

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

Date: Wednesday, July 16, 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
Steve Pruden
Debbie Winn
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
Randy Sant, RDA Consultant

Minutes prepared by Elisa Jenkins

Chairman Pratt called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Pratt.

2. Roll Call

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

3. Public Comment Period

Chairman Pratt welcomed anyone from the public who would like to come forward and address the Council to please do so.

Kendall Thomas of Stockton addressed the Council. Mr. Thomas thanked the Council and Tooele City for their assistance in fighting the fire that broke out in Stockton. He indicated that they lost their water tank, but no homes or lives were lost.

Chairman Pratt closed the public comment period at 7:03 p.m.

4. Resolution 2014-35 A Resolution of the Tooele City Council Adopting the Certified Tax Rate for Fiscal Year 2014-2015.

Presented by Glen Caldwell

Mr. Caldwell stated that every year they are required by Utah Code to adopt the certified tax rate by resolution. The general tax rate has been calculated to be 0.002310, or 0.23%.

Councilman McCall moved to approve Resolution 2014-35. 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”.

5. Resolution 2014-36 a Resolution of the Tooele City Council Approving a Contract with Broken Arrow, Incorporated for Construction of the 2014 Culinary Waterline Replacement Project

Presented by Paul Hansen

Mr. Hansen said that this is part of the City’s water revenue project. This project will replace nearly 2 miles of water line in the City and replace water laterals for approximately 180 homes. It is a larger project than they have done for a few years. Because of the size of the project most of it will be completed in the fall, but some will be finished in the spring which will save the City money. This project was put out for bid and the City received three bids, the low apparent bid was Broken Arrow, Inc. and the bid was for \$1,420,855.05. The other two bids were nearly \$1.8 million, which was about a \$400,000 price difference. They feel comfortable with Broken Arrow, and the prices are in line with prices from last year. The resolution asks for a 5% contingency for unknown conditions to be used at the Mayor’s discretion.

Councilman Pruden moved to approve Resolution 2014-36. 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”.

6. Tooele Highland Estates Right-of-Way Exception

Presented by Jim Bolser

Mr. Bolser explained this is a request from Price Realty, who is the owner of the proposed Tooele Highland Estates Subdivision. This subdivision has not been recorded yet, it still remains one piece of property. Two of the lots within the plat have been sold according to metes and bounds agreements with the purchaser which is legal by State law, but not preferred by City law. One of the lots currently under construction is the where the new Scholar Academy Charter School is being built. The other lot that has been sold is currently undeveloped and is just north of the school, on 100 East and 1000 North. Their request is to forego the installation of sidewalk, travel width improvements, widening of asphalt and curb and gutter along 1000 North and 100 East for the width of their property for the remaining lots within the subdivision. Scholar Academy is putting in the improvements as part of their site plan. The nature of their request is to receive approval by the Council per City Code to withhold the installation of the improvements on the remaining three lots outside of Scholar Academy. Staff is very concerned by not installing the improvements it will result in significant safety concerns because the lot under construction is a school and will attract vehicular and pedestrian traffic simultaneously, twice a day and without those improvements there is no clear separation of those pedestrians from the vehicles. Because of the safety concerns, staff is recommending not approving the exception request by Tooele Highland Estates Subdivision and Price Realty.

Councilman Pruden agrees with staff. He feels like there needs to be a sidewalk in this area.

Chairman Pratt said that any location near a school would push kids into the street if the improvements were not completed.

Councilman Wardle noted that they do not want kids walking in the street. They have dealt with similar situation in other locations in the City, such as 7th Street near East Elementary. He also feels like there should be sidewalks near schools.

Councilman Pruden moved to deny the request from Tooele Highland Estates for the Right-of-Way exception. 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. Copper Canyon Right-of-Way Exception

Presented by Jim Bolser

Mr. Bolser stated that this is a similar request for a different project. This request is for Copper Canyon Subdivision which is at approximately 800 North and 600 West. They would like to proceed with phases 3, 4, and 5 which is the next item on the agenda. Phase 3 which is the next one they would build and has a portion of that phase adjacent to the right-of-way for Tooele Boulevard would extend that road a few hundred feet. The road extension would not tie into anything. The developer which is Bach Homes has requested an exception to installing the few hundred feet of Tooele Blvd until phase 6 which would have the next tie in. There is some merit to the request because that road is not functional in terms of facilitating traffic into the development and there is some deterioration of the improvements from non-use. However, Copper Canyon Subdivision has a Development Agreement that specifically requires them to

install that road with each phase that adjoins it. That is a specific provision which trumps the City Code allowance. Because of the terms of the Development Agreement, staff is recommending that this exception not be approved. When the Council had the discussion on this in their work session they suggested adjusting phasing and perhaps turn the top portion of phase 6 to be part of phase 3 so that it would tie in. The City discussed this with them and they were reluctant to make the change and requested that it move forward as proposed.

