

**Tooele City Council and
Tooele City Redevelopment Agency
Business Meeting Minutes**

Date: Wednesday, July 15, 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
Paul Hansen, City Engineer
Rachelle Custer, City Planner
Shannon Wimmer, Assistant Finance Director
Chief Ron Kirby, Chief of Police
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 Troop 960.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Luke Wilson from Boy Scout Troop 960.

2. **Roll Call**

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

3. **Public Comment Period**

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

Joe Liddell, 152 N. 200 W. Tooele, addressed the Council. Mr. Liddell said he came to the City Council meeting in March and voiced his concern about the need for pedestrian crossing on Main Street and 2000 North. He feels that it is a public safety issue not having a way to cross at this location. He has spoken with UDOT and they told him that the City would need to take a stand for this to happen and he encouraged the Council to look into this issue. He also asked if there has been an inventory taken on the sidewalks that need repairing throughout the City.

Mayor Dunlavy said that the sidewalk inventory is still underway.

Mr. Liddell has a list of sidewalks in the northwest area of the City that he feels needs to have repairs.

Mayor Dunlavy encouraged Mr. Liddell to get that list to the Community Development Officer.

Chairman Pratt closed the public comment period 7:09 p.m.

Councilman Wardle moved to amend the agenda and move items 12 and 13 to be discussed next on the agenda. Councilman Pruden seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

12. Resolution 2015-34 Consideration for Adoption of a Resolution of the City Council of Tooele City, Utah Authoring the Issuance and Sale of not more than \$5,315,000 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2015, and Related Matters

Presented by Jason Burningham

Mr. Burningham discussed agenda items 12 and 13 together. He said that the purpose of these two resolutions is to begin a process that will allow the City to refinance outstanding bond issues. These resolutions are not for new projects they are refinancing projects that have already been done. It is for the purpose of economic savings. Interest rates are lower than when these bonds were issued. Both of these matters would allow the City to save sustainably as far as the debt service going forward.

The first resolution 2015-34 which is the Sales Tax Revenue Refunding Bonds were initially issued to finance City Hall, the library, the animal care facility and the clubhouse expansion at the golf course. The bonds were issued a number of years ago and the bonds are now callable which allows the City to effectively go out and achieve a lower interest rate. The final terms are not set but they anticipate a savings to the City of approximately \$270,000 net present value and somewhere between the amount of \$25,000-\$28,000 annually. This would provide a little budgetary relief and reduce the payments going forward.

The second resolution 2015-35 which is the Franchise Tax Bond is proposed to refund a series of 2008 bonds that were used for roadway improvements along the 1000 North roadway. The City has a chance to refinance these bonds which would save the City about \$250,000 in total net present value savings and about \$21,000-\$22,000 annually.

Mr. Burningham stated that these resolutions as presented allows them to start the process of refinancing and allows a public hearing to be set for Resolution 2015-34 on August 5, 2015, if successfully adopted by the Council at this meeting.

Councilman Wardle noted that the savings to the City would be approximately \$45,000 and the bonds would still be paid off at the same time.

Mr. Burningham thanked Councilman Wardle for the clarification. They are not extending the bonds they are simply exchanging a higher interest rate bond for a lower interest rate bond and saving tax payers money.

Councilman McCall moved to approve Resolution 2015-34. Councilman Pruden seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

13. Resolution 2015-35 Consideration for Adoption of a Resolution of the City Council of Tooele City, Utah Authorizing the Issuance and Sale of not more than \$5,015,000 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2015, and Related Matters

Councilman Pruden moved to approve Resolution 2015-35. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

4. Resolution 2015-31 A Resolution of the Tooele City Council Authorizing the Application for an Acceptance of Edward Byrne Justice Assistance Grant Funding for Police Department Equipment

Presented by Chief Kirby

Chief Kirby said this is a grant that the police department receives annually from the federal government. It ranges from \$10,000-\$13,000 a year and they usually use it for equipment. This year they would like to use the money to convert their pistols from 40 caliber to 9 mm. This is in part for cost savings. The ammunition for 9 mm pistol is approximately 20% less than a 40 caliber which turns out to be a substantial savings. It also will help improve officer accuracy. Most of the big departments in the state are switching over to 9 mm pistols. They would also like to use some of the money on safety education supplies.

