**Tooele City Council and**

**Tooele City Redevelopment Agency**

**Business Meeting Minutes**

Date: Wednesday, March 18, 2015

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers

90 North Main Street, Tooele Utah

**Council Members Present**:

Brad Pratt, Chairman

Scott Wardle

Debbie Winn

Steve Pruden

Dave McCall

**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 welcomed Boy Scout Troops 1607 and 1321 who were working on their Citizenship in the Community Merit Badge.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Councilman Wardle.

1. **Roll Call**

Brad Pratt, Present

Scott Wardle, Present

Dave McCall, Present

Steve Pruden, Present

Debbie Winn, Present

1. **Mayor’s 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. He said that this award recognizes special young people in the community. It is very gratifying to him to listen to these students’ stories. These young people go above and beyond and it is an honor to recognize them for the good things they do. He introduced Heidi Peterson, the Communities that Care Director and Chief Ron Kirby from the Tooele City Police Department.

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 three programs that the Communities that Care program offers in the community which are; 1) Second Step program which is in the elementary and secondary schools 2) Guiding Good Choices which is a family program; and 3) 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 following students with the Mayor’s Community Recognition Award:

Natalie Stewart, Tooele Junior High School

Lily Gebs, Tooele Junior High School

Bella Spencer , Stansbury High School

Emily Thorne, Stansbury High School

Allyssa Rigby, Tooele High School

Spencer Hahne, Tooele High School

Ms. Peterson congratulated these students and thanked their families for their support.

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, the Council 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. No one came forward.

Chairman Pratt closed the public comment period at 7:27 p.m.

1. **Resolution 2015-14 A Resolution of the Tooele City Council Awarding the Public Defender Contract to Linares Law Office and Richard Tanner**

Presented by Roger Baker

Mr. Baker said that the Fifth Amendment of the United States Constitution says that anyone accused of crime has the right to be represented by an attorney in a Court of Law. That presents a problem when someone does not have the means to retain a lawyer to represent them. If someone is indigent or does not have sufficient means to hire a lawyer then it becomes the responsibility of the government, in this case Tooele City, to hire a lawyer for them. The City does this through a contract and those lawyers are called Public defenders. In Tooele City they have split the contract into two. The reason they do this is in case one lawyer has a conflict of interest then the other lawyer may represent the client. One of the two lawyers that have been helping the City with the Public Defense Contract has accepted an offer of employment in the City Attorney’s office as a prosecutor. Mr. Baker is recommending a new lawyer to take the place of the one that is leaving the contract which is Richard Tanner. Richard Tanner and Jake Linares would have the contract. The City is recommending a slight increase in the contract. The contract has been at $48,000 since 2008 and they would like to increase it to $51,000 which would be split two ways. He said that about 2,000 cases a year come through his office, not all of those are handled by the public defenders but many of them are. He said that a public defender is appointed anytime there is a possibility of a person having their liberty taken away by going to jail. The City is not required to provide defense on a routine traffic ticket or someone not likely to be incarcerated. The judge decides if someone is impecunious, if they have sufficient means, and the likelihood of them going to jail if they are found guilty. This is the context of tonight’s action.

**Councilman McCall moved to approve Resolution 2015-14.** Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Wardle, “Aye” and Chairman Pratt, “Aye”.

1. **Ordinance 2015-11 An Ordinance of Tooele City Amending Tooele City Code Section 1-28-1 Regarding Administrative Hearing Officers**

Presented by Roger Baker

Mr. Baker explained that anytime the City makes a decision that affects someone’s property rights the City has to provide an avenue of appeal. If for example, if the City finds someone has committed a nuisance on their property by accumulating junk vehicles and the City issues them a notice to clean it up, the property owner has the right to appeal that decision. The City has the obligation to provide an appeal mechanism for them. Historically that role has been fulfilled by a Board of Adjustment. The Country over decades has gone away from that board and toward using an Administrative Hearing Officer. An Administrative Hearing Officer has legal training, understands the law, and can evaluate the facts and decide if the City staff has made a correct and defensible decision. This chapter has been in place for a couple of years and the proposed change is very small. The code allows the City to appoint one Administrative Hearing Officer. The City administration has discovered that they need the flexibility to appoint multiple Administrative Hearing Officers. Some hearing officers could hear different kinds of administrative appeals, the City might need one with greater legal training, or one might have a conflict of interest. The City needs to provide appeals in a quick and efficient manner for the City and to protect people’s rights.

**Councilman Pruden moved to approve Resolution 2015-11**. Councilman McCall seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Wardle, “Aye” and Chairman Pratt, “Aye”.