Chairman Pratt agrees to not deviate from Development Agreements that are currently in place.

Councilman Wardle moved to deny the Copper Canyon Right-of-Way Exception.

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”.

8. Copper Canyon Subdivision, Phases 3,4,5 Preliminary Plan Request

Presented by Jim Bolser

Mr. Bolser said that this is a request for approval of a preliminary plan for Phases 3, 4, and 5 of the Copper Canyon Subdivision. This would allow them to proceed into final platting of 88 residential homes dispersed between the 3 phases. Their plans meet the terms of the City Code. The Staff and Planning Commission recommend approval of the preliminary plan.

Councilwoman Winn moved to approve Copper Canyon Subdivision, Phases 3, 4, 5

Preliminary Plan Request. 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”.

9. Minutes: June 18, 2014, July 2, 2014

Councilwoman Winn noted that in the work session minutes of the June 18th meeting on the bottom of page 4, it stated that Mr. Baker would like a copy of the NTSSD’s budget it should be Mayor Dunlavy rather than Mr. Baker.

Councilman McCall moved to approve the minutes as presented with the change as noted

above. 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”.

10. Invoices

Ms. Pitt presented the following invoices for payment:

- Nico Company, Inc. for repairs and maintenance on effluent pumps in the amount of \$33,375.00.
- Russell Welding Corp for repairs and maintenance on crane in the amount of \$28,824.00.

Councilwoman Winn moved to approve the invoice as presented by Ms. Pitt. 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”.

11. Adjourn to RDA

Councilman Wardle moved to adjourn to an RDA meeting. 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”. The meeting adjourned at 7:19 p.m.

Chairman Pratt turned the meeting over to Councilman Pruden, Chairman of the RDA Board.

12. RDA Resolution 2014-04 A Resolution of the Redevelopment Agency of Tooele City, Utah (“RDA”) approving an agreement with MND Construction Lc, for the construction of H Avenue in the Ninigret Industrial Depot

Presented by Randy Sant

Mr. Sant stated that in April they had a discussion about the incentives for Cabela’s Distribution center in Ninigret. The RDA agreed to participate in the construction of Avenue H. An agreement has been prepared for the RDA to move forward with that participation. There are a couple of recommended changes, if the board approves this agreement they would approve it with the changes. Most of the changes are in section 4. The changes are as follows:

- Section 4(i) it states: “present to the agency a letter from the Tooele City Community Development Director and/or...” they would like to strike out the word *or* and leave in and.
- In the same section, 4(i) it states that the developer would submit a letter requesting approval of the improvements and there would be evidence provided to the agency. It has been suggested that the letter not come from the City but from the developer to the City saying the improvements have been done.
- One other change would be in section 4(i)-4(ii) they are going to strike *ii* because there are only two sections.
- The last change is under section 4.2, the second paragraph that says “...the agency shall have the right to inspect”, they are going to strike *have the right to*.

Mr. Sant said that when the Board approves this agreement they will also authorize the RDA to issue a check of \$150,000 upon execution.

Board Member Pratt moved to approve RDA Resolution 2014-04 to construct Avenue H with the modifications as noted. Board Member Winn seconded the motion. The vote was as follows: Board Member Wardle, “Aye”, Board Member McCall, “Aye”, Board Member Winn, “Aye”, Board Member Pratt, “Aye” and Chairman Pruden, “Aye”.

Chairman Pruden turned the meeting back over to Chairman Pratt, Chairman of the Tooele City Council.

13. Adjourn

Councilman Pruden moved to adjourn the RDA meeting. 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”. The meeting adjourned at 7:24 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 6th day of August 2014

Brad Pratt, Chair Tooele City Council