Councilman McCall moved to approve Resolution 2015-31. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

5. **PUBLIC HEARING & MOTION on Ordinance 2015-19 An Ordinance of Tooele City Council Amending Tooele City Code Section 7-22-5 Regarding Deferral of Public Improvements**

Presented by Roger Baker

Mr. Baker explained that Tooele City currently has a mechanism whereby if you are building onto your house, building a shed, or building a garage, under certain circumstances if you do not currently have curb and gutter and sidewalk in front of your house, the City will allow the requirement to be deferred or in other words delayed for a period of time. To qualify for the deferral what will be built has to be an accessory structure, a remodel, or an addition, it cannot be a brand new house. If a new home is built on a rural road the City requires the road to be widened and curb, gutter and sidewalk installed. Another requirement the City has is whatever is being built such as a shed, an addition or garage cannot exceed the value of \$20,000. The \$20,000 cap has caused the deferral option to be unavailable to a lot of people because it is hard to build something for that amount of money. The administrative staff is recommending that the provision tying to a specific dollar amount be deleted from the ordinance, it doesn't really serve a purpose such as making sure it is an accessory structure. They also want to make sure that not requiring installing curb, gutter and sidewalk doesn't pose a safety risk for pedestrians. The other change that they are proposing is repealing a section that has become confusing over time.

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

Chairman Pratt closed the public hearing at 7:23 p.m.

Councilman Wardle moved to approve Ordinance 2015-19. Councilman Pruden seconded the motion. The vote was as follows: Councilman Pruden, "Aye", Councilman Wardle, "Aye", Councilman McCall, "Aye", Councilwoman Winn, "Aye", and Chairman Pratt, "Aye".

6. **Ordinance 2015-20 An Ordinance of Tooele City Amending Tooele City Code Chapter 9-2 Regarding Utilities Billing**

Presented by Roger Baker

Mr. Baker invited Shannon Wimmer to assist him presenting this ordinance. He said he appreciates the input she has given him on this issue. He explained that currently the utility billing structure allows renters to sign utility accounts and have water and sewer accounts under their name. The concern is when renters leave the properties that they rent and do not pay the balance owing on their water and sewer accounts the City has no way to track them down and get their balances paid. This becomes a very important issue because it is sewer and water payments that allow the City to maintain the water and sewer lines. This is the only revenue that the City has to maintain the water and sewer lines. At this time the City ends up writing these balances off because they have no recourse. Staff is proposing that a utility account for a certain property should only be issued to the owner of the property, this way the owner is responsible for the

utilities consumed on his/her property and the City is not being asked to assume the burden that should rest upon the shoulders of the owners. This is a change in policy and these are the policy changes that the staff is recommending. Staff doesn't feel it is harsh they feel it is a correct placement of responsibility. Staff has written an amendment for the Council to consider. In their research of other municipalities, those municipalities put the responsibility on the owners for utilities consumed on their property. If the City continues to lose revenue because they cannot collect on these utility balances the City would have no choice than to raise the rates which is not fair to those who do pay their utility bills.

Councilman McCall asked how much the City lost last year due to this issue?

Ms. Wimmer said the total in collections for the last four years is about \$200,000. After four years the City is no longer allowed to make collection attempts.

Mr. Baker said by saying there is a certain amount in collections means they have sent these delinquent utility consumers to a collections company to try and collect the money on their past due utility bills. That is the amount that they have been unsuccessful in collecting.

Councilman Wardle noted that comes out to be approximately \$50,000 a year.

Councilman Pruden said it will be interesting to track how the amount drops after this is passed.

Ms. Wimmer said they will keep track of that.

Mr. Baker said they would like this to take effect prospectively. Existing renters would continue to have accounts today. As new renters come in they would refer them to their landlords to come in and open accounts for them.

Councilman Pruden asked if there is a way to let the landlords know.

Mr. Wimmer said they would like to do some public service for this change. They will put something in 90 North Main and send some letters out. They will try their best to notify the public of this change.

Councilman Pruden moved to approve Ordinance 2015-20. Councilman McCall seconded the motion. The vote was as follows: Councilman Pruden, "Aye", Councilman Wardle, "Aye", Councilman McCall, "Aye", Councilwoman Winn, "Aye", and Chairman Pratt, "Aye".

