

**Tooele City Council and  
Tooele City Redevelopment Agency of Tooele City, Utah  
Business Meeting Minutes**

Date: Wednesday, February 15, 2017  
Time: 7:00 p.m.  
Place: Tooele City Hall, Council Chambers  
90 North Main Street, Tooele, Utah

**City Council Members Present:**

Debbie Winn, Chairwoman  
Steve Pruden  
Brad Pratt  
Dave McCall  
Scott Wardle

**City Employees Present:**

Mayor Patrick Dunlavy  
Roger Baker, City Attorney  
Glenn Caldwell, Finance Director  
Chief Ron Kirby, Police Department  
Jim Bolser, Public Works and Community Development Director  
Paul Hansen, City Engineer  
Heidi Peterson, Communities that Care Director  
Michelle Pitt, City Recorder  
Lisa Carpenter, Deputy Recorder

Minutes prepared by Cami Cazier.

Chairwoman Winn called the meeting to order at 7:00 p.m.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Chief Ron Kirby.

**2. Roll Call**

Debbie Winn, Present  
Steve Pruden, Present  
Brad Pratt, Present  
Scott Wardle, Present  
Dave McCall, Present

Chairwoman Winn acknowledged and welcomed Boy Scout Troops #1432 and #1552. They were present to work on their Citizenship in the Community merit badges. Chairwoman Winn also welcomed Cub Scout Troop #3712, who were working on their Making the World a Better Place requirement.

### **3. Mayor's Youth Recognition Awards**

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

Mayor Dunlavy expressed his gratitude to be able to honor some special young people. It's important as elected officials that, in a public meeting in front of family members, they take the opportunity to recognize some deserving kids. These awards have been given out now for 11 years, as long as Mayor Dunlavy has been in office. It's special every time. Mayor Dunlavy asked those in attendance to listen to those things said about these kids by their teachers and families. By doing so, they would understand why the Mayor and City Council feel so strongly about this program.

The Mayor introduced Heidi Peterson, Director of Communities that Care, and Chief Ron Kirby of the Tooele City Police Department. The Police Department sends officers into the schools to help the kids deal with difficult challenges that many of them face, including drugs and alcohol.

Ms. Peterson thanked the Mayor and those in attendance. Before giving out the awards, Ms. Peterson wished to explain the Communities that Care department and the programs offered through it.

The first program is an awesome parenting class called Guiding Good Choices. Ms. Peterson encouraged all families to attend if they haven't already done so. It's a five-week class, absolutely free of charge, which makes good families even better. The next class starts next month. Kids are able to attend one of the sessions with their parents. The Tooele City website has more information, and registration is available there as well.

The next program highlighted by Ms. Peterson has been in the community for about three years now. It's been implemented to help combat increasing depression symptoms, especially suicidality. The program is called QPR, or Question, Persuade, and Refer. In just 90 minutes, participants learn to recognize the risk factors and warning signs associated with suicide. A three-step skill is also taught to use with someone at risk. This program has already saved lives and everyone is encouraged to sign up. This program can also be brought to an organization or group. The next public meeting will be held in April. Watch the Tooele City website for more details.

The last program highlighted is called Second Step. This program is an evidence-based prevention program that is in the schools, grades K-8. This program helps children develop skills such as making and keeping good friends, setting goals, how to deal with anxiety and stress, and how to resist drugs and alcohol. Officer Tanya Turnbow visits schools to help educate students on the dangers of drugs and alcohol.

Research shows that in order for kids to be really successful, they need to be recognized for the great things they do. The recipients of this award will be receiving backpacks that include donations and prizes from local agencies and business that want to congratulate and support these students. There is also a certificate signed by the Mayor.

Ms. Peterson presented the Mayor's Youth Recognition Awards to the following students:

- \* Skylee Anderson, Tooele Jr. High School
- \* Weston Payne, Tooele Jr. High School
- \* Kylie Evans, Clarke N. Johnsen Jr. High School
- \* Xavier Jefferies, Clarke N. Johnson Jr. High School
- \* Tyler Davis, Saint Marguerite Catholic School
- \* Alex Young, Stansbury High School
- \* Elys McCarty, Tooele High School
- \* Rylie Grissetti, Tooele High School

Mayor Dunlavy again expressed his appreciation to be a part of recognizing these amazing students for the great things they do. They are a great asset to our community and their families. Hopefully they will use these attributes to become leaders in our own community someday. Mayor Dunlavy also thanked the parents, grandparents, and other family members for their role in supporting these kids.

A brief recess was taken for a picture of the recipients and their certificates with the City Council members and Mayor. The photo will be included in the Tooele Transcript Bulletin.

#### **4. Public Comment Period**

Chairwoman Winn opened the public comment period to anyone who would like to come forward and address the Council with any concerns or comments. She asked those interested to sign their name on the roster, speak clearly into the microphone, and to keep comments brief.

