**Tooele City Council and**

**Tooele City Redevelopment Agency**

**Business Meeting Minutes**

Date: Wednesday, November 19, 2014

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers

 90 North Main Street, Tooele Utah

**Council Members Present**:

Brad Pratt, Chair

Scott Wardle

Debbie Winn

Dave McCall

**Council Member Excused:**

Steve Pruden

**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

Heidi Peterson, Communities that Care Director

Randy Sant, RDA Director

Minutes prepared by Elisa Jenkins

Chairman Pratt called the meeting to order at 7:00 p.m. He excused Councilman Pruden. He welcomed Boy Scout Troops 412, 153, 1085 and Varsity Teams 126 and 7230, who were working on their Citizenship in the Community Merit Badge. He also welcomed a Girl Scout from Troop 2339 who was working on her Government Badge. He recognized former Mayor Charlie Roberts in the audience.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Erin Schmucker.

1. **Roll Call**

Brad Pratt, Present

Scott Wardle, Present

Dave McCall, Present

Steve Pruden, Excused

Debbie Winn, Present

1. **Mayor’s Community Youth Recognition Awards**

Presented by Mayor Patrick Dunlavy, Heidi Peterson, and Chief Ron Kirby

Mayor Dunlavy welcomed all that had come to support these students and said that it is his honor to recognize these students. He said that this award is very important to the Council and himself and it is one of the most important things that they do at City Council meeting. He also said that it is very important for youth to be recognized for the good things that they do and to recognize them in a formal meeting. These youth are doing exceptional things in their homes and in the community. He recognized former Superintendent Terry Lineras in the audience, who is now the Principal of Tooele Junior High. He introduced Chief Ron Kirby, the Chief of Police and Heidi Peterson the Communities that Care Director.

Ms. Peterson thanked everyone for coming and supporting these students. She congratulated the students who will be receiving this award. She stated that the Communities that Cares program evaluates the risks that kids are up against in the community and then they put programs into place to help them. She mentioned that there are four programs that the Communities that Care program offers in the community which are; 1) Lions Quest in the Elementary Schools, 2) Life Skills Training in the Secondary Schools and 3) Guiding Good Choices which is a family program and 4) QPR, which is a new suicide prevention program. She encouraged anyone interested in the Guiding Good Choices Program or QPR to contact her. She explained that the students receiving this award will receive a backpack filled with donations from various businesses in the community and she thanked those businesses for their donations. She thanked the Tooele School District and the teachers for their support of the Communities of Care program in the schools. She also thanked the Police Department for their role in this program.

Ms. Peterson then presented the Mayor’s Community Recognition Award to the following students:

Kyle Mickelsen, Stansbury High School

Gabrielle Mahoe, St. Marguerite’s Catholic School

Tyler Daley, Tooele High School

Nikayla Petersen, Tooele High School

Carter Petersen, Tooele Junior High School

Allison Miles, Tooele Junior High School

Tyra Harding, Clarke N. Johnsen Jr. High

Ashleigh Olsen, Clarke N. Johnsen Jr. High School

Ms. Peterson congratulated these students for their hard work in their families and the community. She thanked the teachers and administrators for all they do.

Mayor Dunlavy asked the recipients of this award to stand and he recognized them again for receiving this award. He noted that as he listens to the awards as they are given, he is always impressed by what these young people have accomplished. He said that he is very proud of these students and noted that they will be the future leaders of the City. He also recognized the families for the important role they play in these young people’s lives.

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

1. **Public Comment Period**

Chairman Pratt opened the public comment period to anyone who would like to come forward and address the Council.

Chairman Pratt closed the public comment period at 7:37 p.m.

