year term and then they have the option to come back and enter into a new one year term. The state also only allows one year on a temporary change out application. The price of the agreement is $20,000, allowing them to use up to 200 acre feet of water on an annual basis. The water will be metered and the City will verify the metered water. This resolution is to approve and ratify the agreement.

**Councilman McCall moved to approve Tooele City Water Special Service District Resolution 2014-02.** Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

1. **Resolution 2014-39 A Resolution of the Tooele City Council Approving a Contract Scope and Price Adjustment with Broken Arrow Incorporated to Furnish and Install Street Light Power Conduit and Conductors along Tooele Boulevard South, between the Tooele Applied Technology Center (TATC) and 700 South Street**

Presented by Paul Hansen

Mr. Hansen explained that earlier this year the Council authorized a contract for the construction of the Tooele Boulevard roadway project, which was Resolution 2014-04. When the project was put out for bid they had not yet completed the electrical design of the power grid system which would energize the street lights. A decision was made at that time to award the contract with the understanding that as the electrical design was completed they would give it as a cost consideration for a price adjustment to the contractor. The electrical design is now complete, and the City has received a cost estimate from Broken Arrow to complete the underground wiring power grid system. The amount is $94,480.24. The street lights themselves and the bases are already part of the contract that the Council approved; this resolution is only for the underground portion. The pricing submitted is in line with the unit cost of other projects that the City has recently completed. Administration is recommending that the Council authorize the change to contract amount with an additional 5% contingency to be used at the Mayor’s discretion.

Chairman Pratt asked if this is put in place before asphalt is put down.

Mr. Hansen stated that the power conduit will be located behind the curb and gutter. They have already constructed conduit under the pavement and this would not require any pavement excavation.

**Councilman Pruden moved to approve Resolution 2014-39.** Councilman McCall seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

Mr. Hansen indicated for the benefit of the public that the roadway is progressing well, curb and gutter is in place and pavement should be in place within the next three to four weeks.

Councilman Pruden asked if USU is building their building.

Mr. Hansen said to some degree there are people on site working.

Ms. Beagley asked if the Council could follow up on the street light issue that was brought up at the last City Council meeting.

Mayor Dunlavy said that the City is currently working with the staff and Rocky Mountain Power regarding the many street lights that are out in Tooele City. The City has had an agreement in place with Rocky Mountain Power for years that is not working. He has asked Rocky Mountain Power to tell the City what they were responsible for in the original agreement. The City is already aware what their responsibilities are and they are going to mesh the two together and come up with a new agreement. In the new agreement he would like to see the street lights fixed within 3 days of the light going out. There is an electrician that works for the City that is going through the City at this time to fix the street lights.

1. **Minutes: August 6, 2014 Work Session and Business Session**

Mr. Poyner noted that when he made his comments in the last meeting the minutes said basketball tournament and it should be baseball tournament.

**Councilman McCall moved to approve the minutes for the meetings held August 6, 2014 with the change noted above**. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

1. **Invoices**

The following invoice was presented by Ms. Pitt:

Ms. Pitt turned the time over to Mr. Hansen to explain the invoice.

Mr. Hansen explained that when the City awarded a contract of the well house for construction of the Kennecott B well one of the issues that they were looking at was the time delay of the pump and motor order. There was also no reason to increase an add-on for the contractor to buy the pump and motor from a vendor that the City was using already. For the purpose of timing and to save the City money the Council authorized the administration to order the pump and motor directly from Nickerson Company and bring it back as an invoice. The pump and motor have been installed and the amount owed to Nickerson Company Inc. is $114,402. They will be doing the same thing with the Rodeo Grounds well.

**Councilman Pruden moved to approve the invoice as presented**. Councilman McCall seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

1. **Adjourn**

**Councilman Pruden moved to adjourn the meeting.** Councilman Winn seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”. The meeting adjourned at 7:20 p.m.

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this 3rd day of September 2014

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Brad Pratt, Chair Tooele City Council