7. **Resolution 2015-30 A Resolution of the Tooele City Council Encouraging the Tooele County Commission to Submit to Voters in November 2015 HB362 (2015)- Authorized 0.25% Local Option General Sales Tax Dedicated to Transportation**

Presented by Roger Baker

Mr. Baker stated that after a great deal of effort by municipalities and the Utah League of Cities and Towns the State Legislature has come to recognize that Cities and Towns do not have the

revenue sources they need to adequately maintain their roads. The City does not get enough from property or sales tax to maintain the roads. The State Legislature agreed to give cities two new sources of tax revenue they can use for transportation maintenance. The first is an increase in gas tax, which has taken place and is being distributed to municipalities. The second however has to be approved by voters which would be a .25% sales tax increase. The City would get a percentage and the county would get a percentage of the increase. In order for that tax to go into effect it would need to go on a ballot and be approved by the citizens. The purpose for this resolution is to ask the County Commission to let the tax payers decide if they want to give the City that extra revenue source to help maintain the streets in the City.

Councilman Wardle asked how much the City would receive?

Councilman Pruden said the City would gain about \$275,000 a year.

Mr. Baker said that they will receive \$275,000 on the gas tax which has already happened. If the citizens approve this tax increase it would give the City an additional \$430,000 to try and address the road needs. It wouldn't take care of all the road needs but it would get the City further ahead. The League of Cities and Towns anticipate Tooele City's transportation deficiency at \$1.4 million. This increase would give the City half of that money with the new revenue sources. The City is not trying to force it on the citizens they are trying to give the citizens a chance to tell the City if it is something they would support. The County Commission has to put it on the ballot first.

Councilman McCall said that this would give the citizens of Tooele the chance to choose if they would like this to happen or not. He is supportive of this resolution. This would help the City address some of the road issues within the City.

Chairman Pratt asked Mr. Baker how many other cities in Utah have pushed this resolution through encouraging this vote.

Mr. Baker said as of last Friday it was 88.

Councilman Wardle said that this is the statutory way to get the opportunity to vote. If approved this would money would help improve the roads or the City will go along the same way they have been doing things. He feels that the County Commissioners should allow the citizens the opportunity to vote.

Mr. Baker noted for perspective that for every \$100 spent the sales tax would be .25 cents.

Ms. Beagly asked why the County has to put it on the ballot and not the City.

Councilman Wardle said it is a statutory requirement by law. The County has to put it on the ballot.

Councilman Pruden said that the County runs the elections in the County.

Ms. Beagly asked if the County would get money from this.

Councilman Pruden said yes, but they have to put it towards roads.

Councilman Wardle said that the County will receive about 1 million for County roads from this tax. If the City votes for this the City would receive approximately \$430,000 to fix roads.

Councilman McCall asked Mr. Hansen what the cost is to fix a section of road.

Mr. Hansen said that the cost to maintain a road in the early stages of a roads life is about 1/10 of the cost to rebuild it when it falls apart.

Councilman Wardle said it comes down to the citizen's right to vote.

Councilwoman Winn noted that citizens can encourage their County Commissioners to let them have the right to vote.

Councilwoman Winn moved to approve Resolution 2015-30. Councilman Wardle seconded the motion. The vote was as follows: Councilman Pruden, "Aye", Councilman Wardle, "Aye", Councilman McCall, "Aye", Councilwoman Winn, "Aye", and Chairman Pratt, "Aye".

8. MOTION on Strawberry Subdivision Bond Extension Request

Presented by Rachelle Custer

Ms. Custer stated that the Strawberry Water Users had a subdivision plat approved in January of 2014. Per Tooele City Code public improvements are required to be completed within one year of subdivision approval. Strawberry Water Users intended to use their own crew to complete the public improvements and they have not been able to complete them. In October they asked for a six month extension which the Council granted and it expires today. They still have not been able to get the improvements completed using their own crew. They have now secured a contractor and they will be on site next week and they anticipate the improvements being completed by August 20th. She is recommending that they give them until September 15th which gives them a 30 day window to have them completed. The Council may grant them a six month extension; per City Code the Council may grant two six month extensions.

Mayor Dunlavy stated that this is for a new doctor's office.

Chairman Pratt said he would be in favor of granting another six month extension.

Councilman Pruden moved to approve a six month extension on Strawberry Subdivision Bond Extension Request. Chairman Pratt seconded the motion. The vote was as follows: Councilman Pruden, "Aye", Councilman Wardle, "Aye", Councilman McCall, "Aye", Councilwoman Winn, "Aye", and Chairman Pratt, "Aye".