1. **PUBLIC HEARING on Community Development Block Grant (CDGB) Application Sponsorship**

Presented by Randy Sant

Mr. Sant said that he appreciates Shilo Baker for taking over this grant she has done a great job with this program as did Michelle Pitt before her. He indicated that the purpose of this hearing is to consider potential projects for which funding may be applied for under the 2015 Community Development Block Grant Program (CDGB). Under the program the grant money must be spent on projects which would benefit low and moderate income persons. They do not know what the exact amount will be from the Wasatch Front Regional Council for Tooele City. Our region which is made up of Weber, Morgan, Tooele and Davis counties has approximately $1 million available in 2015. There is a policy manual, which contains all the guidelines for the grant, is available for review in the Mayor’s office. Some of the projects that they can do include construction of public works which would be water, sewer lines, fire stations, acquisitions of real property, and provisions of public services such as food banks and homeless shelters, and loan programs to private business that would hire low to moderate income persons. This grant has to benefit low to moderate income persons that is the purpose of the program. They are required under the guidelines of the CDGB public hearing to outline the past four to five years of projects that Tooele City has had. In 2014 they did not apply for a grant as Tooele City; in 2013 they did apply for a grant on behalf of Rocky Mountain Care but were not funded; in 2012 they did not apply for a grant; in 2011 they did apply for a grant but did not receive it; in 2010 they received two grants one for $100,000 for down payment assistance for Tooele Housing Authority and one for $150,000 for kitchen equipment at the new Reflections House, both grants have been completed and are now closed. They have a Capital Investment Plan; any project that is funded has to be in the plan. They do not have a specific project in mind to apply for and they have not been approached by anyone in the City to sponsor a grant. The purpose of the CDGB block grant is to assist in developing viable communities by providing decent housing, suitable living environment, and expanding economic opportunities principally for persons of low or moderate income. Mr. Sant stated that what they have seen in this community are grants that have particularly benefited housing projects. He mentioned that Wendover City may get grants for anything because they are mainly a low moderate community. The rest of the cities would have to do something that would benefit low and moderate income persons.

Chairman Pratt stated that this is a public hearing for the CDGB Grant if anyone would like to come forward. No one came forward.

**Chairman Pratt closed the CDGB Grant public hearing at 7:42 p.m.**

1. **PUBLIC HEARING & MOTION on Resolution 2014-53 A Resolution of the Tooele City Council Approving the Green Meadows Annexation Agreement**

Presented by Roger Baker

Mr. Baker said that at the last meeting the Council approved an annexation ordinance that paves the way for this property to be annexed. The annexation ordinance was conditioned on the applicant for annexation signing with the City an annexation agreement. Both the ordinance and the agreement outline the requirements and obligations of the annexation applicant that he has to fulfill so the property can be annexed into Tooele City boundaries and developed under Tooele City laws. This property is to the very end of Skyline Drive just east of the Loma Vista subdivision, currently just outside the city limits. The annexation agreement references several areas of importance primarily to do with the timing of obligations. One of the obligations is to abandon the existing well so they eliminate potential claims that the use of that well might interfere with other wells including the City’s. Mr. Arbshay has indicated that it would be better for him if he could roll the cost of abandoning the well into the cost of building the roads, water lines and sewer lines that will be part of the subdivision so he can finance it as a single construction loan rather than requiring him to come up with his own cash now. There is really no benefit to abandoning it now, next month or in a few months and he has drafted the annexation agreement that way. Another requirement in the ordinance is that the steep slope coming off the property to Middle Canyon road is deeded to the City or a conservation easement be given to the City so the steep slope could be protected. Mr. Arbshay has indicated that it is their preference to deed that property to the City. The City would have control of the property and he would be relieved of property tax obligations. The most important element of the annexation agreement is regarding water rights. Mr. Baker said when you develop it is not enough to tap into the City’s water pipes, in Utah you have to have wet water and you also have to have a piece of paper that allows you to pump the water out of the ground. There is a very limited supply of paper water rights. All of the paper water rights have been given by the state of Utah to owners within this valley and there are none left. The price of development drives up the price of that commodity. The agreement requires Mr. Arbshay to provide the water rights that are necessary to bring water to this property when it is developed. It is not appropriate to pass that cost along to the other tax payers in the City; rather, it is appropriate for this property to pay its own way as it comes into the City. The City’s annexation ordinance and the City water rights ordinance allow the City to require water rights to be provided at the time of annexation, rezone, subdivision, or the time of site plan or building permit. That gives the Council ultimate flexibility as to when it will happen. Mr. Arbshay asked Mr. Baker to present the agreement the way it is in the Council’s packet, and that the water rights not be required today but that he be allowed to defer the cost of acquiring the water rights by rolling that cost into the construction loan as well. Mr. Baker is recommending it to the Council that way. They will need the water rights as a condition of subdivision approval. The subdivision will not come before the Council for a vote until the water rights are available. Mr. Arbshay has indicated that he has approximately 12 acre feet right now which is not quite enough to satisfy the demands of the property that he owns and it does not address the water demands of the property owned by the Buzinas family. As an additional protection to the City he has drafted into the annexation approval that it is of limited duration, if Mr. Arbshay has not brought a subdivision plat or the water rights to the Council within a year it would be void and the annexation would have to start over.

