**Tooele City Council and**

**Tooele City Redevelopment Agency**

**Business Meeting Minutes**

Date: Wednesday, April 1, 2015

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers

90 North Main Street, Tooele Utah

**Council Members Present**:

Scott Wardle, Vice-Chairman

Debbie Winn

Steve Pruden

Dave McCall

**Council Member Excused**:

Brad Pratt

**City Employees Present**:

Mayor Patrick Dunlavy

Roger Baker, City Attorney

Glenn Caldwell, Finance Director

Michelle Pitt, City Recorder

Lisa Carpenter, Deputy Recorder

Rachelle Custer, City Planner

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

Vice-Chairman Wardle called the meeting to order at 7:00 p.m. He excused Chairman Pratt from the meeting.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Councilman Pruden.

1. **Roll Call**

Brad Pratt, Excused

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 recognized Terry Linares, Principal of Tooele Junior High and Mr. Ortin and Mr. Bohnenstiehl, teachers from Harris Elementary who were in the audience. 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:

Jenna Page, Copper Canyon Elementary

Emily Medina, Tooele Junior High School

Haylee Vargas, Excelsior Academy

Anthony Ayala, Harris Elementary

Chandler Wozab, Overlake Elementary

Evelyn Wall, West Elementary

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**

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

Joseph Liddell, 125 North 200 West addressed the Council. Mr. Liddell noted that there is no pedestrian crossing across on SR-36 at 2000 north. He said that this is a very dangerous road to cross. He feels that there should be a pedestrian walkway at this intersection because there are medical offices on the east side of the street and the hospital and the Overlake subdivision on the west. Mr. Liddell said that on April 9th at 1:00 p.m. he is going to meet with some representatives of UDOT to look at the situation and invited anyone interested to join him.

Ms. Turner, Chairman for Tooele Sister City, addressed the Council. She wanted to let the Council know that they are still active with Kambarka, Russia as a Sister City to Tooele City. She said that they have been sponsored through the Open World Leadership Center to bring a Russian delegation to Tooele. The delegation will be here April 24through May 2. Councilman Wardle has helped her set up a meeting with the Mayor to talk about the delegation. She said to have this delegation come is a great opportunity because they are adding Russia to the Dual Language Immersion program for the 2015-2016 school year in Tooele School District. She hopes that in the future they will be able to do more student exchanges with Russia. Ms. Turner asked the Council how they can be more involved with the Council and Tooele City.

Vice-Chairman Wardle said that Councilwoman Winn has the Sister City assignment and he encouraged Ms. Turner to contact her.

Vice-Chairman Wardle closed the public comment period at 7:36 p.m.

1. **Resolution 2015-16 A Resolution of the Tooele City Council Granting a Utility Easement to Beehive Telephone Co., Inc. at the City’s Vernon Property**

Presented by Roger Baker

Mr. Baker showed on a slide the property boundary of City owned property just north of Vernon in Rush Valley. He explained that Beehive Telephone has asked for a 400 foot easement at the northern end of this City property. The City owns 1,780 acres of land in this area. This easement will follow an existing easement already there for Rocky Mountain Power. The City staff does not believe that this easement would be detrimental in any way to the City’s property or the public’s interest. He is recommending approval of the easement. The easement documents would be finalized after approval. The easement would be made through a survey which would be done and paid for by Beehive Telephone and then through the recording of an easement document. He said that he has written into this resolution so it is not exclusive, which means that if the City needed to do something on this property they could do it and it is not permanent. The easement could be relocated at Beehive Telephone’s cost if the needed. He tried to build in protections for the City in this resolution.

Councilman Wardle said that they discussed this very thoroughly in the work session meeting. The City does easements with the phone company often.

Mr. Baker said they do more easements with the power company but occasionally they also do them for phone companies.

**Councilwoman Winn moved to approve Resolution 2015-16.** Councilman McCall seconded the Motion. The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, and Vice-Chairman Wardle, “Aye”.

1. **Resolution 2015-17 A Resolution of the Tooele City Council Adopting a Water Rights Policy Allowing the Payment of a Fee-In-Lieu of Conveyance of Water Rights Under Tooele City Code Chapter 7-26**

Presented by Roger Baker

Mr. Baker said that the Tooele City Code regarding water rights requires that any new development provide water rights sufficient for their development. If a development uses an acre foot of water they have to provide water rights for an acre foot of water. The City Code provides that in limited circumstances instead of conveying water rights to the City a developer can pay a set fee to the City and access some of the City’s water rights instead of bringing their own. The City Code says that would be done pursuant to a separate policy established by the Council. This is the policy he is bringing to the Council. The policy is drafted to limit one user up to 20 acre feet of water rights and limits the number of water rights purchased in a given year to 50 so the City’s water rights would not be depleted by big water users. This policy is intended mostly for commercial development. It can be used for residential development only if there is a parcel of land that is being split into two, and then one of the parcels could buy water rights. The value established for one water right is $15,000 per acre foot of water. He said that he has built into the policy a reservation that this is subject to water rights being available.

Councilman Wardle said that this is a policy they have had for quite some time and they are making clarifications.

Mr. Baker said that this policy has been in place since 2007 and they are making clarifications.