9. **PUBLIC HEARING & MOTION on Ordinance 2015-21 An Ordinance of Tooele City Council Vacating a Dedicated Public Right-of-Way Located at Approximately 230 Tule Circle**

Presented by Rachelle Custer

Ms. Custer stated that Mr. Cahoon is the property owner at 230 Tule Circle. There is a portion of a public dedicated right-of-way that the City believes was put in place as a utility easement. Most of that was dedicated many years ago. There is one little portion that was left off of the dedication. There are some power poles that run through the property. The City has notified the utility companies and Rocky Mountain Power is the only utility company that would like to have an easement. Mr. Cahoon was pro-active and had an easement drafted and it is ready to be recorded which grants Rocky Mountain Power and any other utility company a 20 ft. wide utility easement. He has had this property fenced for about 30 years. He has been using it and maintaining it. He would like to make it part of his lot so that it is legal and obtain ownership of the property.

Chairman Pratt stated that this is a public hearing if anyone would like to come forward and address the Council.

Burton Cahoon, 230 Tule Circle addressed the Council. Mr. Cahoon said that it has taken him about three years to get this completed. He would like to see a more streamlined process for this so it doesn't have to take so long. He appreciates Ms. Custer working hard on this and helping him get this approved. He would like to have this property included in the legal description of his property.

Chairman Pratt closed the public hearing at 7:47 p.m.

Councilman Pruden moved to approve Ordinance 2015-21. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, "Aye", Councilman Wardle, "Aye", Councilman McCall, "Aye", Councilwoman Winn, "Aye", and Chairman Pratt, "Aye".

10. **Resolution 2015-32 A Resolution of the Tooele City Council Approving a Contract with Horrocks Engineers for third-Party Inspections of the Overlake 1L Subdivision**

Presented by Paul Hansen

Mr. Hansen explained that the graphic on the overhead screen shows the approximate location of the Overlake IL development. Part of the settlement agreement with certain Developer Parties LLC, stipulates that in lieu of paying inspection fees and having the City provide inspections for public improvements that a third party independent group would be retained and paid for by the developer. In conformance with that agreement the mutually agreed party will be Horrocks Engineers. Perry Homes, the agent which is developing IL, has paid the City \$38,784. Horrocks Engineers have begun the inspections. The City will credit their expenses out of that fund amount. There will be no City money spent; rather it is simply a pass through cost by the

developer. At the conclusion of the project, if there are funds remaining they will be returned to the developer. Likewise if the project costs are exceeded because of other conditions, the developer will be required to cover the additional funding for the inspections. This funding is based upon an estimated level of work that was agreed upon prior to the commencement of the work.

Councilman McCall moved to approve Resolution 2015-32. Councilman Wardle seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

11. Resolution 2015-33 A Resolution of the Tooele City Council Approving a Contract with Kilgore Contracting for Repair of the Roadway and Storm Drainage System Located at Approximately 2100 North and 400 West

Presented by Paul Hansen

Mr. Hansen noted that this location is just north of the Overlake IL subdivision that they just talked about. He said that there is an existing storm drain manhole and pipe that is intended to divert water to the water detention area to the west. Due to heavy rainstorms and other conditions the storm drain and roadway system has been damaged. The manhole was fractured and storm water overwhelmed the road and lifted the pavement. The City worked with Kilgore contracting and asked them to give them a cost as part of a change order to the 400 West project. The City is bringing the cost to the Council as a separate resolution because the funding is different. The 400 West project is paid through road funds and this will be paid out of the Storm Drain fund. The amount of the contract is \$27,869.50. It is quite an extensive part of the road way that was damaged. The City is also asking for an additional \$1,400 contingency should there be unanticipated utilities that they need to work around.

Councilman Pruden asked when they would start.

Mr. Hansen said they have asked them to have the work completed by mid-August before school starts.

Councilman McCall moved to approve Resolution 2015-33. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”.

12. Minutes: June 17, 2015

Councilman Wardle moved to approve the minutes for the meetings held June 17, 2015 as presented. 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”.

13. Invoices

Presented by Michelle Pitt

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

14. **Adjourn**

Councilman Pruden moved to adjourn the meeting. Councilman Wardle seconded the motion. The vote was as follows: Councilman Pruden, “Aye”, Councilman Wardle, “Aye”, Councilman McCall, “Aye”, Councilwoman Winn, “Aye”, and Chairman Pratt, “Aye”. The meeting adjourned at 7:54 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 5th day of August 2015

Brad Pratt, Chairman Tooele City Council