Councilman Wardle asked if he would be required to bring a subdivision plat that requires all the lots to be plotted on that land or can he do a four lot subdivision as payment and the other lots not develop.

Mr. Baker said that they can require a single subdivision plat for all of the property. Mr. Arbshay has indicated to him that is how he will be proceeding; the subdivision plat is nearly prepared with all the lots plotted. He said perhaps that is how the agreement should be finessed to make sure it happens all at once and the City is protected. He said that another reason for deferring the conveyance of water rights for a short period of time is that although they can get a close estimate of how many water rights are required as of today those estimates are based on subdivision concepts and it won’t be until they have an actual plat in hand that they will be able to determine precisely how many water rights need to be conveyed. This is slightly further along the time schedule than previously discussed with the Council, but he understands the financial impacts of early conveyance of water rights where they have to incur all of the costs up front without any revenue stream to pay for them. They can insulate the City from any risks from that delay through the agreement where Mr. Arbshay would not get any entitlement to the land until the water rights are in hand.

Councilman Wardle asked if they should add a phrase under item four that says “should the petitioner fail to submit a completed subdivision application for all annexed property including payment of the required subdivision they would fail to convey.”

Mr. Baker would like to examine that a little more closely. Mr. Arbshay has assured Mr. Baker that the subdivision will follow immediately after the signing of the annexation agreement. He has been in communications with the engineer designing the subdivision and that is in fact the case; there are 47 lots that are preliminarily platted out. The hillside open space that will be conveyed to the City has been described. There is not much left to do in the design of the subdivision. There is a lot of work left to do in designing the public improvements, but that will come later and Mr. Arbshay will work with Mr. Bolser and Mr. Hansen to accomplish that. This property is zoned R1-14, meaning that every lot will be at least 14,000 square feet. The plans that he has seen shows the smallest lot is 15,000 square feet, while most are in the 20,000-21,000 square foot range. No large animals or livestock will be allowed on these lots. Following the approval of this agreement and its signature they will take the annexation documents to the County Recorder’s office and then the property will become officially part of Tooele City.

Chairman Pratt stated that this is a public hearing if anyone would like to come forward and address this issue. No one came forward.

Chairman Pratt closed the public hearing at 7:56 p.m.

**Councilman Wardle moved to approve Resolution 2014-53 with the understanding that paragraph four will be amended to indicate that the full subdivision will cover all the annexed property**. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

1. **Resolution 2014-51 A Resolution of the Tooele City Council Encouraging the State of Utah to Address Comprehensive Transportation Funding**

Presented by Roger Baker

Mr. Baker explained that the situation has developed in the state of Utah, where the tax revenues generated from the gas tax have become extremely deficient in covering the costs of maintaining the roads in Tooele City. Those revenues were intended and passed by the legislature to be used for maintenance of roads and to cover those costs. Today’s situation is that the revenue from this tax is only able to cover about half of the City’s transportation needs forcing the City to neglect those needs, and to make up the funding through general funds sources which in turn takes away money from other important programs and essential services that the City runs. The Utah League of Cities and Towns has as their top legislative priority the obtaining from the state legislature additional sources of revenue to support transportation funding for cities. That would not only be maintenance of existing roads but that would allow construction of active transportation which means including the road rights of ways for other forms of transportation as well, such as bicycle lanes, sidewalks, curb and gutter, storm drain matters, and esthetic components. This resolution identifies three priorities: 1) reduce congestion, 2) improve and enhance economic development, 3) and improve Utah’s air quality. Improved roads will allow for improving mass transit and allow for people to use alternative transportation. With these three policy priorities, the Utah League of Cities and Towns is hoping to persuade the Utah legislature to support additional funding for municipalities. This resolution is not binding; rather, it shows Tooele City’s support for the state-wide effort. The resolution will be mailed to the Governor and key members of the Utah House and Senate to ask for their support.