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

1. **Resolution 2015-18 A Resolution of the Tooele City Council Adopting a Water Rights Policy Regarding De Minimus Increases in Water Usage**

Presented by Roger Baker

Mr. Baker stated that last month the Council made changes to the water rights ordinance and the Council added a provision that said that if an increase in water usage by a development is very small, in legal terms “de minimus”, then Tooele City has the discretion to not require that development to convey water rights or pay a fee. He used as an example a salon that had five barbers and they hire one more, and the City does the water right calculation and adding a sixth barber will only incrementally add a small amount of water usage it would be considered de minimus. The City Code says that the definition of de minimus would be established in a separate policy so administration can see how it works and adjust it without having to come back to the Council and go through a series of public hearings to change the City Code regarding water rights. They are recommending the definition of de minimums be set at 0.1 acre feet of water. He used for a comparison a house on a 10,000 square foot lot requires 1.0 acre feet of water. He noted that wasn’t a great comparison because if someone builds a big house or a little house they do not adjust on that, this is in a commercial setting. The policy gives authority to implement the policy to the Public Works Director and directs the Public Works Director to give a report at the beginning of each year to the City Council of how many times they have used this policy. This policy is also subject to the availability of water rights. Because the City has given one person an exemption for a de minimus increase does not bind the City to give another person the same exemption. The City has the authority to review these on a case by case basis.

**Councilman McCall moved to approve Resolution 2015-18**. Councilman Pruden seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, and Vice-Chairman Wardle, “Aye”.

1. **Resolution 2015-20 A Resolution of the Tooele City Council Approving a Contract with Kilgore Contracting for the 400 West – Phase 1 Roadway and Utility Project**

Presented by Paul Hansen

Mr. Hansen explained that as part of the settlement agreement that Tooele City entered into with Developer Parties LLC, on August 7, 2014, the City accepted the requirement to complete the widening of 400 west adjacent to the Overlake Development in the northwest portion of the City. This project would be Phase 1 of that project which would complete the section from 2000 north, and south through the intersection of DiMaggio Street. The project was put out for public bid for a three week period, and the City only received one bid back. He noted that usually receiving one bid back would be cause for concern, but he is not concerned with that in this particular bid. Kilgore contracting has very good experience with the City and their pricing has been fair. Their bid price was within 5% of the City’s estimate. The City staff feels that it would be in the best interest of the City to accept Kilgore’s bid and authorize them to move forward. The contract for the proposal is $255,385.25, and the City is asking for an additional 5% contingency for unanticipated conditions that may arise and which may be used at the Mayor’s discretion.

**Councilman Pruden moved to approve Resolution 2015-20**. Councilman McCall seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, and Vice-Chairman Wardle, “Aye”.

1. **Ordinance 2015-12 An Ordinance of Tooele City Approving a Temporary Cessation of Noise Regulations, Nuisance Ordinances and Allowable Work Hours Limitation for the Contractor and Sub-Contractors of the Utah Department of Transportation Working on the SR-36 Reconstruction and Storm Drain Installation Project, Project Number 11204**

Presented by Rachelle Custer

Ms. Custer stated that as the Council is aware UDOT is rebuilding SR-36. UDOT is anticipating a project timeframe from June 1 through December 31, which is about half the time that is typically necessary for this extensive work. UDOT is requesting to work around the clock in order to meet this timeline. They want to reduce the impact on the local business and citizens of Tooele City. This ordinance will temporarily halt the enforcement of noise regulations and nuisance ordinances for the Utah Department of Transportation, their contractors, and sub-contractors related to the SR-36 Reconstruction and Storm Drain Installation Project for the duration of the project. This ordinance will also temporarily halt the enforcement of allowable work hour’s limitations for the Utah Department of Transportation, their contractors and sub-contractors related to the SR-36 Reconstruction and Storm Drain Installation Project for the mainly commercial portion of the project between 100 South and the north end of the project at 1280 North for the duration of the project.

Councilman Pruden said that he is grateful that they are doing this it will help the work go faster.

Councilman Wardle said that the work that the Mayor and the staff have done negotiating to get this to this point has tremendous.

**Councilman McCall moved to approve Ordinance 2015-12.**  Councilman Pruden seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, and Vice-Chairman Wardle, “Aye”.

1. **Ordinance 2015-13 An Ordinance of Tooele City Permitting Additional Temporary Signage Allowances for Businesses Along main Street to Display During 2015 Construction Work**

Presented by Rachelle Custer

Ms. Custer stated that the City is trying to be sensitive to the businesses along SR-36 which will be impacted by the construction. The City is requesting a temporary relief of the temporary sign ordinance to allow the businesses that will be affected as outlined in the ordinance to put up additional temporary signage without a permit during construction. An affected business shall be defined as a business where the business is located on property that directly fronts onto Main Street; the business faces directly onto Main Street; and the portion of the Main Street right-of-way directly in front of the business has; construction crews actively performing work; or traffic control established to divert all traffic onto the far side of the street. Single-tenant affected businesses may have up to two signs and affected businesses located in multi-tenant buildings may have one sign per business as outlined in the ordinance.

Councilman Pruden asked how the City will get this information to the businesses. He suggested using the Chamber of Commerce.

Mayor Dunlavy said they will post the information on the website and put it on Facebook.

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

1. **Minutes: March 18, 2015**

**Councilman Pruden moved to approve the minutes for the meetings held March 18, 2015 as presented.** Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, and Vice-Chairman Wardle, “Aye”.

1. **Invoices**

Ms. Pitt presented the following invoice for payment:

* Rehrig Pacific Company for 486 green trash containers in the amount of $28,500.

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

1. **Adjourn**

**Councilman McCall moved to adjourn the meeting.** Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilwoman Winn, “Aye”, Councilman McCall, “Aye”, and Vice-Chairman Wardle, “Aye”. The meeting adjourned at 7:56 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 15th day of April 2015

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Scott Wardle, Vice-Chairman Tooele City Council