Shirley Beagley came forward and asked about the flood situation for Tooele City, and if the City was prepared. Mayor Dunlavy responded that the City is completely prepared if such a situation should arise. Ms. Beagley also asked about more lights in the parking lot by the old library. Mayor Dunlavy responded that they would look into the situation.

Chairwoman Winn closed the public comment period at 7:35 p.m.

#### **5. Ordinance 2017 - 08 An Ordinance of Tooele City Amending Tooele City Code Chapters 5-1 Regarding Business Licensing for Independent Contractors**

Presented by Michelle Pitt

In reviewing Chapter 5-1 of the City Code, it was found that the definition of "employee" includes independent contractors, which is not consistent with the Federal Law's definition of "employee." Independent contractors are not true employees; they are separate business entities.

This is also consistent with other cities that have been asked. They do not include independent contractors as employees. Ms. Pitt recommended that the definition of “employee” be changed to not include independent contractors, and that independent contractors be required to obtain their own City business license.

**Councilman Pruden moved to approve Ordinance 2017 – 08.** Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” Councilman McCall, “Aye,” and Chairwoman Winn, “Aye.”

6. **Ordinance 2017 - 06 An Ordinance of Tooele City Amending Tooele City Code Chapter 1-4 Regarding Punishments for Criminal Violations of the City Code**

Presented by Roger Baker

Through his research of the City Code, Mr. Baker sometimes comes across provisions of the Code that are antiquated and need to be updated. The provisions either don’t work anymore or use language that may be inappropriate or unclear. Chapter 1-4 is one that needs to be updated.

This Chapter provides for the penalties for various offenses, infractions, and misdemeanors that are Class B and C. In 1994 when this Chapter was first enacted, it provided for maximum fines. Since that time, the State has required that fines be increased by a surcharge. So if someone is convicted of a criminal offense, they receive not only a fine, but the State puts a 90% surcharge on top of that fine to fund various programs. One of the changes in this Ordinance was designed to make sure that the surcharge amounts are not subtracted from the fine ordered by the Court. Although crimes are not prosecuted for the purpose of revenue, the system provides for fines to come back to the City for their efforts.

In addition, this Code has a provision that if someone can’t or won’t pay their fine for whatever reason, they are allowed to go to work for the City and be paid City rates for the work that they do and those wages are paid to the Court for their fees, instead of to the individual. This is a very old process. The Courts today have the ability to allow people to do community service to work off their fines or work within the jail as trustees.

Mr. Baker feels it is more appropriate to use these mechanisms instead of bringing people into the workforce as if they were City employees and have the City be subjected to the liability of needing to supervise these persons.

**Councilman McCall moved to approve Ordinance 2017 - 06.** Councilman Pratt seconded the motion. The vote was as follows: Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” Councilman McCall, “Aye,” and Chairwoman Winn, “Aye.”

7. **Resolution 2017 - 08 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Top Choice Auto Repair Project**

Presented by Paul Hansen

This project is located at 85 East 1280 North. It's a new commercial business that has been constructed and public improvements have been completed. A certification checklist was included in the Council's packet from the inspectors that has been signed, as well as pictures showing the roadway, curb and gutter, sidewalk, and other public improvements. Mr. Hansen asked the Council for acceptance of the improvements so that the one-year warranty can begin.

**Councilman Wardle moved to approve Resolution 2017 - 08.** Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye."

**8. Resolution 2017 - 11 A Resolution of the Tooele City Council Ratifying a Contract with Widdison Turbine Service for Further Groundwater Development of the Kennecott "B" Well**

Presented by Paul Hansen

This item was discussed with the City Council two weeks prior, and received authorization to begin the Contract process. The intent of the Contract is to address the need for further development of the Kennecott "B" Well which is located east of the Tooele City limits. Occasionally wells are found to produce very small amounts of sand and other material that can wear out the pumps and motors very quickly, as is the case here. It is cost effective to the City to bring in an expert to help do some further development of the groundwater. It's best to do it now, so that the well is fully back online for the summer demand.

Widdison Turbine has been asked for their services because of their unique ability with this type of work and because of their demonstrated experience with the City on other projects. The ratification would be to use the services of Widdison Turbine for the amount of \$139,162.00. An additional \$7,000, which is approximately 5%, is requested for contingencies if additional development is needed.

**Councilman McCall moved to approve Resolution 2017 – 11.** Councilman Pratt seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye."

**9. Minutes: Feb. 1, 2017**

**Councilman Pratt moved to adopt the minutes for the meetings held on Feb. 1, 2017 as presented.** Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye."

**10. Invoices**

Presented by Michelle Pitt

Ms. Pitt presented the following invoice for Tooele City Council approval:

\* Clyde Snow & Sessions for Aposhian Sod Farm Litigation in the amount of \$39,991.90.

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

## **11. Adjourn**

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

The meeting adjourned at 7:48 pm.

*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 1<sup>st</sup> day of March, 2017

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Debbie Winn, Tooele City Council Chair