Chairman Pratt asked Mr. Baker to indicate what the increase represents that is being proposed.

Mr. Baker said there are a number of proposals, but none have been settled on as of yet. One of the initial proposals is a 25% increase in gasoline tax, another proposal is a 5 cent increase on gas tax with the revenue being shared between the state and municipalities, a third proposal is a quarter of a cent increase in sales tax (.0025), even that would not provide all of the City’s transportation funding needs but would get them closer. These are just three proposals and others are being brought forward.

**Councilman McCall moved to approve Resolution 2014-51**. Chairman Pratt seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

1. **Resolution 2014-50 A Resolution of the Tooele City Council Implementing Park Pavilion Fees**

Presented by Brian Roth

Mr. Roth said they are trying to address a few issues with the resolution. He stated that the demand on the pavilions are heavy especially at the first of the year. He said many times reservations are made and then not taken which leaves the pavilions not available for others to use. They are dividing the times into half day sections because sometimes they are reserved for the whole day but only used for a few hours. They are also implementing a small fee to encourage some responsibility and a commitment.

**Councilwoman Winn moved to approve Resolution 2014-50**. Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

1. **Resolution 2014-52 A Resolution of the Tooele City Council Approving a Contract with Newman Construction, Inc. for Removal and Replacement of Four Existing Sanitary Sewer Manholes Located on Sanitary Sewer Interceptor “A”.**

Presented by Paul Hansen

Mr. Hansen said that this resolution is part of a continuing discussion on a need to do some maintenance on the main interceptor line that flows from the old sewer plant to the new sewer plant. At the last meeting the Council authorized the purchase of manhole materials which are a specialty product. The City has put out five invitations to contractors who have experience working with this particular manhole product. They received bids back from three contractors. He said that the pricing was almost twice of what he had anticipated but in talking with the contractors the reason for price increase is due to the proximity of the railroad tracks which will require some additional bracing and shoring. The low cost came in from Newman Construction, their cost to remove and replace the manholes is $52,195. Staff recommends approval with an additional 5% contingency should they incur any unforeseen costs.

**Councilman McCall moved to approve Resolution 2014-52**. Councilman Wardle seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

Mr. Hansen stated that they did some additional field verification on the existing manholes to be replaced, and they found that they were about a foot deeper than shown in the Record Drawings. As a result, the cost for the manhole materials will be $300 more than what was approved in the last City Council meeting to Geneva Polymer.

1. **Peterson Industrial Depot, Plat 1A – Final Plan Approval Request**

Presented by Jim Bolser

Mr. Bolser noted that this item has been brought to the Council before under a previous owner but there were some problems with the plat due to a pending change of ownership of the depot as a whole. This is now under the ownership of the Peterson’s and they are requesting a subdivision to create lot 102 so it can be sold to another entity. The Planning Commission has reviewed the plat, expressed no concerns, had no questions and forwarded a unanimous positive recommendation to the City Council.

**Councilwoman Winn moved to approve Peterson Industrial Depot, plat 1A final plat request**. Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

1. **Peterson Industrial Depot, Plat 2A – Final Plat Request**

Presented by Jim Bolser

Mr. Bolser stated this is another plat that is in same situation as the plat in the previous item. This one creates lot 201 to be sold to another entity. The Planning Commission has reviewed the plat, expressed no concerns, had no questions and forwarded a unanimous positive recommendation to the City Council.

**Councilwoman Winn moved to approve Peterson Industrial Depot, plat 2A final plat request.** Councilman Wardle seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

1. **Minutes: November 5, 2014 Work Session and Business Session**

**Councilman Wardle moved to approve the minutes for the meetings held November 5, 2014 as presented.** Councilwoman Winn seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

1. **Invoices**

Ms. Pitt presented the following invoice for payment:

* Kilgore Contracting for repaving of the police station parking lot in the amount of $63,120.50.

**Councilman McCall moved to approve the invoice as stated by Ms. Pitt**. Chairman Pratt seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

1. **Adjourn**

**Councilman Wardle moved to adjourn the meeting.** Councilwoman Winn seconded the motion. The vote was as follows: Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”. The meeting adjourned at 8:14 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 7th day of January 2015

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Brad Pratt, Chair Tooele City Council