1. **Resolution 2015-13 A Resolution of the Tooele City Council Ratifying a Contract with All-Tech Electric for Repair of Electrical Conduit on 700 South and Tooele Boulevard**

Presented by Paul Hansen

Mr. Hansen said that as the Council is aware the City has recently completed construction of Tooele Boulevard by the Tooele Applied Technology Center looping around to 700 South. At the completion of the construction they found that someone had vandalized and stolen approximately 7,500 linear feet of electrical wire used for street lights. It is necessary to replace that wire so the lights can be operational and the road can be opened. This resolution is following up on prior discussion with the Council to ratify a contract for that work. The price is $23,500 and the work is estimated to be completed by the end next week and then the road can be opened at that point.

Councilman Pruden thanked the police department for apprehending the person that did this.

**Councilman Pruden moved to approve Resolution 2015-13**. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Wardle, “Aye” and Chairman Pratt, “Aye”.

1. **PUBLIC HEARING on Ordinance 2015-07 An Ordinance of the Tooele City Amending Certain Sections of Chapters 4-8, 4-11, 4-17, and 7-19 of the Tooele City Code Relating to Road and Street Construction Standards**

Presented by Jim Bolser

Mr. Bolser said that this ordinance has been in the works for some time. He indicated that the proposed changes are extensively housekeeping items; many of the specifications are outdated. A good example of references in this ordinance being outdated is in the first section of Chapter 4-8-1 which references a very specific 1994 edition of the Standard Specifications for Road and Bridge Construction. In 1994 the City adopted that version of that manual and they have published many versions since. The City still uses this manual just not that version, they have updated how they process things and deal with things on a staff level, the ordinance reference was just never updated. In the proposed ordinance it references the most current version instead of a specific edition. In this same chapter 4-8 they have updated street design definitions and classifications. They have consolidated duplicate and conflicting provisions. The City’s road cross sections are listed in three different places and they are all different. The staff has been universally applying a single standard for each classification but they have been listed in three different places. Part of the proposed change is to get rid of the different locations and have single provisions that they use. One duplicate provision will have to come back to the City Council at a later date because one of the locations is in the transportation master plan. Because it is an advisory document and not a hard and fast rule they can set that aside for a short period of time while they have this ordinance in place that specifies the correct provisions. The APWA Standards have been adopted by the City in its entirety, but there are some specific standards that they have adopted a City specific alteration. The APWA is the American Public Works Association, they adopt a book of standards that say how manholes are to be constructed and what water lines and valves are appropriate for certain conditions and things of that nature; which is an overall standard adopted throughout the country. There are specific conditions in Tooele City and specific items that the City prefers to use and they have adopted City specific standards as provisions to that document which will be official with this proposed ordinance. In Title 7 Chapter 19 they are also clarifying and updating right-of-way exceptions criteria. This came from an issue that the Council saw where in one meeting there were two requests for right-of-way exceptions. A developer wanted to do a different cross section than was dictated for them. They have the right to file for a request and the Council has the ruling to do that with a recommendation from Mr. Bolser, as the Public Works Director. The criteria upon which the request is to be reviewed did not work and was not functional. They talked at that time that the section needed to be updated. He stated that these are the main changes to this ordinance. The Planning Commission has held a public hearing specific to Title 7 Chapter 19 which is their purview regarding the City Code. They have forwarded that section as a part of a reference to the entire ordinance with a unanimous positive recommendation to the City Council.

Councilman Pruden thanked Mr. Bolser and his staff for their work on the ordinance.

Chairman Pratt also thanked Mr. Bolser and his staff for their work and the clean up on this ordinance.

Mr. Bolser said that this was a team effort with his department and other departments to get this ordinance where it needs to be.

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 7:42 p.m.**

**Councilman Wardle moved to approve Ordinance 2015-07**. Councilman McCall seconded the motion. . The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Wardle, “Aye” and Chairman Pratt, “Aye”.

1. **Resolution 2015-15 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule**

Presented by Jim Bolser

Mr. Bolser said that recently the City Council has adopted several revisions to the City Code that affected items regarding fees. Specifically those ordinances removed specific fee amounts out of the ordinance itself and referenced back to the fee schedule. In doing this they need to reestablish those fees in the fee schedule because they didn’t previously appear in the fee schedule. The fee schedule is the appropriate place for the fees to appear instead of the ordinance. This resolution is intended to reestablish those fees which have been removed from the City Code. The administrative staff is recommending some increases in those fees as a means to come closer to covering administrative costs of administrating permits and so forth. It still does do not cover the City’s costs but this brings it closer.

**Councilwoman Winn moved to approve Resolution 2015-15.** Councilman Pruden seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Wardle, “Aye” and Chairman Pratt, “Aye”.

1. **Minutes: March 4, 2015**

**Councilman Pruden moved to approve the minutes for the meetings held March 4, 2015 as presented.** Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, Councilman Wardle, “Aye” and Chairman Pratt, “Aye”. Chairman Pratt abstained because he was not present at the meeting.

1. **Invoices**

Ms. Pitt stated that there were no invoices to present.

1. **Adjourn**

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

The meeting adjourned at 7:46 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 1st day of April 2015

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Brad Pratt, Chairman Tooele City Council